

## Section 1: Overview

### Section 1A: Basic initiative information

<b>Initiative title</b> (max 120 characters)	Resource management reform - replacement.		
<b>Lead Minister</b>	Resource Management Reform	<b>Agency</b>	Ministry for the Environment (MfE)
<b>Initiative description</b> (max 800 characters)	<p>This initiative covers:</p> <ol style="list-style-type: none"> <li>work to <b>design and support</b> changes to legislation and national direction, addressing the full scope of coalition commitments, This addresses a fiscal cliff created by funding provided in Budget 22 and withdrawn in mini Budget, but is limited to minimum capability needed to avoid a repeat of 1991 with legislation passed and not supported.</li> <li>time limited funding to more likely deliver the suite of Coalition Government commitments in an integrated manner in a 3 year window.</li> </ol> <p>The initiative excludes:</p> <ol style="list-style-type: none"> <li><b>implementation</b> of, or <b>new functions</b> created by, legislation or national direction, which will be addressed in later Budgets</li> <li><b>statutory functions</b> which are covered in baseline</li> <li><b>fast-track funding other than EPA non-recoverable costs</b> – other costs will be cost recovered.</li> </ol>		
<b>PA Objective</b>	<input type="checkbox"/> Capital Investment	<input checked="" type="checkbox"/>	Government Policy Commitment
<b>Is this a cross-Vote initiative?</b>	<b>Y/N</b>	If yes, indicate which other Votes are affected.	
<b>Agency contact</b>	Name: Kevin Guerin Phone: 022 4930067 Email: kevin.guerin@mfe.govt.nz	<b>Treasury contact (Vote Analyst)</b>	Name: Caleb Hewson Phone: 04 917 6185 Email: <a href="mailto:caleb.hewson@treasury.govt.nz">caleb.hewson@treasury.govt.nz</a>

### Section 1B: Summary of funding profile

#### Operating costs associated with initiative (\$m)

2023/24	2024/25	2025/26	2026/27	2027/28 & outyears*	Total
[•]	30.150	31.887	31.887	26.934	120.858

\*For irregular outyears, add additional rows above to display the full profile of the initiative. Delete "& outyears" for time-limited funding. See the Guide to Submitting Initiatives on CFISnet for Budget 2024 for more information on entering outyears into CFISnet.

#### Capital costs associated with initiative (\$m)

23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33*	Total
[•]	[•]	[•]	[•]	[•]	[•]	[•]	[•]	[•]	[•]	[•]

\*Extend the profile above if funding is needed beyond 2032/33.

## Section 2: Alignment and options analysis

### Section 2A: Problem definition

The answer to each question must not exceed 1-2 paragraphs

<p><b>What is the problem that this initiative is trying to solve and why does it need to be solved now?</b></p>	<p>The RMA needs to be replaced to improve outcomes for the natural and built environments including faster and cheaper delivery of housing and infrastructure, improving resilience and adaptation to the effects of climate change, better management of cumulative effects and making the RM system less complex and costly with greater clarity about what you can develop and where. In the meantime, targeted improvements need to be made to the RMA and national direction to make progress towards these goals and deliver on Coalition agreement commitments.</p> <p>This results in three parallel workstreams:</p> <ul style="list-style-type: none"> <li>• amendments to the RMA and national direction through legislation at least introduced in 2024</li> <li>• a national direction workstream to deliver coalition commitments</li> <li>• a RMA replacement Bill to be passed by the end of 2025.</li> </ul> <p>MfE does not have the resourcing to:</p> <ul style="list-style-type: none"> <li>• deliver this work</li> <li>• support future operation of the RMA or a replacement system</li> </ul> <p>Short term funding was received in Budgets 19 and 21 to build up capability. This funding was alongside and often intermixed with funding for developing specific RMA reform proposals. Budget 22 provided for ongoing baseline. Now that all Budget 2022 funding has been removed under the Mini-budget, MfE's funding for RMA has reverted to previous levels, effectively a 2/3 reduction in RMA capacity and capability before additional savings are applied.</p> <p>All this funding was then removed in the 2023 mini budget. RM departmental funding has reduced from \$51m to \$15m in 2024/25 and will remain there, which would not allow delivery or support of a legislative and national direction programme as outlined in the Coalition Government's Agreement.</p> <p>The remaining ~\$15m baseline, before savings, could only deliver basic statutory functions (summary attached) and minimal support for Treaty settlements, basic system monitoring and minor legislative and national direction change.</p> <p>It cannot support:</p> <ol style="list-style-type: none"> <li>1. major system change as needed in the next three years</li> <li>2. provide effective support and legislative/ND maintenance of any future system</li> <li>3. implementation of a new system (this component will be addressed in future Budgets and is not part of this initiative).</li> </ol> <p>Funding under 1) above is necessary to make targeted amendments to the RMA, make national direction improvements and develop RMA replacement legislation while simultaneously making interim legislative and national direction improvements – with the latter beginning from 2024 when overall policy direction is expected. This will require intensive policy development and legislative drafting.</p> <p>This includes an expert advisory group and/or a select committee inquiry to consider what elements of the former NBA and SPA should be considered for inclusion in the Government's RM reform work programme. This will require significant and ongoing policy support, with a high level of public and stakeholder interest in the reform likely to generate a high volume of submissions. The costs include policy work and legislative processes associated with consequential amendments to other legislation (excluding Treaty settlement legislation).</p> <p>This limited capacity for item 2) above reflects an historic lack of recognition that a planning system requires ongoing oversight and upkeep. See Productivity Commission reports (Local Government 2014 and urban 2017) and Randerson Panel Report 2020. This situation has likely contributed to the RMA's unsatisfactory results through inability to provide complete and up-to-date national direction and guidance or deliver timely and integrated legislative change.</p> <p><b>Failure to fund item 2) for outyears would create a new deferred fiscal cliff which would be seen as indicating a lack of government commitment to supporting the new legislation.</b> In progressing the RMA reforms, it was recognised that repeating this situation would not achieve the outcomes sought, particularly given roles and responsibilities under the RMA are distributed.</p>
--	---

For context, in 2017, MfE had approximately 72 staff on RMA issues. This level of funding enabled some work to be progressed on statutory planning functions and system guidance, along with specific projects including the national planning standards, urban policy (NPS-UDC, design protocol), national monitoring system and some early thinking on the future reform of the RM system. Baseline review advice at the time was that this level of funding resulted in insufficient support for the system particularly for NPS-UDC, Treaty Settlements and wider water reform including urban water quality work. Given the wider scope of work and cost increases, this level of funding would fall even further short of requirements now.

The RMA is one of NZ's largest and most complex regulatory systems that pervades all built and natural environments, and underpins the economy and the infrastructure of civil society. In recent years it has been increasingly understood that for the system to run effectively it requires a large amount of national direction and guidance, informed by strong science and economic data, consistent performance monitoring, deep engagement and capability building, as well as support for a significant volume of Treaty Settlements.

The initiative **does not include** any funding for 3) above - implementation of any specific measures that may result from legislative and ND change. All of this has been deferred to Budget 25 or later. In Budget 22 this covered:

- an integrated National Planning Framework
- rollout of new plans in regions
- funding for local government or iwi/Māori participation in design and delivery of a new system
- compliance and monitoring systems
- training and guidance throughout the system.

Both funding options seek:

- baseline resourcing for support of any resource management (RM) system including:
  - the ability to regularly update legislation and national direction – this includes the amendment legislation currently being developed, the replacement legislation proposed as well as a level of work on national direction
  - The following functions:

<b>Policy and oversight of RM system performance</b>	<ul style="list-style-type: none"> <li>• policy development, legislative amendments, regulatory and national direction programme development with associated engagement and consultation</li> <li>• oversight of system performance (statutory framework and institutions)</li> </ul>
<b>National direction</b>	<ul style="list-style-type: none"> <li>• national direction drafting and coordination</li> <li>• integration and conflict resolution</li> <li>• engagement (including board of inquiry or alternative process), guidance content</li> </ul>
<b>Statutory functions and implementation</b>	<ul style="list-style-type: none"> <li>• exercise of ministerial functions and duties</li> <li>• compliance and enforcement capability</li> <li>• regional/local contacts and engagement</li> <li>• guidance and training</li> </ul>
<b>Science, data and digitisation</b>	<ul style="list-style-type: none"> <li>• science and data to support national direction</li> <li>• design work on digitisation of data (environmental and process) and of planning and consenting processes</li> </ul>
<b>The Treaty and Te Ao Māori</b>	<ul style="list-style-type: none"> <li>• PSGE engagement</li> <li>• obligations under settlements and relationship agreements</li> <li>• advice on new settlements and agreements</li> <li>• treaty impact analysis on legislation, regulations and national direction</li> </ul>
<b>Natural hazards and risk identification</b>	<ul style="list-style-type: none"> <li>• policy, data etc to support national policies and regional/local risk identification and mitigation approaches</li> </ul>
<b>Fast track consenting</b>	<ul style="list-style-type: none"> <li>• operational funding for Environmental Protection Authority non-recoverable costs</li> </ul>
<b>Spatial planning</b>	<ul style="list-style-type: none"> <li>• to preserve core capability to develop and coordinate spatial planning, including building on existing work to support near-term Government objectives and developing new legislative provisions</li> </ul>

- time limited funding for additional work on delivering in a timely fashion the full list of coalition agreement commitments and moving on to manifesto commitments, but without committing to baseline funding and permanent staff



	The preferred and scaled funding options have been developed at a level where the outyears funding would be 18% to 34% below B22 levels, and the four-year cost would be 30-40% of the funding returned in the mini Budget.			
	<p>Fast-track consenting funding has three funding components only one of which is being sought through this process:</p> <ul style="list-style-type: none"> <li>costs to relevant agencies of supporting Ministerial decisions – to be covered through baselines or cost-recovery as discussed above</li> <li>EPA core costs of co-ordinating hearings – these cannot be cost recovered or absorbed by the EPA as it is running at a deficit and so are addressed here <ul style="list-style-type: none"> <li>hearing costs - to be covered by cost recovery –will need to be in FTC Bill</li> </ul> </li> </ul> <p><i>Given the status of fast track consenting decisions on scale and location of functions, the initiative does not include funding for EITHER advising Ministers and progressing OICs etc OR expert input into complex consenting decisions. Delivering this function within the preferred funding identified here would constrain other work. This function could not be delivered within the funding identified here without significantly constraining other work. The implications will be significantly greater if Ministers are deciding whether a project should receive consent.</i></p> <p><i>Currently the fast track advice assumes assessment costs other agencies will be covered by baseline or cost recovery. The fast-track legislation will need to provide for cost-recovery powers both agencies' costs and EPA costs in assessing and processing applications, but such systems are costly (not all relevant agencies will have them already) and unlikely to fully recover costs. The alternative would be to increase the line item here to provide a contingency for such costs but this has not yet been costed as FTC design is still underway.</i></p>			
	<p>RMA national direction is critical to achieving the Government's housing, infrastructure, primary sector, energy and natural environment priorities, including::</p> <ul style="list-style-type: none"> <li>amending national direction (including Planning Standards) relating to freshwater (including farm environment plans, water storage and irrigation), urban development, highly productive land, drinking water sources, indigenous biodiversity, plantation forestry, and renewable electricity generation and transmission</li> <li>developing a longer-term national direction programme to ensure that all national direction is integrated, up to date and consistent with the coalition government's objectives, while minimising uncertainty for system users and for council planning.</li> </ul> <p>There are now over 23 separate national direction instruments, many of which need review as well as implementation support - this is in addition to any major amendments or new national direction noted above. The funding sought here assumes an alternative approach to consultation on national direction is used, rather than a full Board of Inquiry, and that consultation is coordinated rather than multiple separate processes. If this is not the case, the time-limited funding would need to be higher and/or focused on this work.</p> <p>The actual drafting of national direction is a shared role with other agencies to make the most of different agencies' capability and expertise but draws significantly on MfE's system capability and resources.</p>			
	MfE has worked extensively with HUD, Te Waihanga, MBIE, DOC, the Ministry of Transport and other agencies, across local government, with industry partners, PSGEs and iwi/Māori groups in understanding the problems with the RM system and considering options to address them. Public input has previously been obtained through the Randerson panel, an exposure draft process and Select Committee processes for the Natural and Built Environment Act 2023 and the Spatial Planning Act 2023.			
Alignment to Budget Priorities (if alignment to multiple Priorities is possible, select the most relevant)	<input type="checkbox"/>	Addressing the rising cost of living	x	Delivering effective and fiscally sustainable public services
	x	Building for growth and enabling private enterprise	<input type="checkbox"/>	Not Aligned
	The Government's coalition commitments relating to the natural and built environment including infrastructure provision and renewable energy and Going for Housing Growth Plan.			

## Section 2B: Options analysis

The answer to each question must not exceed 1-2 paragraphs

**What were the range of options considered?**

The Ministry considered two options to fund this initiative:

- A preferred option that would ensure adequate delivery of the RM reform programme and run the resulting RM system effectively. We expect that this level of funding would allow substantive delivery of the coalition agreement and National party manifesto commitments this term.
- A scaled option that would provide core capabilities to operate and maintain the RM system. This level of funding would likely require more choices around scope of work, impacting the ability to deliver on the coalition agreements. The choices include how many RMA amendments can be supported and also how much national direction can be reviewed, amended and/or started.

Given that the pressure of work will ease after 2026, we have separated off some of the funding as time limited for three years. This would allow for faster delivery of the Coalition Government commitments within a three-year term (eg, more priorities) on top of the resourcing above, but without ongoing baseline funding and no permanent staff.

These options assume an alternative approach to consultation on national direction is used, rather than a full Board of Inquiry, and that consultation is coordinated rather than multiple separate processes. If this is not the case, the time-limited funding below would need to be higher and/or focused on this work

Given the scope and timing of work needed, any option that requires rebuilding the current expertise elsewhere will be very disruptive, slower and more costly. Reprioritisation has been addressed as far as possible within savings requirements.

It is possible to fund different components at different levels. For example:

- providing both baseline and time limited funding at preferred level would support maximum speed delivery of maximum scope of change
- if baseline funding was scaled, then time limited funding would need to be at the preferred level to delivery of most of the work programme this term
- at either level of preferred funding, adding the time limited funding would enable closer to full delivery this term, without locking in baseline.

The initiative excludes:

- capital investment in developing a digital RM system including online planning and consenting and improving how data is collected and made accessible –
- funding for building system capability in regions – this can be worked up if required for a future Budget depending on how the new RM system develops.

The Ministry's ability to reprioritise its work programmes is constrained by:

- the scale of the reductions in MfE's baseline (a 2/3 reduction for RMA work),
- the whole-of-Ministry savings being sought,
- limited ability to move funding between Votes Environment and Climate Change, and
- the hypothecated nature of waste levy funding – accessing this funding would require legislative change.

### Initiative comparisons

\$m	2024/25	2025/26
B22 departmental and spatial planning	48.852	52.466
B24 preferred initiative	30.150	31.887
B24 scaled initiative	23.525	23.911

s 9(2)(f)(iv)

	<b>Resulting baseline comparisons</b>			s 9(2)(f)(iv)
	\$m	2024/25	2025/26	
	B22 departmental and spatial planning	63.852	67.466	
	B24 preferred initiative	45.150	46.887	
	B24 scaled initiative	38.525	38.911	
	Baseline only	15.000	15.000	
<b>What was the process used to select the preferred option?</b>	<p>MfE did not consider the option of no funding as this would mean it was unable to deliver the RM reform replacement work programme in the timeframe set by the Government. The preferred option was developed by considering the costs to operate and maintain the RM system, to deliver the Government's RM reforms in the timeframe sought and then operate the replacement RM system.</p> <p>The preferred option would allow for most of the indicated Government priority work with some trade-offs, while the scaled option would require more choices to be made. The time limited funding to support faster delivery would mitigate risks to a lesser degree as core funding goes down. While the spatial planning funding depends on Ministers' choices about the role they see for this in the future system, if this funding is not provided, there would be reduced capability and capacity, as well as a missed opportunity for greater standardisation, within central government and in regions.</p>			
<b>Counterfactual</b>	<p>Further scaling would require more scaling of the intended work programme.</p> <p>If no additional funding is provided then substantive delivery of the Government's RMA work programme would not be possible without significant cessation of existing MfE work programmes in other areas and reduction of general organisational capacity.</p> <p>Without new funding there would be a significant reduction in the scope and/or delays in the timing of RMA replacement resulting in delays in the expected benefits – in particular the achievement of faster and cheaper delivery of housing and infrastructure. For example, national direction is developed jointly with other agencies, with MfE coordinating that effort and bringing system expertise to achieving varying objectives in common through RMA mechanisms coherently and workably. This capacity does not exist elsewhere in the system. would be expensive to create for scratch and is not needed on an ongoing basis by individual agencies responsible for specific outcomes.</p> <p>Also:</p> <p>a) there is no ability to fund this initiative through reprioritisation due to the return of all B22 RM funding and insufficient baseline funding as it is to even maintain the current system, and the impact of B24 savings initiatives on the other components of the Vote leave no room for reprioritisation without significant trade-off discussions.</p> <p>B) not funding this initiative will also leave insufficient funding for just the core policy, operating and maintenance of the RM system (funding for that was returned as part of the mini-Budget funding).</p> <p>C) not funding this initiative would have material detrimental impacts on core capability for central services funded by overheads that was part of Budget 22 funding returned in the mini-Budget and further reduced by Budget 24 savings targets.</p>			

## Section 3: Benefits and costs of preferred options

### Section 3A: Benefits and non-fiscal costs

The answer to each question must not exceed 1-2 paragraphs. If the initiative has more than one intended outcome, insert additional rows as appropriate.

<b>What outcome(s) would the initiative achieve?</b>	<p>This initiative will enable the successful development and then delivery of a replacement to the RMA and a new permanent fast track consenting regime (funding for EPA) to:</p> <ol style="list-style-type: none"> <li>unlock development capacity for housing and business growth</li> <li>reduce regulation on farmers and enable primary sector growth and development</li> </ol>
--	---



	<div><div></div><div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div><div></div><div></div></div><div><div></div><div></div></div></div></div>
--	---

### Section 3B: Expenditure profile and cost breakdown

The answer to each question must not exceed 1-2 paragraphs.

<b>Formula and assumptions underlying costings</b>	<ol style="list-style-type: none"> <li>Broadly our current mix of staff with changes driven by our Operating Model review, using our average salary of \$137,000 and overheads of \$56,000.</li> <li>That there is a given level of regular legislative/regulatory/national direction change in each scenario. That assumption would not deliver on the scope of change envisaged in the coalition agreements (eg, a full RMA replacement), so there would need to be prioritisation or additional funding in Budget 25 if more work is sought.</li> <li>The FTEs sought of 47-82 in component A (plus 13-18 temporary in component B) compared to 75-89 in the Budget 22 initiative for work that was broadly comparable but did not include substantive new legislation (as that was already developed) or a permanent fast track consenting regime which was not proposed when B22 envelopes were set.</li> <li>FTEs have been calculated on the basis of expected work (see B22 bid) but conservatively in the context of fiscal constraint - hence see assumption (2) - this is core functions only at ~20% below estimated current permanent RM related FTE</li> </ol> <p><i>Spreadsheets used for costings will be attached or provided separately.</i></p>
--	--

Provide a breakdown of total initiative expenditure by individual expense category. Total operating and capital expenses in this section must match the totals in Section 1B: Summary of funding profile. Insert additional rows as appropriate for additional expense categories.

#### Operating expenses (\$m)

Operating expense category	2023/24	2024/25	2025/26	s 9(2)(f)(iv)
<i>System operations &amp; maintenance - baseline funding</i>	[•]	25.197	26.934	
<i>Faster delivery - time limited funding</i>	[•]	4.953	4.953	

Net FTE funding ( <i>system operations &amp; maintenance - baseline funding</i> )	[●]	12.193	13.426	s 9(2)(f)(iv)
Net FTE funding ( <i>Faster delivery - time limited funding</i> )	[●]	2.877	2.877	
Non-FTE funding ( <i>system operations &amp; maintenance – baseline funding</i> )	[●]	8.020	8.020	
Non-FTE funding ( <i>Faster delivery - time limited funding</i> )	[●]	0.900	0.900	
Net FTE overhead funding ( <i>system operations &amp; maintenance – baseline funding</i> )	[●]	4.984	5.488	
Net FTE overhead funding ( <i>Faster delivery - time limited funding</i> )	[●]	1.176	1.176	
<b>Total (\$m)</b>	[●]	30.150	31.887	

\*Extend the profile above to a “steady state” if funding into outyears is irregular. Delete “& outyears” for time-limited funding.

<b>Headcount Change (retaining existing staff)</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>	s 9(2)(f)(iv)
# of net FTEs (employees)	[●]	110	119	
# of net FTEs (contractors/consultants)	[●]	[●]	[●]	
<b>Total # of net FTEs (employees and contractors/consultants)</b>	[●]	110	119	

**Additional occupation breakdown of FTE changes (count and funding) over the forecast period (peak year)**

Occupation	Net count required (per year)	Net funding required (\$m)	Net amount overheads required (\$m)
Managers (10% of Total)	12	1.644	0.672
Principal Advisor (15%)	16	2.192	0.896
Principal Policy Analyst (15%)	16	2.192	0.896
Senior Advisor (15%)	16	2.192	0.896
Senior Policy Analyst (25%)	32	4.384	1.792
Policy Analyst/Advisor (25%)	27	3.699	1.512
<b>Total</b>	<b>119</b>	<b>16.303</b>	<b>6.664</b>



Information Professionals	[●]	[●]	[●]
Social, Health and Education Workers	[●]	[●]	[●]
ICT Professionals and Technicians	[●]	[●]	[●]
Legal, HR and Finance Professionals	[●]	[●]	[●]
Other Professionals not included elsewhere	[●]	[●]	[●]
Inspectors and Regulatory Officers	[●]	[●]	[●]
Contact Centre Workers	[●]	[●]	[●]
Clerical and Administrative Workers	[●]	[●]	[●]
Other Occupations	[●]	[●]	[●]

#### Capital expenses (\$m)

Capital expense category	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33*	Total
[Name of capital expense category]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]
[Name of capital expense category]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]
[Name/type of contingency]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]
<b>Total (\$m)</b>	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]	[●]

\*Extend the profile above if funding is needed beyond 2032/33.

### Section 3C: Scaled option (not applicable for capital initiatives)

The answer to each question must not exceed 1-2 paragraphs.

<b>Scaling option overview</b>	<p>A scaled option would maintain core capabilities to operate and maintain the RM system including legislative and national direction changes but would require significant prioritisation decisions as to the scope and timing of the Government's RM reform programme, in particular how many RMA amendments can be supported and how many pieces of national direction can be reviewed, amended and/or new policy work started. This will mean that some deliverables agreed as part of Coalition Government agreements may not be delivered.</p> <p>The scaled option enables <u>some</u> work across <u>some</u> of the government priorities, but the scope of work is considered the 'minimum viable product' (MVP) in each area.</p> <p>For example, for legislative processes, it will not be possible to advance the 'phase 2' amendments to the RMA, while also developing policy and seeking cabinet decisions on the longer term amendment (ie, Phase 3) due to the need for this work to happen simultaneously to achieve current proposed timeframes.</p> <p>For national direction, a MVP for housing, renewable energy, freshwater, biodiversity, highly productive land and hazards policy areas will also be needed. The scaled option does not currently provide for work on a new infrastructure ND or updates to the NES's for air quality and plantation forestry or any other new pieces of national direction that are subsequently identified.</p>
--------------------------------	---

	Alternatively, the scaled option could enable more comprehensive updates to up to 3 pieces of national direction; following decisions from Ministers' on relative priorities.
	The RM reform work programme cannot be delivered within the expected timeframes without boosting the policy capacity in MfE and expert input beyond what the remaining baseline can support. If the funding for the ongoing operation and maintenance of the RM system is not provided or provided only at the scaled level; then more fixed term funding will be needed to enable MfE to meet the timeframes for RM reform and support a comprehensive work programme.
	MfE has very limited ability to reprioritise its work programmes due to the scale of reductions already made to MfE's baseline and the whole-of-Ministry savings being sought. This would result in a delay or reduction in delivery of housing and infrastructure outcomes in particular.
	Click or tap here to enter text.

Provide a breakdown of what the scaled down option would purchase. Insert additional rows as appropriate for additional expense categories.

#### Operating expenses (\$m)

Operating expense category	2023/24	2024/25	2025/26	2026/27	2027/28 & outyears*	Total
<i>System operations &amp; maintenance – baseline funding</i>	Click or tap here to enter text.	20.502	20.888	20.888	20.888	<b>83.166</b>
<i>Faster delivery - time limited funding</i>	[●]	3.023	3.023	3.023	0	<b>9.069</b>
<i>Net FTE funding (system operations &amp; maintenance – baseline funding)</i>	[●]	10.138	10.412	10.412	10.412	<b>41.374</b>
<i>Net FTE funding (Faster delivery - time limited funding)</i>		1.507	1.507	1.507	0	<b>4.521</b>
<i>Non-FTE funding (system operations &amp; maintenance - baseline funding)</i>		6.220	6.220	6.220	6.220	<b>24.880</b>
<i>Non-FTE funding (Faster delivery - time limited funding)</i>		0.900	0.900	0.900	0	<b>2.700</b>
<i>Net FTE overhead funding (system operations &amp; maintenance – baseline funding)</i>	[●]	4.144	4.256	4.256	4.256	<b>16.912</b>
<i>Net FTE overhead funding (Faster delivery - time limited funding)</i>	[●]	0.616	0.616	0.616	0	<b>1.848</b>
<b>Total (\$m)</b>	[●]	<b>23.525</b>	<b>23.911</b>	<b>23.911</b>	<b>20.888</b>	<b>92.235</b>

\*Extend the profile above to a "steady state" if funding into outyears is irregular. Delete "& outyears" for time-limited funding.

Headcount Change (retaining existing staff)	2023/24	2024/25	2025/26	s 9(2)(f)(iv)
Total # of net FTEs (employees)	[●]	85	87	
Total # of net FTEs (contractors)	[●]	[●]	[●]	
Total # of net FTEs (employees and contractors/consultants)	[●]	85	87	
Additional occupation breakdown of FTE changes (count and funding) over the forecast period (peak year)				
Occupation	Net count required (per year)		Net funding required (\$m)	Net amount overheads required (\$m)
Managers (10% of Total)	9		1.233	0.504
Principal Advisor (15%)	12		1.644	0.672
Principal Policy Analyst (15%)	12		1.644	0.672
Senior Advisor (15%)	12		1.644	0.672
Senior Policy Analyst (25%)	23		3.151	1.288
Policy Analyst/Advisor (25%)	20		2.740	1.120
Total	87		12.056	4.928

## Section 4: Delivery

### Section 4A: Procurement and workforce

The answer to each question must not exceed 1-2 paragraphs.

<b>What is the initiative purchasing/funding?</b>	Ensuring that the workforce is in place with the right capabilities to deliver RMA replacement, and to support its implementation by maintaining core capabilities, including in spatial planning.
<b>Is there a market that can meet these needs?</b>	Primarily retention of part of the existing MfE workforce.
	Click or tap here to enter text.
	The Ministry has gained from the NBA/SPA process has already identified a ready pool of key suppliers that have the expertise required to pick this work up at pace.
<b>Government Procurement Rules</b>	Click or tap here to enter text.

### Section 4B: Risks, constraints, and dependencies

The answer to each question must not exceed 1-2 paragraphs

<b>What are the main risks?</b>	If there is insufficient implementation carried out to support the RM reforms then the changes in behaviours and practices won't materialise. One of the main findings as to why the RMA has not lived up its potential is that poor implementation meant that practices did not change
---------------------------------	---

	<p>sufficiently. Adequate resourcing is key to ensuring good implementation of the proposed RM reforms.</p> <p>The funding sought here assumes an alternative approach to consultation on national direction is used, rather than a full Board of Inquiry, and that consultation is coordinated rather than multiple separate processes. If this is not the case, the time-limited funding would need to be higher and/or focused on this work. The preferred option would support the implementation of the RM reforms through development of new spatial planning legislation and cross-government co-ordination. Other implementation support would need to come out of MfE's baseline with any further implementation funding considered through Budget 25 process or later as appropriate..</p>
<b>What are the key constraints?</b>	<p>Given the status of fast track consenting decisions on scale and location of functions, the initiative does not include funding for EITHER advising Ministers and progressing OICs etc OR expert input into complex consenting decisions. Delivering this function within the preferred funding identified here would constrain other work. This function could not be delivered within the funding identified here without significantly constraining other work. The implications will be significantly greater if Ministers are deciding whether a project should receive consent..</p>
<b>What are the key dependencies?</b>	<p>Currently the fast track advice assumes assessment costs other agencies will be covered by baseline or cost recovery. The fast-track legislation will need to provide for cost-recovery powers both agencies' costs and EPA costs in assessing and processing applications, but such systems are costly (not all relevant agencies will have them already) and unlikely to fully recover costs. The alternative would be to increase the line item here to provide a contingency for such costs but this has not yet been costed as FTC design is still underway.</p>

#### Section 4C: Governance and oversight

The answer to each question must not exceed 1-2 paragraphs.

<b>What are the governance arrangements for this initiative?</b>	<p>In December 2023, Cabinet agreed to the setting up of a Ministerial working group to oversee a work programme to oversee the housing, infrastructure and resource management reforms to remove barriers to housing and infrastructure comprising Ministers of Finance, Infrastructure, RMA Reform, Transport, Local Government and Housing [CAB-23-MIN-0498 refers].</p> <p>The Spatial Planning Board established in April 2021 as an interdepartmental executive board under the Public Service Act 2020 is providing the Government with advice on future options for spatial planning.</p> <p>There will be three separate ministerial working groups established covering housing, infrastructure and the RM reforms.</p> <p>MfE will work collaboratively with other agencies as policy decisions are made and work programmes finalised.</p>
	Click or tap here to enter text.
<b>Timeframes and monitoring</b>	<p>Indicative milestones are:</p> <ul style="list-style-type: none"> <li>- FTC legislation passed in 2024</li> <li>- further RMA amendment introduced in April and December 2024</li> <li>- legislation replacing the RMA introduced in 2026</li> <li>- multiple national direction changes completed this term of government</li> </ul>

#### Section 4D: Demonstrating performance

The answer to each question must not exceed 1-2 paragraphs.

The performance information would be similar to the estimates performance information for the previous RM reforms and relate to the key milestones, covering:

- passage of Fast Track legislation
- introduction and passage of several RMA amendment Bills



- new or revised national direction for: freshwater (including farm environment plans, water storage and irrigation), highly productive land, drinking water sources, indigenous biodiversity, plantation forestry, renewable electricity generation and urban development

## Section 5: Equity

The answer to each question must not exceed 1-2 paragraphs.

<b>Timing of costs and benefits</b>	<p>It will take time to realise the benefits of reform, but the faster policy and implementation can be progressed, the faster those benefits will be realised. Benefits for housing and infrastructure provision can expect to be seen in the short term.</p> <p>The costs and benefits assessment for the previous government's RM reforms estimate the total monetarised cost at \$3,680m (in present value terms) and the present value of the reforms at \$4,167m. Further analysis carried out for the last RM reforms suggested process cost savings, which would accrue to system users, of around \$149 million per year (19% decrease) based on faster, fewer consents due to an increased focus on strategic planning.</p>
<b>Specific implications regarding the Crown's obligations under the Treaty of Waitangi</b>	<p><b>Y/N</b> The RM reform replacement will need to ensure RM related Treaty settlement obligations are upheld. There are over 75 Treaty settlements containing commitments intended to provide for increased iwi involvement or influence in decision making under the RMA.</p> <p>Considering Treaty settlements and other arrangements from the outset of RM policy development along with early, meaningful, and transparent engagement with PSGEs and other relevant hapū and iwi representative groups, will help meet the Crown's legal obligations and support a more streamlined and conducive process. Conversely, a failure to uphold Treaty settlement commitments risks undermining the durability of Treaty settlements, impacting Māori Crown relationships, and operational delays and/or legal challenges to the government's policy objectives.</p>
<b>Distributional Impacts</b>	<p><i>The RMA replacement will improve resource management decisions on resource allocations and also contribute to improving housing supply and infrastructure with benefits flowing to all New Zealanders.</i></p>

## Section 6: Supplementary information for Capital Investments<sup>1</sup>

Preferred option for investment	
Name of preferred option	Provide the name of the preferred option.
Senior Responsible Officer	
Term of investment lifecycle	Provide the period from the acquisition of the investment to its final disposition. If different, also provide the period used for the calculation of costs and benefits in the table below.
<a href="#">Discount rate</a>	Provide the public sector discount rate or formula used to quantify the figures below.
Provide monetary values for the costs outlined below.	
Monetised whole of life costs (\$m)	
Costs to Agency and other public sector organisations	
Capital	[•]
Operating/Revenue	[•]
Costs to New Zealand society (e.g., households, individuals, businesses)	
Capital	[•]
Operating/Revenue	[•]
Risk costs	
<a href="#">Optimism Bias adjustment</a>	[•]
<a href="#">Estimated or Measured risk</a>	[•]
Total costs	[•]
Monetised whole of life benefits (\$m)	
Provide monetary values for the benefits outlined below. Add additional rows for additional benefit categories.	
Benefits to Agency and other public sector organisations	
[Name of benefit category]	[•]
Benefits to New Zealand society (e.g., households, individuals, businesses)	
[Name of benefit category]	[•]
Total benefits	[•]
Net Public Value and Benefit Cost Ratio	
Net Public Value	[Total benefits – Total costs]
Benefit Cost Ratio	[Total benefits / Total costs]
Non-monetised and non-quantified costs and benefits	
Provide a quantification of these costs and benefits where possible, or a description of how the costs and benefits were considered for the purpose of choosing the preferred option. Add additional rows for additional benefit categories.	
[Name of cost category]	[•]
[Name of benefit category]	[•]

<sup>1</sup> This section is only required for capital investments seeking new funding at Budget 2024 (as specified in the Budget 2024 strategy and invitation letter from December 2023). Agencies should also submit business cases if possible.

## Appendix 1 – Reports on under-resourcing

### Randerson report 2020

<https://environment.govt.nz/assets/Publications/Files/rm-panel-review-report-web.pdf>

39. While the legislation has some clear problems, a significant contributor to the difficulties with the RMA has been insufficient capacity and capability in central and local government to fulfil the roles expected of them.

40. Insufficient resourcing is considered one of the reasons for central government's failure to implement national direction. Capacity and capability limitations within local authorities are frequently cited as a root cause of delay, uncertainty and cost. Under-resourcing has particularly affected the ability of councils to undertake necessary research and monitoring.

### Productivity Commission Better Urban Planning report 2017

<https://www.productivity.govt.nz/assets/Documents/0a784a22e2/Final-report.pdf>

EXTRACT: Chapter 5: New Zealand's current urban planning system

#### Conclusion

When assessed against principles of good regulatory practice, a number of weaknesses are noticeable in New Zealand's current planning system. These weaknesses include:

- unclear purposes;
- funding difficulties (especially for infrastructure);
- variable public engagement processes;
- poor mechanisms for keeping regulation and policy up to date; and
- weak leadership from central government in several areas of the planning system.

As a result of these weaknesses, recent years have seen:

- rising frustration with the RMA;
- increasing central control;
- a reduction in local discretion; and
- the emergence of regionally-specific exemptions from the planning system.

Multiple amendments to the underlying planning statutes have increased complexity and reduced legislative coherence, making it harder for the public to understand the laws and for councils to implement them. The repeated use of legislative amendments and overrides also signal that the main planning system has struggled to deal with pressure. This growing complexity, deteriorating coherence and rising pressure sets the scene for the Commission's current inquiry.

### In Towards better local regulation (2013), ([Productivity Commission | Towards better local regulation](#))

the Commission concluded that central government's relationship with local authorities over regulatory regimes has often been poor. Key problems identified were:

- limited analysis of local government's capability or capacity to implement regulations before allocating additional regulatory functions
- inadequate knowledge by central government agencies about the local government sector; and
- poor engagement with local government during the design of new regulations.

Similar issues are apparent in the management and operation of the planning system. Until recently, central government has played a relatively weak role in planning compared with other countries. The Urban Technical Advisory Group (2010) concluded that:

central government is much less involved in planning for our cities (or indeed planning for anywhere) than is common overseas... Another way of putting the same proposition is that New Zealand has an extremely devolved planning/land and resource use regulation system: more so than any of the countries with which we commonly compare ourselves. This devolved system, combined with the multitude of local authorities in New Zealand, means there are many inefficiencies that arise. (pp. 10–11)

A lack of central government leadership in the early years of the RMA's implementation is a particular point of criticism. Palmer (2015a) argued that the absence of guidance through NPSs or NESs contributed to unnecessary pain:

Much trouble and expense for many people could have been avoided had more extensive use been made of these instruments. Central government failed to do the work and provide the guidance required to make the statute work well. Years of central government being asleep at the wheel made the implementation of the Act by local government much more difficult than it needed to be. (p. 16)

Miller (2011), who was a planning professional during the Act's implementation, observed that the Ministry for the Environment was slow to provide any practical assistance to regional and city/district councils on how to interpret the new sustainable management mandate and most importantly how to translate it into the new effects based plans that the minister in particular emphasised were the true practical embodiment of the act. Essentially, the lower levels of the planning mandate were left to 'learn by doing', which inevitably ensured that everyone learned at least a slightly different lesson. (p. 167)

Ericksen et al. (2003) point to the small size of the Ministry for the Environment in the early 1990s, the tight fiscal constraints under which it operated, and the limited funding available for the Act's implementation. The Planning Tribunal (later renamed the Environment Court) saw its caseload quadruple between 1992 and 2001, contributing to significant delays in the development and roll-out of district and regional plans (OECD, 2007). Simon Upton, Environment Minister during the passage and implementation of the RMA, later said that the Government had been "slow in its provision of guidelines to assist councils, staff, applicants, consultants et al in determining the type of information required, how much is needed and how it should be evaluated" (1999).

Because of central government's limited involvement, many councils in the early years of the RMA faced significant challenges in meeting their obligations.

Some four years after the RMA became law, serious conflicts were emerging in some local councils, such as over seeking to recognize and protect significant indigenous flora and fauna and outstanding landscapes in new plans. In part this was due to four interrelated problems. First, there was an inadequate appreciation of what and how much to protect, and why, as there were no national policy statements to guide councils in their thinking about these matters, just phrases in the Act. Second, the methods by which natural areas should be identified for protection were flawed. No specific methods were provided by central government to guide local councils. Instead, councils searched the literature or employed consultants to devise their own, or pleaded with the under-resourced DoC for help. Sometimes others told them that they had it wrong when their proposed plans were reviewed. Third, there were limited options for protecting these important areas. A regulatory approach combined with the lack of funds for adequate research and consultation too often resulted in a backlash from property owners to the notified plans because they would be carrying the costs...Fourth, there was no case law for guiding actions. (Ericksen et al., 2003, p. 70)

The absence of central government also left space for local interests to gain a disproportionate influence over local plans. Gow (2014) commented that in some cases, "devolution has resulted in local interests having an unacceptable dominance, leading to poor decisions; in other cases political differences and inertia have led to insufficient change" (p. 7).

Ngā Aho and Papa Pounamu (2016b) note that recognition of Māori kaupapa in planning, and of Māori values, rights and interests has been uneven across local authorities. Greater central government leadership on the Treaty obligations of local authorities would likely have "levelled up" practice in areas that were falling short. (Chapter 7) They also note the complexities and costs for Māori communities to engage in planning processes that vary across the country (pp. 37-38).

Central government's current ability to monitor the performance of the planning system varies, depending on the statute. At least until the UDC came into effect in late 2016, the urban outcomes desired from the RMA lacked specificity.



## Appendix 2 – List of statutory functions and powers of the Minister for the Environment under the Resource Management Act 1991

\* = The Minister of Conservation has certain functions and powers under the Resource Management Act 1991 (RMA), including where they relate to the coastal marine area.

Ref	Minister for the Environment's statutory functions and powers under the RMA	Relevant RMA sections	Description of the functions and powers
<b>Overarching responsibilities</b>			
1	Monitoring of the effect and implementation of the RMA (including any regulations in force under it), national policy statements, national planning standards, and water conservation orders.	24(f)-(ga)	One of the overall functions of the Minister is to monitor and investigate the implementation and effect of the RMA, including any matter of environmental significance.
<b>National direction*</b>			
2	Decision-making on national direction instruments.	24(a)-(ba), 43-58K, 360	National direction instruments include national policy statements, national environmental standards, national planning standards and other regulations under the RMA.
<b>Decision-making on local authorities' implementation of the NPS-UD and the Medium Density Residential Standards (MDRS)</b>			
3	Decision-making on requests from specified territorial authorities <sup>2</sup> for more time to complete the intensification streamlined planning process (ISPP) <sup>3</sup> . The RMA provides for: <ul style="list-style-type: none"> <li>the Minister for the Environment to prepare a direction for the ISPP setting additional requirements for a specified territorial authority such as reporting requirements and setting the Minister's statement of expectations.</li> <li>a specified territorial authority to request the Minister for the Environment to amend a direction.</li> </ul>	80L, 80M, 80D	The RMA requires specified territorial authorities to use the ISPP to notify an intensification planning instrument (IPI). This allows incorporation of the medium density residential standards (MDRS) into their district plans and gives effect to the intensification requirements in the NPS-UD.
4	Relevant local authorities must immediately notify the Minister for the Environment if the local authority determines that there is insufficient development capacity over the short term, medium term, or long term.	NPS-UD clause 3.7	The NPS-UD requires relevant local authorities to provide sufficient development capacity. Where there is insufficient development capacity, the local authority must take actions to increase development capacity.
5	If a local authority rejects any recommendations by the independent hearings panel (IHP) for intensification planning instruments (IPI), the Minister for the Environment becomes the final decision-maker on those rejected recommendations.	Section 101 and 105	Specified territorial authorities are required to notify IPI decisions on the IHP's recommendations by a date set out in a direction issued by the Minister for the Environment.
6	Consideration of use of economic instruments to achieve the purpose of the RMA.	24(h), 360F	The Minister has the authority to investigate the use of economic instruments, including charges, levies, and incentives.
<b>RMA plans and consents</b>			
<b>Proposals of national significance</b>			
7	Ability to 'call in' a plan/plan change and nationally significant proposals; Decisions on certificates of compliance for nationally significant proposals.	140-149ZG, 37B, 42C, 139	If either a plan change or resource consent is for, or part of, a proposal of national significance the Minister can direct that the proposal be referred to either a Board of Inquiry or to the Environment Court for decisions. The Minister can make this direction on their own volition, or following a request from the local authority, the applicant, or a third party. A recent example is the call in of the Waimate Waste to Energy Plan.
<b>Streamlined Planning Process</b>			
8	Streamlined Planning Process (SPP).	80B, 80C, Schedule 1, Part 5	This section of the Act allows a local authority to ask the Minister if they can use an expedited planning process for a particular change to a district or regional RMA Plan. The SPP process can only be used if the application meets one or more criteria relating to; implementation of national direction, urgency, a significant community need, or an issue that has resulted in unintended consequences:

<sup>2</sup> Specified territorial authority means any of the following:

- every tier 1 territorial authority (Auckland Council, Christchurch City Council, Hamilton City Council, Hutt City Council, Kāpiti Coast District Council, Porirua City Council, Selwyn District Council, Tauranga City Council, Upper Hutt City Council, Waikato District Council, Waimakariri District Council, Waipā District Council, Wellington City Council, Western Bay of Plenty District Council).
- a tier 2 or 3 territorial authority that is required by regulations to prepare and notify an intensification plan change (currently Rotorua Lakes Council).

<sup>3</sup> The ISPP is a plan change process based on the Streamlined Planning Process under the RMA with the intent to enable intensification outcomes to be achieved earlier than using an RMA Schedule 1 plan change process. Specified territorial authorities are required to use the ISPP to incorporate the MDRS into RMA plans and implement the intensification requirements in the NPS-UD.

			If approved for use, the SPP must be undertaken in the form directed by the Minister and may include limited notification, and no or limited hearings. The SPP process also results in reduced appeal rights.
<b>Other RMA planning and consent processes</b>			
9	Extension of time request for a decision on a plan change.	Schedule 1, part 1, clause 10A	The Act requires decisions on changes to RMA Plans to be made no later than 2 years after the change was publicly notified. This section allows a local authority to request an extension of this time.
10	Can specify a part of the region of a regional council by notice in the Gazette to be a separate airshed.	Clause 3 of the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (NES-AQ)	The geographic area for an airshed extends upwards from ground level with no upper limit and includes coastal marine areas. The geographic boundary of each regional council or unitary authority defines their airshed.
11	Approving a regional coastal plan*.	Schedule 1, part 1, clause 19	The Minister of Conservation is required to formally approve all regional coastal plans and can require the relevant regional council to make changes before approval.
12	Ability to request a change to a regional policy statement.	60, schedule 1, part 2, clause 21	All regions must at all times have a Regional Policy Statement. Any Minister of the Crown may request a change.
13	Advice to local authorities doing pre-notification consultation on a proposed policy statement or plan.	Schedule 1, part 1, clause 3, 3A	Local authorities are required to consult the Minister for the Environment, and any other Minister of the Crown who may be affected by the policy statement or plan, at the time the policy statement or plan is being prepared. The Minister has the ability through this process to make comment on a proposed plan prior to notification. The ability to comment on a proposed plan prior to public notification is a unique statutory responsibility that is limited to the Minister, affected local authorities, and tangata whenua. This can be particularly important as some provisions in a proposed plan can have immediate legal effect upon notification, so this is the only opportunity to comment prior to it having effect.
14	Receive notification of proposed policy statement or plan; decision on whether or not to submit.	Schedule 1, part 1, clause 5, 5A, 6	Local authorities are also required to consult the Minister for the Environment, and, in the case of a regional coastal plan, the Minister of Conservation, at the time the policy statement or plan is publicly notified. The Minister(s) has the ability to make a submission.
15	Receive notification of a policy statement, plan or plan change made operative.	Schedule 1, part 1, clause 20	Local authorities are required to advise the Minister of the date a plan change becomes fully operative.
16	Receive notice from local authority of intention to review consent conditions where relevant national direction applies.	130(8)	When a local authority decides to initiate a review of the conditions of a resource consent under section 128(1)(ba), the consent authority must serve notice of the review on the Minister, and the Minister may make a submission to the consent authority, and request to be heard.
<b>Requiring and Heritage Authority Approvals, Water Conservation Referrals and Air quality exceedances</b>			
17	Requiring Authorities—The recommendation of the approval of an applicant as a requiring authority (RA).	167	Under the RMA a local authority, all Ministers of the Crown, and network utility operators that are approved by the Minister have the ability to designate land in district plans. The Minister's role is to assess the appropriateness of an RA application to become a Requiring Authority and approve if considered appropriate. RA's apply to local authorities for designations to be included in district plans. Many designations in district plan relate to the provision of infrastructure. Recent examples of applications to become requiring authorities are City Rail Link, Channel Terminal Services (previously Refining NZ), and Queenstown Airport Corporation Limited.



18	Receive notification of a transfer of responsibilities for designations.	180	A requiring authority is required to advise the Minister that they have transferred financial responsibility for a project or work, including the designation.
19	Heritage Protection—The recommendation of the approval of an applicant as a heritage protection authority; transfer of heritage protection order.	188; 195B, 195C	Like requiring authority approval, the Minister's role is to assess and determine Heritage Protection Authority applications.
20	Water Conservation Orders—Decision-making on whether water conservation order applications should be referred to a special tribunal and deciding whether or not to recommend issuing them.	199-217	The purpose of a water conservation order (WCO) is to recognise and sustain natural state values of a specific water body. The Minister is required to either reject the application for the WCO or appoint a special tribunal to hear and report on the application. The Minister, following the special tribunal process, then has the role of either recommending the WCO to the Governor General or declining the application. If the Minister decides not to recommend the making of the order, then he or she must provide a statement to the House of Representatives, the applicant and every person who made a submission for the reasons for his or her decision.
21	Air Quality—Decision-making on applications to discount an air quality exceedance on the basis of exceptional circumstances.	Regulation 16A of NES-AQ	The Minister can determine that an exceedance of air quality standards for a contaminant within an airshed is an exceptional circumstance. If the Minister determines that an exceedance is exceptional, it will not count towards the maximum total exceedances for that contaminant in the Airshed.
<b>Ministerial intervention</b>			
22	Ability to investigate a local authority and make recommendations on its exercise or performance and allows the Minister to take action under section 25 or 25A.	24A	The Minister has the ability to initiate an investigation into the performance of a local authority in implementing the RMA and, dependent on the outcome of the investigation, can intervene. This may include making recommendations to the local authority on its exercise or performance.
23	Ability to appoint one or more persons (eg, independent or a central government official) to exercise or perform all or any functions, powers and duties under the RMA in place of the local authority.	25	Where the Minister finds that the local authority is not exercising or performing any of its functions, powers or duties, the Minister has the ability to appoint 1 or more persons to perform all of those functions, powers or duties in place of the local authority.
24	Ability to direct a local authority to prepare a plan change/variation in relation to section 30 and 31 of the RMA.	25A	Section 31(1)(aa) requires territorial authorities to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district.
25	Ability to direct a local authority to review whole or part of a regional or district plan.	25B	The Minister has the authority to direct a local authority to commence a review of the whole or part of a district or regional plan.
26	The Minister may require local authorities to supply information in relation to its functions, powers or duties under the RMA.	27	The Minister has the authority to require local authorities, requiring authorities, and heritage protection authorities to supply information about the body's exercise of any functions, powers, or duties under the RMA.
27	Powers to intervene in a matter. This power can only be used if an issue is a "matter" as defined under s141.	141	The Minister has the authority to intervene in a matter by; making a submission, appointing a project coordinator, requiring a joint hearing, or appoint additional commissioners, if the matter relates to resource consents, and changes to RMA Plans, notices of requirement for designations or heritage orders.
<b>Appointments and accreditations</b>			
28	Ability to appoint freshwater commissioners; and set fees for freshwater hearings panels.	Schedule 1, part 4, clause 65-67; schedule 1, part 4, clause 63	The Minister must appoint a chief freshwater commissioner, may appoint freshwater commissioners, and if appointed must set the rate of salary, fees, and allowances.
29	Recommendations on (re)appointment of Environment Court judges; Chief Environment Judge; Environment Commissioner or Deputy Environment Commissioner.	249-250, 254	The Minister provides the Attorney General with recommendations on the appointment and reappointment of Environment Judges, alternate Environment Judges, Environment Commissioners, and alternate Environment Commissioners.
30	Accreditation of hearings commissioners.	39A	The Minister must approve the qualification(s) required to become accredited as a Commissioner under the RMA.
<b>Freshwater farm plans</b>			

31	Freshwater farm plans – decision that Part 9A applies to a specific district, region or part of NZ; consultation on regulations including crop type, location and sales information on fertiliser.	s217A-217M	While not classified as 'national direction' under the RMA, freshwater farm plan regulations set national-level requirements in relation to RMA plans and consenting.
<b>Dispute resolution</b>			
32	Mana Whakahono ā Rohe - dispute resolution.	58S	The Minister has the authority to assist in dispute resolution by appointing a Crown facilitator or directing the parties to use an alternative disputes resolution process.
33	The Minister responsible for a relevant national policy statement, NZCPS, a national planning standard, policy statement, plan, or order may refer a dispute to the Environment Court for a decision resolving the matter.	82	If there is a dispute about whether there is an inconsistency between RMA Plans, water conservation orders, national policy statements and/or the NZ coastal policy statement, the Minister has the authority to refer the dispute to the Environment Court.
<b>Declarations and Environment Court proceedings</b>			
34	The right to appeal decisions on RMA plans and consents.	120	The Minister may appeal a decision if they submitted on an RMA plan or consent; in relation to a coastal permit for a restricted coastal activity, the Minister of Conservation has the right of appeal.
35	Decision to become a party to proceedings before the Environment Court.	274	The Minister has the authority to decide to take part in any proceedings before the Environment Court. This could be an appeal against a resource consent or a change to an RMA Plan.
36	Application for a declaration or enforcement order from the Environment Court.	310, 311, 316, 325B	There are several grounds under which a declaration can be sought, including failure of a plan to give effect to national direction, including proposed provisions of national policy statement, or when a consent condition or rule is being contravened. This power also applies to applications for an enforcement order related to a condition of a resource consent or RMA Plan rule relating to best practice for discharges.
<b>Administrative and other matters</b>			
37	Decision to make grants or loans to assist in achieving the purpose of the RMA.	26	The Minister has the authority to make grants or loans to any person assisting in the achievement of the purpose of the Act.
38	Authorisation and responsibilities of enforcement officers*.	38	The Minister and a local authority have the authority to issue a warrant clearly stating the functions and powers that an enforcement officer is authorised to carry out. This power is generally undertaken by the local authority.
39	Notice from local authorities of joint management agreement.	36B	The RMA provides for the development of joint management agreements between a local authority and an iwi authority (or other group representing hapū) that provide for the parties to jointly perform the local authority's functions in relation to a natural or physical resource in all or part of the region/district.
40	Refund or remit rent for occupation of Crown land in the coastal marine area; royalty for extraction of sand, gravel, etc.; geothermal rentals and royalties*.	Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991	The regulations set fees and royalties for certain activities within the coastal marine area under the RMA 1991. The transitional provisions as well as the specific fees set by these regulations have been revoked.



### Appendix 3: Coalition agreement and National Party manifesto commitments relevant to resource management reform (indicative work programme only)

	1. RMA Amendment Bill #1	2. RMA Amendment Bill #2	3. Integrated National Direction package	4. RM replacement legislation
<b>Going for housing growth</b> Commitments from coalition agreements and National's commitments to enable 'going for housing growth'.	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li>amend the Resource Management Act to action legislative components of Going for Housing Growth, eg, regarding the Medium Density Residential Standards and introducing Housing Growth Targets</li> <li>amend the National Policy Statement on Urban Development</li> <li>amend the definition of highly productive land and/or be more enabling of urban development on LUC 3 category land</li> </ul>		<ul style="list-style-type: none"> <li>replacement legislation builds on (rather than undermine) changes already made through Phase 2</li> </ul>
<b>Getting back to farming</b> Coalition agreement commitments to changes to national direction on Freshwater, Highly Productive Land (HPL) and Indigenous Biodiversity (IB). National's commitments to enable 'getting back to farming'.	<ul style="list-style-type: none"> <li>extend the duration of existing marine farm consents</li> <li>-</li> <li>remove consideration of the hierarchy of obligations within Te Mana o te Wai from resource consenting.</li> </ul>	<ul style="list-style-type: none"> <li>amend the Resource Management Act to allow farmers to farm and enable primary industries (including aquaculture)</li> <li>expand list of supporting activities on highly productive land to cover other on and off-farm actions</li> </ul>	<ul style="list-style-type: none"> <li>replace the National Policy Statement for Freshwater Management/ Cut red tape and regulatory blocks on irrigation, water storage, managed aquifer recharge and flood protection schemes, with amendments to NPS-FM and NES-F</li> <li>adopt standardised farm level reporting</li> <li>new national direction:               <ul style="list-style-type: none"> <li>NES-Commercial fruit and vegetable production</li> <li>NES-Water Storage</li> </ul> </li> <li>shift freshwater farm plans to be risk and outcomes based</li> <li>non-statutory guidance to support Farm Environment Plans administered by regional councils, targeted at a catchment level</li> </ul>	<ul style="list-style-type: none"> <li>work with water stakeholders and iwi to develop efficient and equitable methods for water allocation that provide certainty and make the best use of precious water for all New Zealanders</li> <li>replacement legislation builds on changes made through Phase 2</li> </ul>
<b>Safeguarding NZ's unique natural environment</b>	<ul style="list-style-type: none"> <li>cease implementation of new Significant Natural Areas under the NPS-Indigenous Biodiversity</li> <li>SNA date change?</li> </ul>		<ul style="list-style-type: none"> <li>coastal water quality standards</li> </ul>	replacement legislation builds on changes made through Phase 2
<b>Disaster recovery</b> Commitments relating to better planning for and fairer and faster recovery from natural hazards and the effects of climate change.	<ul style="list-style-type: none"> <li>RMA amendment to add emergency response order in council provisions to assist with response to and recovery from emergencies eg, severe weather events</li> </ul>	<ul style="list-style-type: none"> <li>potential delivery of phase 1 of national direction for natural hazards (subject to receiving your decisions on the natural hazards policy workstream (refer BR-4143) Powers and processes for climate change adaptation (as per Climate Adaptation Framework legislation under development by Minister Watts)</li> </ul>	<ul style="list-style-type: none"> <li>prepare comprehensive national direction for climate change adaptation and natural hazard risk reduction to support the RM system and Climate Adaptation Framework legislation (potential phase 2 of natural hazards policy workstream)</li> </ul>	replacement legislation builds on changes made through Phase 2

<ul style="list-style-type: none"> <li>Infrastructure, transport, electrify NZ</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li>amend the Resource Management Act to make it easier to consent new infrastructure including renewable energy</li> <li>issue a new NPS-Renewable Electricity Generation that is strongly directive about enabling renewable generation</li> <li>create nationally consistent rules for each type of renewable generation so requirements are clear</li> <li>determine whether to progress NES Drinking Water amendments that provide separate fit-for-purpose rules for small providers</li> <li></li> <li>increase the minimum duration of consents for all renewables to increase investment certainty</li> </ul>	<ul style="list-style-type: none"> <li>new national direction instruments:</li> <li>NPS Distribution to make it easier to build infrastructure, including poles, lines, transformers and substations</li> <li>NPS Hydrogen to provide certainty for investment in hydrogen production and distribution</li> <li>NES for each renewable generation type to provide consistency and certainty</li> <li>new NPS-Renewable Electricity Generation that is strongly directive about enabling renewable generation</li> <li>potential NPS for infrastructure, and targeted update of existing infrastructure content, to support delivery of coalition agreement around infrastructure consenting.</li> <li>potential infrastructure standards package for common infrastructure activities to improve efficiency of consenting</li> <li>determine whether to progress NES Drinking Water amendments that provide separate fit-for-purpose rules for small providers</li> <li>electric vehicle direction to better enable provision of charging stations.</li> <li></li> </ul>	<ul style="list-style-type: none"> <li>replacement legislation builds on changes made through Phase 2</li> </ul>
<p><b>System efficiency, integration and cross-cutting matters</b></p>	<ul style="list-style-type: none"> <li>focusing the system on achieving specified outcomes, environmental limits and targets</li> <li>the introduction of spatial planning to enable longer term, integrated planning to address long-term challenges in infrastructure, growth and the environment and provide investment certainty</li> <li>reform of national direction processes to enable better integrated and more responsive national direction</li> <li>reform of plan-making processes to speed up processes, for example by reducing appeal rights</li> <li>reform of consenting processes to reduce the need for consents, provide clarity on who is an affected party and improve the efficiency of processes (for example, by limiting the ability of consenting authorities to ask for further information)</li> <li>updating designation powers and processes to better enable infrastructure</li> <li>updating compliance and enforcement provisions to reduce the regulatory burden on all system users and create a greater focus on penalising non-compliance</li> <li>reviewing the role and content of National Planning Standards</li> <li>developing or amending Māori participation tools to provide clarity to Māori, local government, and system end-users about who to involve in processes</li> <li>introducing a framework for the protection of natural landscapes and features to provide more certainty about what is/isn't protected.</li> </ul>			



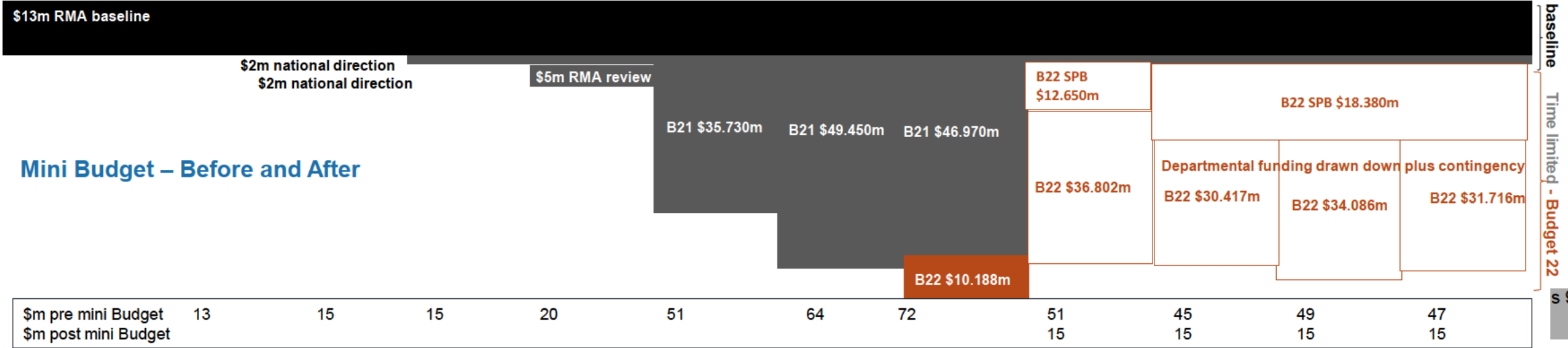
## Appendix 4 – RMA replacement – delivery options for different funding levels

<ul style="list-style-type: none"> <li>Now that all Budget 2022 funding has been removed under the Mini-budget, MfE's funding for RMA has reverted to previous levels, effectively a 2/3 reduction in RMA capacity and capability before additional savings are applied. The remaining ~\$15m baseline, before savings, could only deliver basic statutory functions (summary attached) and minimal support for Treaty settlements, basic system monitoring and minor legislative and national direction change. It cannot support major system change.</li> <li>This limited capacity reflects an historic lack of recognition that a planning system requires ongoing oversight and upkeep. See Productivity Commission reports (Local Government 2014 and urban 2017) and Randerson Panel Report 2020. This situation has likely contributed to the RMA's unsatisfactory results through inability to provide complete and up-to-date national direction and guidance or deliver timely and integrated legislative change. Effective system maintenance and operation requires the flexibility to move the focus from policy to delivery to oversight in phases over time.</li> <li>In progressing the RMA reforms, it was recognised that repeating this situation would not achieve the outcomes sought, particularly given roles and responsibilities under the RMA are distributed. Budget 22 RM reform implementation funding therefore included baseline funding for monitoring system performance to achieve reform objectives, engaging with system partners such as Local Government to ensure changes were embedded, policy development and regular legislative and national direction work. The other Budget 22 funding was specifically for spatial planning and to support NBA/SPA rollout and the multi-year runout of the RMA.</li> </ul>			
Component	General description	Preferred option \$120.858m over four years \$30m for 2024/25, \$32m for 2025/26 and 2026/27, \$27m for 2027/28 and outyears substantive delivery of your intended work programme this term, both first (coalition agreement) and second(manifesto) priorities, assuming a select committee inquiry, maximum of 3 RMA amendment Bills and 2-3 parallel national direction processes	Scaled option \$92.235m over four years \$24m for three years, \$21m for 2027/28 and outyears would require scaling of scope of work and number of parallel processes and seriously constrain ongoing system work
Operate and Maintain system (including delivering changes)	<ul style="list-style-type: none"> <li>ability to regularly update legislation and national direction</li> <li>oversight of system performance</li> <li>statutory functions, guidance, training</li> <li>science input and design work on digitization of data , planning and consenting</li> <li>treaty settlements advice and compliance</li> <li>natural hazards and risk identification – adaptation work</li> <li>fast track consenting (Environmental Protection Authority (EPA).non-recoverable costs</li> </ul>	<p>\$77m      \$19m annually including outyears</p> <p>Delivers:</p> <ul style="list-style-type: none"> <li>passage of FTC Bill and development, passage of RMA Bill#1</li> <li>development work, select committee inquiry and/or expert group, drafting, passage and implementation of RMA replacement legislation</li> <li>parallel process to deliver national direction priorities and support implementation</li> <li>maintenance of statutory functions, system monitoring, preparatory work on digitisation in parallel with above work</li> </ul> <p>Key risks:</p> <ul style="list-style-type: none"> <li>does not cover cost of multiple parallel national direction processes</li> <li>may not cover full level of ambition TBC for RMA replacement Bill or additional legislative processes</li> <li>limited central support for RMA functions given impact of savings, putting more pressure on the RMA funding for programme support</li> </ul> <p><i>Given the status of fast track consenting decisions on scale and location of functions, the initiative does not include funding for EITHER advising Ministers and progressing OICs etc OR expert input into complex consenting decisions. Delivering this function within the funding identified here would constrain other work. Implications will be significantly greater if Ministers are deciding if a project should receive consent.</i></p>	<p>\$60m      \$15m annually including outyears</p> <p>Delivers</p> <ul style="list-style-type: none"> <li>passage of FTC Bill and development, passage of RMA Bill#1</li> <li>more constrained development work, select committee inquiry and/or expert group, drafting, passage and limited implementation of RMA replacement legislation</li> <li>constrained process to deliver national direction priorities and support implementation</li> <li>constrained levels of maintenance of statutory functions, system monitoring and preparatory work on digitisation in parallel with above work</li> </ul> <p>Key risks:</p> <ul style="list-style-type: none"> <li>likely to require constrained integrated national direction process and minimal number of parallel processes</li> <li>would constrain scope and timing of Bill #1</li> <li>may not cover full level of ambition TBC for RMA replacement including additional legislative processes</li> <li>significantly more strain on central support for RMA functions given impact of wider savings, thereby reducing effective policy capability for any given level of funding as more support needs to be funded within the RM programme instead.</li> </ul> <p><i>Given the status of fast track consenting decisions on scale and location of functions, the initiative does not include funding for EITHER advising Ministers and progressing OICs etc OR expert input into complex consenting decisions. This function could not be delivered within the funding identified here without significantly constraining other work.</i></p>
Time limited funding	to enable capacity to deliver the suite of Coalition Government commitments in an integrated manner within a 3 year window without committing to baseline funding and permanent staff	<p>\$15m      \$5m annually for three years</p> <p>Delivers more coalition and manifesto priorities in national direction and wider scope of Bills.</p> <p>Key risks: without this temporary funding, the funding above will not fully deliver. The alternative would be slightly greater permanent funding and work spread over a longer period.</p>	<p>\$9m      \$3m annually for three years</p> <p>Delivers more coalition and manifesto priorities in national direction and wider scope of Bills.</p> <p>Key risks: without this temporary funding, the funding above will not fully deliver. The alternative would be slightly greater permanent funding and work spread over a longer period.</p>
Spatial Planning	To preserve core capability and coordinate spatial planning initiatives that support near term Government priorities and develop long term legislative provisions	<p>\$29 Million      \$6m for one year and then \$8m annually including outyears</p> <p>Delivers new legal framework for spatial planning under phase three as part of the new Urban and Spatial Planning Act. Work with existing spatial plans and partnerships to help deliver priority government initiative.</p> <p>Key risk: without funding these opportunities / benefits will not be delivered.</p>	<p>\$23m      \$5m for one year then \$6m annually including outyears</p> <p>Delivers new legal framework for spatial planning under phase three as part of the new Urban and Spatial Planning Act. Work with existing spatial plans and partnerships to help deliver priority government initiative.</p> <p>Key Risks less effectiveness policy work and reduced planning / delivery of benefits.</p>
<p>Both funding options:</p> <ul style="list-style-type: none"> <li>seek: <ul style="list-style-type: none"> <li>baseline resourcing for <u>operation and maintenance</u> of any resource management (RM) system, addressing historical shortfalls and partially removing the B21/B22 fiscal cliff, including: <ul style="list-style-type: none"> <li>the ability to regularly update legislation and national direction – this includes the proposed RMA Bill #2 for introduction in December 2024 and core work on Bill #3 for 2026 as well as a level of work on national direction</li> <li>core functions: policy and oversight of system performance, national direction, statutory functions and implementation, science, design work on digitisation, treaty settlements, natural hazards and risk identification and fast track consenting (Environmental Protection Authority (EPA).</li> </ul> </li> <li>time limited funding to enable capacity to deliver the suite of Coalition Government commitments in an integrated manner within a 3 year window without committing to baseline funding and permanent staff</li> <li>baseline funding for spatial planning to preserve core capability to develop and coordinate spatial planning, including building on existing work to support near-term Government objectives and developing new legislative provisions</li> </ul> </li> <li>assume the primary path for national direction is max of 2-3 integrated processes (which may not mean integrated instruments) for intended changes to multiple pieces of national direction and development of new direction. Separate processes will result in likely significantly higher costs</li> <li>have been developed at a level where the outyears funding would be 18% to 34% below B22 levels, and the four year cost would be a maximum of 30-40% of the funding returned in the mini Budget before savings.</li> </ul> <p><b>Further scaling would require more scaling of the intended work programme. As noted above, if no additional funding is provided substantive delivery of the Government's RMA work programme would not be possible without significant cessation of existing MfE work programmes in other areas and reduction of general organisational capacity, and even then would be constrained</b></p>			



## Appendix 5 – RMA replacement – funding history and initiative comparisons

2017/18 2018/19 2019/20 2020/21 2021/22 2022/23 2023/24 2024/25 2025/26 2026/27 2027/28



The depth of each box to the right is scaled to the funding.

baseline funding.

time limited funding.

committed B22 funding

withdrawn B22 funding

s 9(2)(f)(iv)

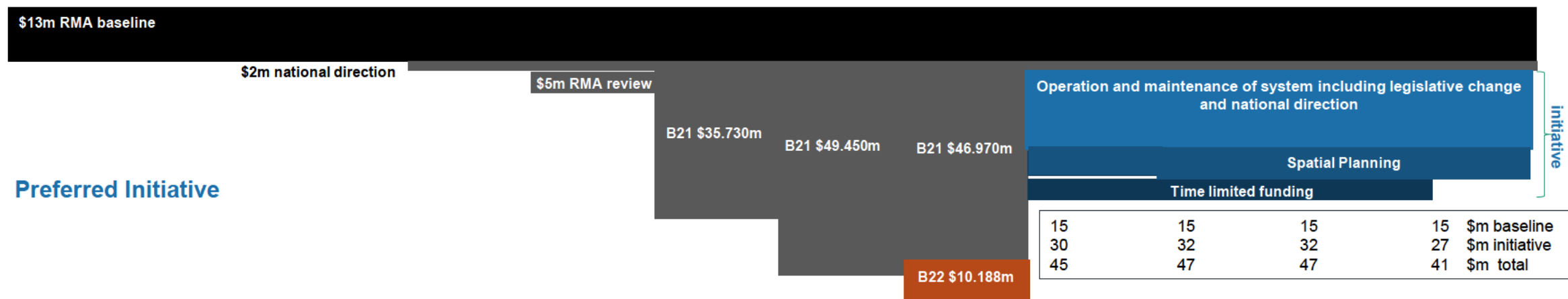
s 9(2)(f)(iv)

baseline funding sought – system operation & maintenance

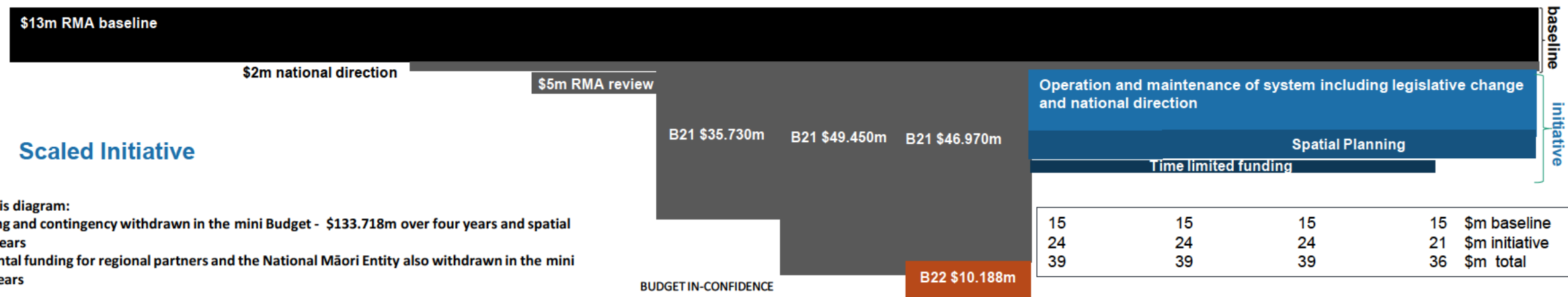
baseline funding sought – spatial planning

time limited funding sought – faster/wider programme delivery

total new funding sought in outyears



s 9(2)(f)(iv)



s 9(2)(f)(iv)

Note that B22 funding shown on this diagram:

- includes all departmental funding and contingency withdrawn in the mini Budget - \$133.718m over four years and spatial planning - \$67.790m over four years
- does not include non-departmental funding for regional partners and the National Māori Entity also withdrawn in the mini Budget - \$100.090m over four years

BUDGET IN-CONFIDENCE

## Appendix 6: Draft FTC Cost estimates under different scenarios

		Volumes per year			Per application (average)
		Current (50)	High (100)	Very High (150)	
<b>Current Panel Fees</b>	No cost recovery				
	Cost to referrals agency	\$1.9m	\$2.4m	\$3.0m	
	Cost to assessments agency (incl panel fees)	\$3.2m	\$5.6m	\$8.1m	
	<b>Total Agency cost</b>	<b>\$5.0m</b>	<b>\$8.0m</b>	<b>\$11.1m</b>	
	Cost to applicants (excl. substantial other costs of applying)	-	-	-	
	With cost recovery				
	Cost to referrals agency	\$1.3m	\$1.3m	\$1.3m	
	Cost to assessments agency (incl panel fees)	\$0.7m	\$0.7m	\$0.7m	
	<b>Total Agency cost</b>	<b>\$2.0m</b>	<b>\$2.0m</b>	<b>\$2.0m</b>	
	Cost to applicants (excl. substantial other costs of applying)	\$3.0m	\$6.0m	\$9.1m	\$0.132m

Actual costs per app will vary by project size, complexity and stage reached

		Volumes per year			Per application (average)
		Current (50)	High (100)	Very High (150)	
<b>'Market rate' panel fees</b>	No cost recovery				
	Cost to referrals agency	\$1.9m	\$2.4m	\$3.0m	
	Cost to assessments agency (incl panel fees)	\$4.2m	\$7.7m	\$11.2m	
	<b>Total Agency cost</b>	<b>\$6.1m</b>	<b>\$10.1m</b>	<b>\$14.2m</b>	
	Cost to applicants (excl. substantial other costs of applying)	-	-	-	
	With cost recovery				
	Cost to referrals agency	\$1.3m	\$1.3m	\$1.3m	
	Cost to assessments agency (incl panel fees)	\$0.7m	\$0.7m	\$0.7m	
	<b>Total Agency cost</b>	<b>\$2.0m</b>	<b>\$2.0m</b>	<b>\$2.0m</b>	
	Cost to applicants (excl. substantial other costs of applying)	\$4.1m	\$8.1m	\$12.2m	\$0.194m

Source of \$6-\$14m estimate in text; See breakdown of \$6.1m on next page

Source of \$2m estimate in text (after cost-recovery)

Actual costs per app will vary by project size, complexity and stage reached

### Core assumptions

- 'Current' scenario is based on FCTA experience of 168 applications to use the pathway over 3 years (approx. 50 per year)
- Excludes costs incurred by LG
- Excludes agency costs of referral advice for non-RMA approvals
- Excludes costs to Govt of responding to OIA requests, appeals
- Excludes costs of debt recovery and unrecoverable debt
- Excludes substantial other costs to applicant: eg. preparing application; adjusting application/project; expert reports;; Appeals; Opportunity cost of capital in case of delays

Attrition of applications at each stage, assuming 100 per annum (high case):	Apps reaching each stage	% going to next stage
Applications to use FT (including listed)	100	
Referred (including listed)	80	80%
Consents lodged	60	75%
Panel assessments per year	60	100%
Hearings per year	8	13%

## More detailed cost lines and assumptions

Scenario: 'Current' Volumes (50 apps per year) + Market rates for Panel members

		Volume ('Current' scenario) (apps/panels/hearings)	Weeks	Staff/Panel members	Daily Rate	Other assumption (see in-cell comment)	Recoverable	Residual agency cost net of recovery	Recovered (at each stage)
<b>Annual costs</b>									
<b>Referral advice (lead agency)</b>									
Direct: staff time	\$	560,000	50	1	2	\$ 800	1		\$ 560,000
Non-attributable staff time	\$	1,200,000		52	6	\$ 549	0		\$ -
Other overheads (application system, legal advice etc.)	\$	100,000					0		\$ -
<b>Total</b>	\$	<b>1,860,000</b>						<b>\$ 1,300,000</b>	<b>\$ 560,000</b>
<b>Assessment (lead agency)</b>									
One-off Set-up costs	\$	100,000					0		
Direct: Completeness check	\$	224,000	40	1	1	\$ 800	1		\$ 224,000
Direct: Panel fees	\$	1,700,300	30	1	3.5	\$ 2,313	1		\$ 1,700,300
Direct: Panel advice, support and admin	\$	672,000	30	2	2	\$ 800	1		\$ 672,000
Direct: Hearings - panel fees	\$	226,707	4	1	3.5	\$ 2,313	1		\$ 226,707
Direct: Hearings logistics and venue	\$	84,000	4	1		\$ 3,000	1		\$ 84,000
Direct: Expert reports commissioned	\$	600,000	30			\$ 40,000	1	50%	\$ 600,000
Panel convenor (non-attributable fees and expenses)							0		
Non-attributable staff time	\$	500,000					0		
Other overheads	\$	100,000					0		
<b>Total</b>	\$	<b>4,207,007</b>						<b>\$ 700,000</b>	<b>\$ 3,507,007</b>
<b>Referral and assessment (related approvals)</b>									
DoC - Wildlife Act; Coastal Marine		?							
LINZ - Public Works Act/Compulsory acquisition		?							
MPI - Aquaculture permits		?							
Other?		?							
<b>Total before LG costs, appeals and other (bad debt)</b>	\$	<b>6,067,007</b>						<b>\$ 2,000,000</b>	<b>\$ 4,067,007</b>