



## Further advice on exercising RMA statutory functions and powers

Date submitted: 17 April 2024

Tracking number: BRF-4606

Security level: CLASSIFICATION

MfE priority: Urgent

Actions sought from Ministers		
Name and position	Action sought	Response by
To Hon Chris BISHOP <b>Minister Responsible for RMA Reform</b> To Hon Penny SIMMONDS <b>Minister for the Environment</b>	<b>Note</b> that officials have prepared a more detailed way to operationalise how RMA statutory powers are exercised across Ministerial portfolios.  <b>Agree</b> to forward a copy of this advice to other relevant Ministers.	19 April 2024

Actions for Minister's office staff
<b>Return</b> the signed briefing to the Ministry for the Environment ( <a href="mailto:ministerials@mfe.govt.nz">ministerials@mfe.govt.nz</a> ). <b>If agreed, forward</b> a copy of this advice to the Minister of Oceans and Fisheries, the Minister for Conservation, and the Associate Minister for the Environment.

Appendices and attachments
<ol style="list-style-type: none"> <li>Letter to the Prime Minister recommending the scope and working arrangements for the RMA Reform portfolio</li> <li>Reply from the Prime Minister confirming the portfolio split for resource management</li> <li>Approach to advising on the distribution of RMA statutory functions and powers across Ministerial portfolios</li> </ol>

Key contacts at Ministry for the Environment			
Position	Name	Cell phone	First contact
Principal Author	Simon King	022 047 5541	✓
Chief of Staff	Martin Workman		

Minister's comments

# Further advice on exercise of RMA statutory functions

## Key messages

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1. The Minister Responsible for RMA Reform wrote to the Prime Minister to propose roles and responsibilities for this new portfolio (**Attachment 1**) on 19 December 2023. The Prime Minister replied on 4 February 2024 confirming his agreement to the split between the new RMA Reform portfolio, the Environment portfolio, and other relevant portfolios (**Attachment 2**).
2. This briefing builds on previous advice about exercising RMA statutory functions relating to urban and infrastructure matters (BRF-4113 refers). We have now more comprehensively operationalised the split by doing a line-by-line analysis of statutory functions in the RMA. Each function or power has been mapped by portfolio in line with the split agreed by the Prime Minister (**Attachment 3**), namely:
  - The Minister Responsible for RMA Reform exercises functions relating to his:
    - i leadership role in setting the strategic direction for the environmental management system and facilitating integration between and across other Ministerial portfolios.
    - ii specific responsibilities for RMA reform legislation, spatial planning, National Direction strategy, Medium Density Residential Standards, setting the broad direction for freshwater policy, and Māori rights and interests.
  - The Minister for the Environment exercises all other statutory functions (apart from those that are specifically allocated to the Minister of Aquaculture (Oceans and Fisheries) and the Minister for Conservation that do not impact the strategic direction for the environmental management system or affect integration between and across other Ministerial portfolios.
3. The mapping exercise has identified four categories of functions:
  - Functions to be exercised by the Minister Responsible for RMA Reform
  - Functions to be exercised by the Minister for the Environment
  - Functions that can be exercised by either Minister, but should be exercised by the Minister Responsible for RMA Reform if there are strategic or integrative implications for the wider environmental management system
  - A small number of functions exercised by (or in conjunction with) another Minister where specified in legislation.
4. While we expect the appropriate decision-maker to be clear in most circumstances, some overlap remains that will need to be determined on a case-by-case basis. We will seek direction as soon as possible when such situations arise.

## Recommendations

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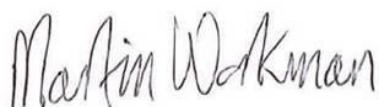
We recommend that you:

- a. **note** that officials intend to use the table at **Attachment 3** when advising on Ministerial exercise of RMA statutory functions, which more comprehensively operationalises the arrangements agreed by the Prime Minister in his letter of 4 February.
- b. **note** that where overlaps occur, officials propose that the Minister Responsible for RMA Reform exercises the function of power if there are strategic or integrative issues for the wider environmental management system.
- c. **note** that we will now include an assessment of strategic or integrative issues in our advice on the exercise of overlapping functions in **Attachment 3** and address it to one minister to progress in line with this assessment.
- d. **note** that officials will seek direction as soon as possible if situations arise where the appropriate decision maker is still unclear.
- e. **note** that we will always copy the other Minister to ensure visibility of this advice and enable our assessment to be reviewed.
- f. **note** that we will also use **Attachment 3** for assessing the appropriate decision maker for Official Information Act requests and replies to correspondence and written Parliamentary questions.
- g. **agree** to forward a copy of this advice to the other portfolios with legislative responsibilities for RMA statutory functions and powers for their information, namely the Minister of Aquaculture (Oceans and Fisheries), the Minister for Conservation and the Associate Minister for the Environment.

Yes | No

## Signatures

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Martin Workman  
Chief of Staff  
**18 April 2024**

Hon Chris BISHOP  
**Minister Responsible for RMA Reform**

Hon Penny SIMMONDS  
**Minister for the Environment**

**Date:**

**Date:**

# Further advice on exercising RMA statutory functions and powers

## Purpose

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1. This briefing outlines how we have more fully operationalised the working arrangements agreed by the Prime Minister by mapping all Resource Management Act 1991 (RMA) statutory functions and powers to the most appropriate Ministerial portfolio.

## Background

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2. RMA Reform is a new portfolio. We have previously provided you with advice on its scope, working arrangements and relationship to the Environment portfolio [BRF-3977, BRF-4003, and BRF-4005 refers]. The Prime Minister confirmed these arrangements in his letter of 4 February 2024 (**Attachment 2**).
3. We have also provided advice on RMA statutory functions relating to urban and infrastructure matters, with direction provided for some functions to be exercised by the Minister Responsible for RMA Reform [BRF-4113 refers]. However, some overlap between portfolios remains that is being addressed on a case-by-case basis.<sup>1</sup>
4. To reduce ambiguity and improve administrative efficiency, we have undertaken a line-by-line analysis of all RMA statutory functions and powers. This briefing provides a more detailed breakdown of how we intend to advise you on the exercise of RMA statutory functions and powers across Ministerial portfolios going forward (**Attachment 3**).

## Advice

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5. The RMA specifies many different statutory functions and powers. Before the creation of the RMA Reform portfolio, these were primarily administered by the Minister for the Environment.<sup>2</sup>
6. RMA functions and powers are much more detailed than the arrangements agreed by the Prime Minister. This creates some overlaps and ambiguity that we have been working through on a case-by-case basis.
7. To improve administrative efficiency, we have mapped the RMA statutory functions and powers to be exercised by each portfolio in line with the split agreed by the Prime Minister (**Attachment 3**). The agreed split states:

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<sup>1</sup> For example, recent advice on using Ministerial call-in powers relating to a Waste-to-Energy proposal in Te Awamutu [BRF-4100 refers] and a solar farm proposal in the McKenzie basin [BRF-4344 refers].

<sup>2</sup> There are a small number of discrete responsibilities the Act delegates to the Minister of Aquaculture and the Minister of Conservation.

- The Minister Responsible for RMA Reform exercises functions relating to his:
    - i. leadership role in setting the strategic direction for the environmental management system and facilitating integration between and across other Ministerial portfolios.
    - ii. specific responsibilities for RMA reform legislation, spatial planning, National Direction strategy, Medium Density Residential Standards, setting the broad direction for freshwater policy, and Māori rights and interests.
  - The Minister for the Environment exercises all other statutory functions (apart from those that are specifically allocated to the Minister of Aquaculture and the Minister for Conservation) that do not impact the strategic direction for the environmental management system or affect integration between and across other Ministerial portfolios.
8. Note that the mapping exercise in **Attachment 3** has not yet been used to identify the specific Ministerial portfolio interests in relation to the specific national direction instruments made under the RMA. We can provide further advice on this if required.

### How we will use this table to inform our advice

9. The mapping exercise has identified four categories of RMA functions:
- Functions to be exercised by the Minister Responsible for RMA Reform
  - Functions to be exercised by the Minister for the Environment
  - Functions that can be exercised by either Minister, but should be exercised by the Minister Responsible for RMA Reform if there are strategic or integrative implications for the wider environmental management system
  - A small number of functions exercised by (or in conjunction with) another Minister where specified in legislation.
10. Where functions are clearly within scope of either Minister, it will be considered a discrete issue of most relevance to one portfolio and our advice will generally only go to that Minister.
11. Where overlaps occur, we expect most issues to be discrete matters that can be appropriately progressed by the Minister for the Environment. This approach is consistent with our experience advising on such matters and will support more efficient decision-making.
12. However, sometimes decisions on what may seem to be more operational resource management matters can give rise to strategic or integrative issues for the wider system. Based on the system leadership role given to the Minister Responsible for RMA Reform it would be more appropriate for these functions to be exercised by this portfolio.
13. We will include an assessment of potential strategic or integrative issues as part of our advice and address it to one minister to progress in line with this assessment. We will also seek your direction as soon as possible if situations arise where the appropriate decision maker for exercising a particular RMA function or power is unclear. Regardless

of lead Minister, we will ensure both Ministers receive a copy of our advice for visibility and to enable our assessment to be reviewed.

14. Where relevant, we will take the same approach to recommending advice is forwarded to other potentially affected portfolios. This includes:
  - the Minister of Conservation in relation to advice with potential implications for coastal matters
  - the Minister of Aquaculture (Oceans and Fisheries) in relation to advice with potential implications for aquaculture activities
  - the Associate Minister for the Environment in relation to advice with potential implications for his delegated responsibilities (Jobs for Nature, National Policy Statement for Indigenous Biodiversity and biodiversity credits, and farm-facing freshwater instruments)
  - other affected Ministers where appropriate.
15. We recommend you send a copy of this advice to the Minister of Aquaculture (Oceans and Fisheries), the Minister for Conservation and the Associate Minister for the Environment for their information.

## Next steps

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16. Going forward we intend to use the table at **Attachment 3** to identify the appropriate Ministerial decision maker for exercising a particular RMA statutory function or power and provide advice in line with the process outlined above.
17. In addition to using the table at **Attachment 3** for managing the workflow of advice, we also intend to work with your office staff to use it to determine the most appropriate decision maker for Official Information Act requests and replies to correspondence and written Parliamentary questions.
18. It is possible that further refinements may be needed as we apply this approach to different situations. We will advise you if changes are needed to improve the operationalisation of decisions across the resource management portfolios as required.

# Hon Chris Bishop

Minister of Housing  
Minister for Infrastructure  
Minister Responsible for RMA Reform  
Minister for Sport and Recreation  
Leader of the House  
Associate Minister of Finance



Rt Hon Christopher Luxon  
Prime Minister  
Parliament Buildings

Dear Prime Minister,

In your letter dated 29 November 2023, you requested a detailed proposal on the scope and working arrangements of the RMA Reform Portfolio. I have worked with the Minister for the Environment and my officials to refine the roles and responsibilities for this new portfolio, as outlined in the table enclosed with this letter.

As the Minister Responsible for RMA Reform, I will take a leadership role in setting the strategic direction for the environmental management system and facilitating integration between and across other Ministerial portfolios.

I will retain responsibilities for RMA reform legislation, spatial planning, National Direction strategy, Urban/Housing/Infrastructure National Direction Instruments, and Medium Density Residential Standards. I will lead legislative amendments to the Resource Management Act 1991.

The Minister for the Environment will retain responsibility for environmental reporting, the oversight of the Environmental Protection Agency, Hazardous Substances and New Organisms and Waste Minimisation, Jobs for Nature, and statutory functions under the Resource Management Act 1991. They will also be responsible for rural related National Direction instruments and Orders in Council made under the Severe Weather Emergency Recovery Legislation Act 2023.

There are also specific statutory responsibilities for the Minister of Oceans and Fisheries and the Minister for Conservation under the Resource Management Act 1991.

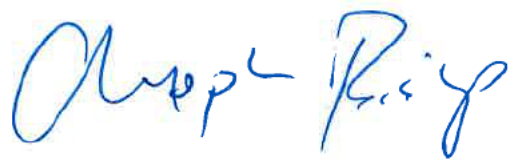
I will hold responsibility for the instruments that set the broad direction for freshwater policy, the National Policy Statement – Freshwater Management and National Environmental Standards – Freshwater. I will work closely with the Associate Minister for the Environment Hon Andrew Hoggard who will be delegated responsibility for the farm-facing instruments that direct critical aspects of freshwater policy. This includes freshwater farm plans, stock exclusion regulations, the national environment standards for sources of human drinking water and new national direction on water storage.

I will take the lead on Māori rights and interests and the relationship with the National Iwi Chairs Forum (NICF), with support from the Minister for the Environment.

I also propose convening an RMA Reform Ministers Group, which will meet regularly to ensure our resource management system is integrated and aligned.

I believe the scope and working arrangements for the RMA Reform portfolio outlined will enable the Government to meet our commitments in our 100-day action plan and coalition agreements, as well as delivering better housing and infrastructure for all New Zealanders.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Chris Bishop". The signature is fluid and cursive, with the first name "Chris" and the last name "Bishop" clearly distinguishable.

Hon Chris Bishop

**Minister Responsible for RMA Reform**

## Split between the RMA Reform and Environment portfolios

RMA Reform	Environment	Oceans & Fisheries	Conservation
<p>Hon Chris Bishop Minister of Housing Minister for Infrastructure Minister for Sport and Recreation Leader of the House Associate Minister of Finance</p>	<p>Hon Penny Simmonds Minister for Disability Issues Minister for Tertiary Education and Skills Associate Minister for Social Development and Employment</p>	<p>Hon Shane Jones Minister for Regional Development Minister for Resources Associate Minister of Finance Associate Minister for Energy</p>	<p>Hon Tama Potaka Minister of Conservation Minister for Māori Crown Relations: Te Arawhiti Minister for Māori Development Minister for Whānau Ora Associate Minister of Housing (Social Housing)</p>
<ul style="list-style-type: none"> <li>• <i>Chair of RMA Reform Ministers Group</i><sup>1</sup></li> <li>• Lead Minister for integration across the RMA Reform/Environment portfolios</li> <li>• RMA reform legislation (including Māori rights &amp; interests): <ul style="list-style-type: none"> <li>○ Repeal NBA and SPA</li> <li>○ Fast-track Bill plus targeted RMA amendments</li> <li>○ Longer-term amendments</li> </ul> </li> <li>• Spatial planning, including relationship with City and Regional Deal</li> <li>• Māori rights and interests and the relationship with the National Iwi Chairs Forum (NICF) (supported by Minister Simmonds)</li> <li>• National Direction strategy, coordination and prioritisation</li> <li>• Urban, Housing and Infrastructure related National Direction Instruments: <ul style="list-style-type: none"> <li>○ National Policy Statement – Urban Development</li> <li>○ National Policy Statement – Highly Productive Land</li> <li>○ National Policy Statement – Freshwater Management</li> <li>○ National Environmental Standards - Freshwater</li> <li>○ National Policy Statement – Renewable Electricity Generation</li> <li>○ National direction on infrastructure – existing policy progress (e.g. NPS-REG) and new national direction (e.g. policies, objectives and standards for infrastructure)</li> <li>○ Proposed NPS Natural Hazards</li> </ul> </li> <li>• Medium Density Residential Standards</li> </ul>	<ul style="list-style-type: none"> <li>• Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012</li> <li>• Environment Act 1986</li> <li>• Environmental Protection Act 2011, including oversight of the EPA</li> <li>• Environmental Reporting Act 2015</li> <li>• Fiordland (Te Moana o Atawhenua) Marine Management Act 2005</li> <li>• Hazardous Substances and New Organisms Act 1996</li> <li>• Litter Act 1979</li> <li>• Waste Minimisation Act 2008</li> <li>• Ozone Payer Protection Act 1996</li> <li>• Soil Conservation and Rivers Control Act 1941</li> <li>• Resource Management Act 1991 statutory functions (legislative amendments led by Minister of RMA reform)</li> <li>• Ministerial Land Use Inquiry (Jointly with Minister for Forestry)</li> <li>• Orders in Council made under the Severe Weather Emergency Recovery Legislation Act 2023</li> <li>• Forestry (NES – Commercial Forestry, and other Forestry national direction if developed)</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Chair of Oceans &amp; Fisheries Ministers Group</i></li> <li>• Resource Management Act 1991 statutory functions as Minister of Aquaculture</li> <li>• National direction related to aquaculture including: <ul style="list-style-type: none"> <li>○ National Environmental Standards for Marine Aquaculture 2020</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Resource Management Act 1991 functions as Minister of Conservation in relation to: <ul style="list-style-type: none"> <li>○ the mandatory NZ Coastal Policy Statement</li> <li>○ approving Regional Coastal Plans</li> </ul> </li> <li>• the Coastal Marine Area more broadly</li> </ul>
<p>Parliamentary Under-Secretary Simon Court MP</p>	<p>Associate Minister for the Environment Hon Andrew Hoggard</p>		
<ul style="list-style-type: none"> <li>• National direction policy on infrastructure policies, objectives and standards</li> <li>• National direction on offshore wind energy generation</li> </ul>	<ul style="list-style-type: none"> <li>• Jobs for Nature</li> <li>• Farm-facing freshwater instruments <ul style="list-style-type: none"> <li>○ freshwater farm plans (Part 9A of the RMA)</li> <li>○ stock exclusion regulations</li> <li>○ national environment standards for sources of human drinking water</li> <li>○ new national direction on water storage</li> </ul> </li> <li>• Biodiversity policy relating to significant natural areas and biodiversity credits</li> </ul>		

<sup>1</sup> Recommend that this group could include:

Hon Chris Bishop (Chair), Hon Penny Simmonds, Hon Shane Jones, Hon Tama Potaka, Hon Simeon Brown (Energy, Local Government, Transport, Auckland), Hon Todd McClay (Agriculture, Forestry, Hunting and Fishing), Hon Melissa Lee (Economic Development), Hon Simon Watts (Climate Change), Hon Andrew Hoggard (Associate Environment, Associate Agriculture)



RT HON CHRISTOPHER LUXON  
PRIME MINISTER

4 February 2024

Hon Chris Bishop, Minister Responsible for RMA Reform  
Hon Penny Simmonds, Minister for the Environment

Dear Ministers

I refer to Minister Bishop's letter to me, which includes an A3 document on the proposed split between the new RMA Reform portfolio, the Environment and other relevant portfolios.

Subject to the clarification set out below (relating to the penultimate paragraph in the letter), I confirm my agreement to the arrangements proposed, and authorise the Minister Responsible for RMA Reform to be the responsible Minister for the relevant legislative provisions.

As the Minister Responsible for RMA Reform, I expect Minister Bishop to take the lead on engagement with the National Iwi Chairs Forum on Resource Management Act matters (and be involved in the discussions in relation to the government's overall agenda).

I expect that you will consult my office, and seek my approval as required, in the event that further clarification is required or if you identify any further Ministerial functions or duties that should more appropriately be transferred to the RMA Reform portfolio.

I also expect that all relevant Ministers, including the Associate Minister for the Environment and the Ministers of Agriculture, Conservation, and Oceans and Fisheries, will be consulted on matters that could impact on resource management issues.

Yours sincerely

Rt Hon Christopher Luxon  
Prime Minister

copied to: CE, DPMC  
CE, MfE  
CE, DOC  
CE, MPI

#330552

## Appendix 3 – Approach to advising on the distribution of RMA statutory functions and powers across Ministerial portfolios

\* = 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	Ministerial statutory functions and powers under the RMA	Relevant RMA sections	Description of the functions and powers	Who will receive advice
1	Decision-making on national direction instruments (except section 360 regulations).	<b>24(a)-(ba)</b>  43-58K	National direction instruments include national policy statements, national environmental standards, national planning standards  <i>Note – this relates to the legislative powers under the RMA to make or amend national direction only. Responsibilities for individual instruments remain with the relevant portfolio Minister.</i>	<b>Minister Responsible for RMA Reform</b>  <b>Minister of Conservation</b> (in relation to the NZ coastal policy statement only)  Cc other Ministers only if directly relevant to their portfolio interests or an instrument they are specifically responsible for
2	Ability to 'call in' a plan/plan change and nationally significant proposals; Decisions on certificates of compliance for nationally significant proposals.	<b>24(c)</b>  37B  42C  139  140-149ZG	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>Lead assessed on a case-by-case basis:</b>  <ul style="list-style-type: none"> <li>Minister Responsible for RMA Reform if broader strategic or integration issues</li> <li>Minister for the Environment for all other matters</li> </ul> Direction sought asap if unclear  Advice sent to identified lead Minister  Other Minister always cc'd for visibility

				Cc other Ministers only if directly relevant for their portfolio interests
3	Heritage Protection—The recommendation of the approval of an applicant as a heritage protection authority; transfer of heritage protection order.	<b>24(d)</b> 188 195B-195C	Like requiring authority approval, the Minister's role is to assess and determine Heritage Protection Authority applications.	<b>Minister for the Environment</b>  Cc other Ministers only if directly relevant for their portfolio interests
4	Requiring Authorities—The recommendation of the approval of an applicant as a requiring authority (RA).	<b>24(d)</b> 167	Under the RMA a local authority, all Ministers of the Crown, and network utility operators that are approved by the Minister can 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. RAs 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.	<b>Minister for the Environment</b>  Cc other Ministers only if directly relevant for their portfolio interests  <i>Note: The Minister Responsible for RMA Reform will be informed of Requiring Authority applications if there are broader strategic or integration issues</i>
5	Water Conservation Orders— Decision-making on whether water conservation order applications should be referred to a special tribunal and deciding whether to recommend issuing them.	<b>24(e)</b> 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	<b>Minister for the Environment</b>  Cc other Ministers only if directly relevant for their portfolio interests

			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.	
6	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.	<b>24(f)-(ga)</b>	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>Minister Responsible for RMA Reform</b>  Cc other Ministers only if directly relevant for their portfolio interests
7	Consideration of use of economic instruments to achieve the purpose of the RMA.	<b>24(h)</b>	The Minister has the authority to investigate the use of economic instruments, including charges, levies, and incentives.	<b>Minister Responsible for RMA Reform</b> (agreed in BRF-4113)  Cc other Ministers only if directly relevant for their portfolio interests
8	Ability to investigate a local authority and make recommendations on its exercise or performance and allows the Minister to act under section 25 or 25A.	<b>24A</b>	The Minister can 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.	<b>Lead assessed on a case-by-case basis:</b> <ul style="list-style-type: none"> <li>• Minister Responsible for RMA Reform if broader strategic or integration issues</li> <li>• Minister for the Environment for all other matters</li> </ul> Direction sought asap if unclear  Advice sent to identified lead Minister  Other Minister always cc'd for visibility  Cc other Ministers only if directly relevant for their portfolio interests

<p>9</p>	<p>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.</p>	<p><b>25</b></p>	<p>Where the Minister finds that the local authority is not exercising or performing any of its functions, powers or duties, the Minister can appoint 1 or more persons to perform all those functions, powers, or duties in place of the local authority.</p>	<p><b>Lead assessed on a case-by-case basis:</b></p> <ul style="list-style-type: none"> <li>• Minister Responsible for RMA Reform if broader strategic or integration issues</li> <li>• Minister for the Environment for all other matters</li> </ul> <p>Direction sought asap if unclear</p> <p>Advice sent to identified lead Minister</p> <p>Other Minister always cc'd for visibility</p> <p>Cc other Ministers only if directly relevant for their portfolio interests</p>
<p>10</p>	<p>Ability to direct a local authority to prepare a plan change/variation in relation to section 30 and 31 of the RMA.</p>	<p><b>25A</b></p>	<p>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.</p>	<p><b>Lead assessed on a case-by-case basis:</b></p> <ul style="list-style-type: none"> <li>• Minister Responsible for RMA Reform if broader strategic or integration issues</li> <li>• Minister for the Environment for all other matters</li> </ul> <p>Direction sought asap if unclear</p> <p>Advice sent to identified lead Minister</p> <p>Other Minister always cc'd for visibility</p> <p>Cc other Ministers only if directly relevant for their portfolio interests</p>

11	Ability to direct a local authority to review whole or part of a regional or district plan.	<b>25B</b>	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.	<p><b>Lead assessed on a case-by-case basis:</b></p> <ul style="list-style-type: none"> <li>• Minister Responsible for RMA Reform if broader strategic or integration issues</li> <li>• Minister for the Environment for all other matters</li> </ul> <p>Direction sought asap if unclear</p> <p>Advice sent to identified lead Minister</p> <p>Other Minister always cc'd for visibility</p> <p>Cc other Ministers only if directly relevant for their portfolio interests</p>
12	Decision to make grants or loans to assist in achieving the purpose of the RMA.	<b>26</b>	The Minister has the authority to make grants or loans to any person assisting in the achievement of the purpose of the Act.	<p><b>Minister for the Environment</b></p> <p>Cc other Ministers only if directly relevant for their portfolio interests</p>
13	The Minister may require local authorities to supply information in relation to its functions, powers, or duties under the RMA.	<b>27</b>	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.	<p><b>Lead assessed on a case-by-case basis:</b></p> <ul style="list-style-type: none"> <li>• Minister Responsible for RMA Reform if broader strategic or integration issues</li> <li>• Minister for the Environment for all other matters</li> </ul> <p>Direction sought asap if unclear</p> <p>Advice sent to identified lead Minister</p> <p>Other Minister always cc'd for visibility</p>

				Cc other Ministers only if directly relevant for their portfolio interests
14	Sets out the functions of the Minister of Conservation in relation to the coastal marine environment	<b>28-28A</b>	The Minister has responsibility for preparing the NZ coastal policy statement, approving regional coastal plans, effectiveness monitoring and information requests.	<b>Minister of Conservation</b>  To be advised by DOC in the first instance
15	Sets out the functions of the Minister of Aquaculture in relation to decisions on aquaculture activities in the coastal marine area	<b>28B</b>  Part 7A  360A-360C	In relation to aquaculture activities, the Minister has responsibility for suspending receipt of applications for coastal permits, making a direction to process and hear applications for coastal permits together, recommend regulations to amend regional coastal plans and make decisions on the allocation of authorisations.	<b>Minister of Aquaculture</b>  To be advised by MPI in the first instance
16	Notice from local authorities of joint management agreement.	<b>36B</b>	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.	<b>Minister for the Environment</b>  Cc other Ministers only if directly relevant for their portfolio interests
17	Authorisation and responsibilities of enforcement officers*.	<b>38</b>	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.	<b>Minister for the Environment</b>  Cc other Ministers only if directly relevant for their portfolio interests
18	Accreditation of hearings commissioners.	<b>39A</b>	The Minister must approve the qualification(s) required to become accredited as a Commissioner under the RMA.	<b>Minister for the Environment</b>  Cc other Ministers only if directly relevant for their portfolio interests

19	Mana Whakahono ā Rohe - dispute resolution.	<b>58S</b>	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.	<p><b>Lead assessed on a case-by-case basis:</b></p> <ul style="list-style-type: none"> <li>• Minister Responsible for RMA Reform if broader strategic or integration issues</li> <li>• Minister for the Environment for all other matters</li> </ul> <p>Direction sought asap if unclear</p> <p>Advice sent to identified lead Minister</p> <p>Other Minister always cc'd for visibility</p> <p>Cc other Ministers only if directly relevant for their portfolio interests</p>
20	Ability to request a change to a regional policy statement.	<b>60</b> 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.	<p><b>Lead assessed on a case-by-case basis:</b></p> <ul style="list-style-type: none"> <li>• Minister Responsible for RMA Reform if broader strategic or integration issues.</li> <li>• Minister for the Environment for all other matters</li> </ul> <p>Direction sought asap if unclear</p> <p>Advice sent to identified lead Minister</p> <p>Other Minister always cc'd for visibility</p> <p>Cc other Ministers only if directly relevant for their portfolio interests</p>
21	Streamlined Planning Process (SPP).	<b>80B-80C</b>	This section of the Act allows a local authority to ask the Minister if they can use an expedited planning process for a particular	<p><b>Lead assessed on a case-by-case basis:</b></p>

		Schedule 1, Part 5	<p>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:</p> <p>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.</p> <p>The Minister also makes the final decisions on the proposed planning instrument that has gone through the Streamlined Planning Process.</p>	<ul style="list-style-type: none"> <li>Minister Responsible for RMA Reform if broader strategic or integration issues</li> <li>Minister for the Environment for all other matters</li> </ul> <p>Direction sought asap if unclear</p> <p>Advice sent to identified lead Minister</p> <p>Other Minister always cc'd for visibility</p> <p>Cc other Ministers only if directly relevant for their portfolio interests</p>
22	Decision-making on requests from specified territorial authorities <sup>3</sup> for more time to complete the intensification streamlined planning process (ISPP) <sup>4</sup> . The RMA provides for:	<b>80D-80M</b>	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.	<p><b>Minister Responsible for RMA Reform</b> (agreed in BRF-4113)</p> <p>Cc other Ministers only if directly relevant for their portfolio interests</p>

<sup>3</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>4</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.

	<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>			
23	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.	<b>82</b>	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.	<p><b>Minister of Conservation</b> (in relation to the NZ coastal policy statement only)</p> <p><b>Minister Responsible for RMA Reform</b> (for all other National direction)</p> <p>Cc other Ministers only if directly relevant to their portfolio interests or an instrument they are specifically responsible for</p>
24	The right to appeal decisions on RMA plans and consents.	<b>120</b>	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.	<p><b>Lead assessed on a case-by-case basis:</b></p> <ul style="list-style-type: none"> <li>Minister Responsible for RMA Reform if broader strategic or integration issues</li> <li>Minister for the Environment for all other matters</li> </ul> <p>Direction sought asap if unclear</p>

				<p>Advice sent to identified lead Minister</p> <p>Other Minister always cc'd for visibility</p> <p>Cc other Ministers only if directly relevant for their portfolio interests</p>
25	Receive notice from local authority of intention to review consent conditions where relevant national direction applies.	<b>130(8)</b>	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.	<i>Minister Responsible for RMA reform and the Minister for the Environment are both notified when local authorities are consulting via the weekly update.</i>
26	Powers to intervene in a matter. This power can only be used if an issue is a "matter" as defined under s141.	<b>141</b>	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.	<p><b>Lead assessed on a case-by-case basis:</b></p> <ul style="list-style-type: none"> <li>• Minister Responsible for RMA Reform if broader strategic or integration issues</li> <li>• Minister for the Environment for all other matters</li> </ul> <p>Direction sought asap if unclear</p> <p>Advice sent to identified lead Minister</p> <p>Other Minister always cc'd for visibility</p> <p>Cc other Ministers only if directly relevant for their portfolio interests</p>
27	An order in council may be made requiring a consent authority to not grant a coastal permit in certain circumstances	<b>152</b>	The Minister can advise the Governor General to make an order in council that prevents consent authorities from granting a coastal permit for the removal of sand,	<p><b>Minister of Conservation</b></p> <p>To be advised by DOC in the first instance</p>

			shingle or to reclaim or drain an area that is foreshore or seabed.	
28	Call of public tenders for authorisations in the coastal marine area	<b>157</b>	The Minister may offer authorisations to undertake certain activities in the coastal marine area by a public tender.	<b>Minister of Conservation</b> To be advised by DOC in the first instance
29	Approval of an allocation method for the allocation of space in the common marine and coastal area	<b>165N</b>	The Minister can approve an allocation method if a request to approve one is received.	<b>Minister of Conservation</b> To be advised by DOC in the first instance
30	Receive notification of a transfer of responsibilities for designations.	<b>180</b>	A requiring authority is required to advise the Minister that they have transferred financial responsibility for a project or work, including the designation.	<b>Minister for the Environment</b> Cc other Ministers only if directly relevant for their portfolio interests
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.	<b>217A-217M</b>	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>Associate Minister for the Environment</b> Cc Minister Responsible for RMA Reform Cc Minister for the Environment Cc other Ministers only if directly relevant for their portfolio interests  <i>Note the Minister for the Environment and Minister Responsible for RMA Reform retain responsibility for the formal exercise of any statutory functions and powers under the RMA relating to the delegation.</i>
32	Ability to make regulations via an Order in Council to collect information relating to the purchase of nitrogenous fertiliser	<b>217Q</b>	Regulations can be made by the Governor General on the recommendation of the Minister for the Environment to collect information on the purchase of nitrogenous	<b>Minister for the Environment</b> Cc other Ministers only if directly relevant for their portfolio interests

			fertiliser, including date of purchase, name of purchases volume purchased etc.	
33	Recommendations on (re)appointment of Environment Court judges; Chief Environment Judge; Environment Commissioner or Deputy Environment Commissioner.	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.	<b>Minister for the Environment</b>  Cc other Ministers only if directly relevant for their portfolio interests
34	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.	<b>Lead assessed on a case-by-case basis:</b> <ul style="list-style-type: none"> <li>• Minister Responsible for RMA Reform if broader strategic or integration issues or include housing or infrastructure.</li> <li>• Minister of Conversation for coastal matters</li> <li>• Minister for the Environment for all other matters</li> </ul> Direction sought asap if unclear  Advice sent to identified lead Minister  Other Minister always cc'd for visibility  Cc other Ministers only if directly relevant for their portfolio interests
35	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.	Which Minister applies for a declaration, or an enforcement order will depend on the subject matter of the order or declaration.  Direction sought asap if unclear

			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.	<p>Advice sent to identified lead Minister</p> <p>Other Minister always cc'd for visibility</p> <p>Cc other Ministers only if directly relevant for their portfolio interests</p>
36	Ability to make a wide range of regulations necessary for the efficient administration of some of the matters set out in the RMA	<b>360</b>	Section 360 contains a raft of matters for which largely administrative regulations can be made to add additional detail or minor matters to processes or procedures set out in the RMA.	<p><b>Minister for the Environment</b></p> <p>Cc other Ministers only if directly relevant for their portfolio interests</p>
37	Advice to local authorities doing pre-notification consultation on a proposed policy statement or plan.	<b>Schedule 1, part 1, clause 3-3A</b>	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.	<p><i>Minister Responsible for RMA reform and the Minister for the Environment are both notified when local authorities are consulting via the weekly update.</i></p> <p><b>Ministers have discretion on whether to comment. Lead for any comments assessed on a case-by-case basis:</b></p> <ul style="list-style-type: none"> <li>• Minister Responsible for RMA Reform if broader strategic or integration issues.</li> <li>• Minister for the Environment for all other matters</li> </ul> <p>Direction sought asap if unclear</p> <p>Advice sent to identified lead Minister</p> <p>Other Minister always cc'd for visibility</p> <p>Cc other Ministers only if directly relevant for their portfolio interests</p>

38	Receive notification of proposed policy statement or plan; decision on whether to submit.	<b>Schedule 1, part 1, clause 5-6A</b>	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) can make a submission.	<p><i>Minister Responsible for RMA reform and the Minister for the Environment are both notified when local authorities are consulting via the weekly update.</i></p> <p><b>Ministers have discretion on whether to comment. Lead for any comments assessed on a case-by-case basis:</b></p> <ul style="list-style-type: none"> <li>• Minister Responsible for RMA Reform if broader strategic or integration issues.</li> <li>• Minister for the Environment for all other matters</li> </ul> <p>Direction sought asap if unclear</p> <p>Advice sent to identified lead Minister</p> <p>Other Minister always cc'd for visibility</p> <p>Cc other Ministers only if directly relevant for their portfolio interests</p>
39	Extension of time request for a decision on a plan change.	<b>Schedule 1, part 1, clause 10A</b>	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.	<p><b>Minister for the Environment</b></p> <p>Cc other Ministers only if directly relevant for their portfolio interests</p>
40	Approving a regional coastal plan*.	<b>Schedule 1, part 1, clause 19</b>	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.	<p><b>Minister of Conservation</b></p> <p>To be advised by DOC in the first instance</p>

41	Receive notification of a policy statement, plan or plan change made operative.	<b>Schedule 1, part 1, clause 20</b>	Local authorities are required to advise the Minister of the date a plan change becomes fully operative.	<i>Minister Responsible for RMA reform and the Minister for the Environment are both notified when local authorities are consulting via the weekly update.</i>
42	Ability to appoint freshwater commissioners; and set fees for freshwater hearings panels.	<b>Schedule 1, part 4, clause 63 &amp; 65-67</b>	The Minister must appoint a chief freshwater commissioner, may appoint freshwater commissioners, and if appointed must set the rate of salary, fees, and allowances.	<b>Minister Responsible for RMA Reform</b> Cc other Ministers only if directly relevant for their portfolio interests
43	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.	<b>Schedule 1, part 6, clause 101 &amp; 105</b>	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.	<b>Minister Responsible for RMA Reform</b> (agreed in BRF-4113) Cc other Ministers only if directly relevant for their portfolio interests