

Agenda – RM Reform Ministerial Oversight Group Meeting #7

Date: Monday 31 May 2021, 3.30 – 4.30 pm

Location: 2.1 EW

Chair: Hon Grant Robertson, Minister of Finance

Deputy Chair: Hon David Parker, Minister for the Environment

Attendees: Hon Kelvin Davis, Minister for Māori Crown Relations: Te Arawhiti
 Hon Megan Woods, Minister of Housing
 Hon Nanaia Mahuta, Minister of Local Government
 Hon Poto Williams, Minister for Building and Construction
 Hon Damien O'Connor, Minister of Agriculture
 Hon Peeni Henare, (Acting) Associate Minister of Culture and Heritage
 Hon Willie Jackson, Minister for Māori Development
 Hon Michael Wood, Minister of Transport
 Hon Kiritapu Allan, Associate Minister for the Environment
 Hon Dr Ayesha Verrall, (Acting) Minister of Conservation
 Hon Phil Twyford, Associate Minister for the Environment
 Hon James Shaw, Minister of Climate Change

3.30 – 4.05	Agenda Item 1: Policy decisions on the Strategic Planning Act	Lead speaker: Minister for the Environment
<p>Description/key areas to focus discussion:</p> <ul style="list-style-type: none"> • The SPA paper seeks decisions on the purpose of the SPA, the function and scope of regional spatial strategies and their integration across the wider system. • The paper emphasises that regional spatial strategies are to be high-level, strategic and improve system efficiency rather than adding additional complexity to the system. • Key matters to discuss include the three options for the scope of regional spatial strategies – Narrow, Strategic (preferred) and Comprehensive, and the relationship between regional spatial strategies, the National Planning Framework and NBA plans. 		
<p>Decisions Sought</p> <p>agree to officials working with Parliamentary Counsel Office to progress drafting the SPA on the basis of the decisions in this paper</p> <p><i>SPA Purpose Statement</i></p> <p>agree to using the Panel's indicative purpose for the SPA as the basis for drafting with modifications to align with the NBA</p> <p>agree that the purpose of the SPA should include reference to the promotion of the wellbeing of present and future generations through the long-term strategic integration of functions exercised under specified legislation</p>		

agree that definitions of terms referred to in the SPA purpose should align with the NBA definitions of those terms, including those for 'wellbeing' and 'environment'

agree that the SPA purpose sub-clauses that describe the functions under specified legislation will be aligned with NBA clauses (as appropriate) to promote alignment between the two Acts

agree that the 'specified legislation' referred to in the SPA purpose should include the:

- a. Natural and Built Environments Act
- b. Local Government Act 2002
- c. Land Transport Management Act 2003

agree in principle that the Climate Change Response Act 2002 should be included in the 'specified legislation' subject to further advice

agree in principle that, dependent on final content once passed, 'specified legislation' should also include:

- a. Acts resulting from three waters reform
- b. the proposed Climate Adaptation Act

note that officials will provide advice on consequential changes to other legislation for a future MOG meeting and that this may include advice to further expand the list of 'specified legislation'

agree in principle that the SPA does not require its own outcomes but should instead provide that the NBA outcomes apply, with this decision to be revisited if necessary following the exposure draft inquiry

agree that the SPA contain a clause to the effect that, to assist in achieving the purpose of the SPA, those exercising functions and powers under it must:

- a. provide for national outcomes set out in the NBA purpose/outcomes section, as directed by the NPF
- b. consider how the relevant outcomes and objectives contained within specified national strategic plans and documents (such as Government Policy Statements) can be applied regionally

Purpose of regional spatial strategies

agree that the purpose of regional spatial planning and the resulting regional spatial strategies is to promote overall system integration and the wellbeing of present and future generations, including by:

- a. identifying a shared long-term high-level vision, objectives and priority actions for how a region will grow and change over time, underpinned by a robust evidence base
- b. translating relevant national-level direction into a regional context
- c. supporting strategic integration of statutory functions specified in the purpose of the SPA
- d. improving coordination and alignment of infrastructure investment between central government, local authorities and other infrastructure providers
- e. providing strategic direction to other parts of the planning system
- f. upholding relevant Treaty settlement legislation and other bespoke Māori-related legislation that amends or interacts in a relevant way with the RMA to the extent they are affected by SPA planning

Time horizon of regional spatial strategies

agree that regional spatial strategies should set a strategic direction for at least the next 30 years. This should be informed by longer-term data and evidence as appropriate, such as 30 to 50 years for a new transport corridor, and 100 years plus projections for climate change

Scope of regional spatial strategies

note that a regional spatial strategy's focus or extent of coverage of the matters within scope will differ depending on the region and context

agree that regional spatial strategies may also cover other matters that meet a statutory test or criteria relating to the significance of their impact on the nation or region (eg, a significant new tourist attraction that is critical to the regional economy and needs to be integrated with decisions on infrastructure investment)

note that it is important that the RM system supports the efficient and cost-effective delivery of strategic infrastructure at all levels of planning, and that regional spatial strategies have an important role in ensuring that the infrastructure identified in the strategies can be implemented through subsequent designations and consents under the NBA and funding processes

note that officials are currently working across the RM reform programme to ensure a coherent approach to planning and infrastructure delivery that flows logically from the NPF, to SPA and into NBA plans and will provide specific recommendations at a later date

Level of detail within regional spatial strategies

agree that regional spatial strategies should be strategic and high-level, and:

- a. identify indicative locations for proposed (visionary) activities rather than specific site boundaries, except where boundaries have already been identified (eg, through the National Planning Framework)
- b. include high-level information on indicative locations for future development capacity, including infrastructure corridors, and the basis (or triggers, such as a developer presenting a feasible proposal) used to guide decision-making
- c. provide a greater level of detail for short-term elements of the strategy, and less detail and greater flexibility for changes and activities planned further out in time (medium and long-term)
- d. inform the development of more detailed implementation agreements

agree, subject to a) to c) above, that the level of detail included in a regional spatial strategy can vary to suit the particular area or activity

Evidence and strategic framework for developing regional spatial strategies

agree that all regional spatial strategies should be informed by robust information and evidence, including mātauranga Māori that is proportionate to the level of detail required in the strategies

direct officials to provide advice for a future MOG meeting about what information and evidential requirements should be prescribed in the SPA

National Priorities Statement

agree that a National Priorities Statement is not needed

Legal weight between NPF and spatial strategies

agree that spatial strategies must 'implement' (eg, 'give effect to', or similar legal weighting) any provisions of the NPF that the NPF explicitly states are to be implemented through a spatial strategy

agree that spatial strategies must be 'consistent with' (or similar legal weighting) any other provisions of the NPF (ie, those that are to be implemented through NBA plans)

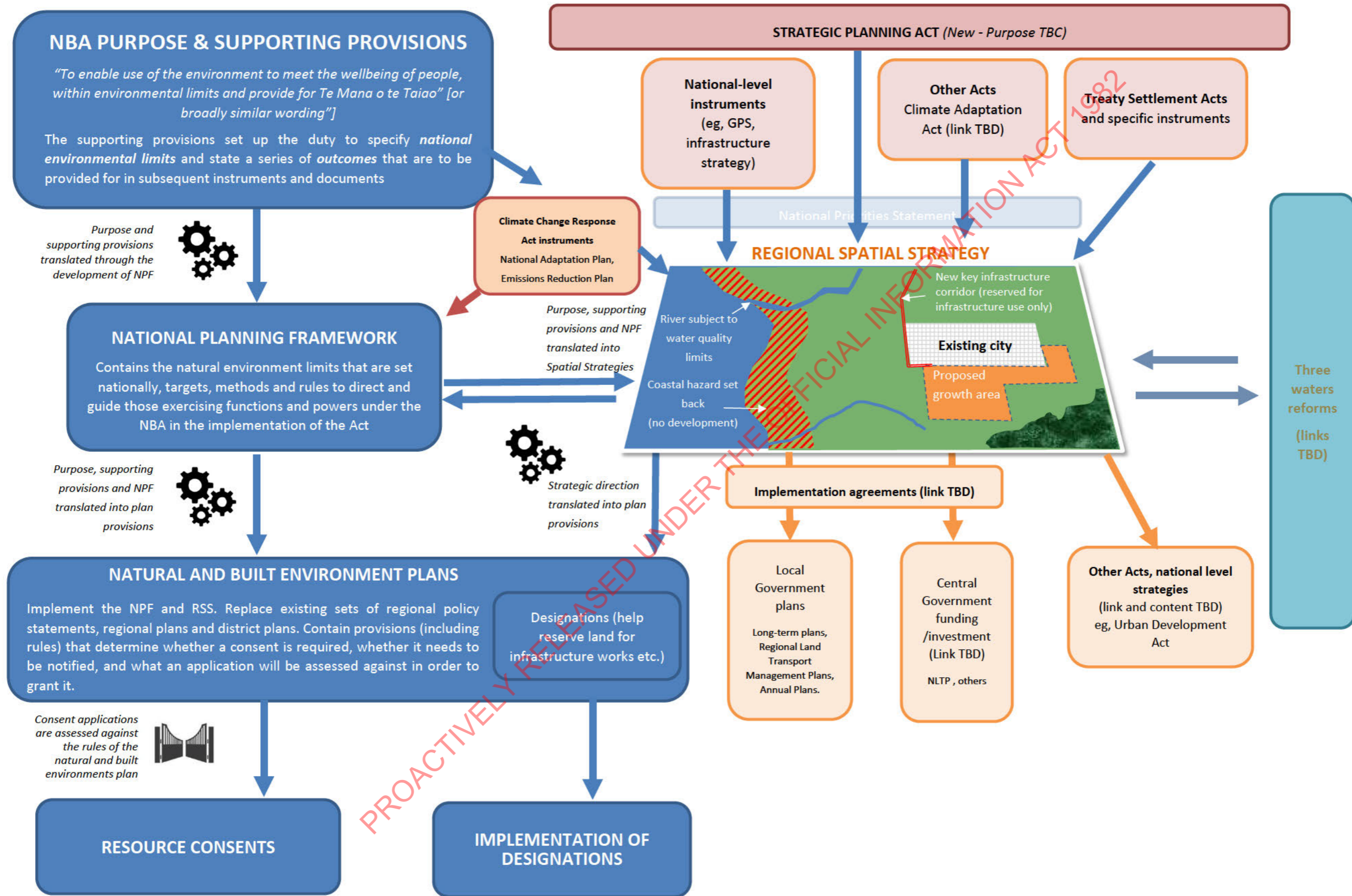
Legal weight between spatial strategies and NBA plans

<p>agree that spatial strategies must have sufficient legal weight on NBA plans to ensure that any key strategic decisions made through the strategy are not revisited or relitigated when preparing NBA plans.</p> <p><i>Treaty Settlement Acts</i></p> <p>note that Treaty settlement Acts specify the legal weight that must be applied to Treaty settlement arrangements or specific instruments in an RMA context and the purpose, functions and powers of existing governance arrangements</p> <p>note that further work, including engagement with the relevant PSGEs, will be done to identify commitments that are materially affected by the SPA and what is needed to provide for them in the SPA</p> <p><i>Integration with instruments in other legislation</i></p> <p>agree to the policy intention that regional spatial strategies should have particular regard to current and future Government Policy Statements (GPS), including the GPS for land transport and the future GPS for housing and urban development</p> <p>agree that regional spatial strategies should take into account the Minister's response to the National 30-year infrastructure strategy, where they are relevant to regional spatial planning</p> <p><i>National-level direction for regional spatial strategies</i></p> <p>agree in principle that if there are conflicts between different national-level direction or outcomes shaping a spatial strategy that cannot be resolved through the spatial strategy process, the NPF direction takes priority</p> <p><i>Local level plans and other instruments</i></p> <p>agree with the policy intent that LTPs, Annual Plans, local authority infrastructure strategies, and RLTPs should be required to take active steps towards the 30-year strategy in regional spatial strategies, while having flexibility to consider timing and sequencing, and matters outside the resource management system as required by their respective legislation</p> <p>note that the governance model for spatial strategies will also have implications for how spatial strategies direct local instruments</p>		
<p>Supporting documents</p> <ul style="list-style-type: none"> • Key decisions – RM Reform Ministerial Oversight Group Meeting #7 • Recommendations – RM Reform Ministerial Oversight Group Meeting #7 • Paper 1 - The Strategic Planning Act: purpose, function and scope of regional spatial strategies, and integration with the resource management system (for item 1) 		
4.05 – 4.25	Agenda Item 2: Te Oranga o te Taiao	Lead speaker: Minister for the Environment
<p>Description/key areas to focus discussion:</p> <ul style="list-style-type: none"> • Both the MOG and the MOG Māori Interests sub-group have considered options for the inclusion of Te Mana o te Taiao (or an equivalent concept) in the proposed Natural and Built Environments Act (NBA). This item seeks MOG agreement to include Te Oranga o te Taiao in the NBA exposure draft. 		
<p>Decisions Sought</p> <ul style="list-style-type: none"> • Refer to supporting paper (provided separately) 		
<p>Supporting documents</p> <ul style="list-style-type: none"> • Paper 3: Including Te Oranga o te Taiao in the Natural and Built Environments Act exposure draft (for item 2 - provided separately) 		

4.25 – 4.30	Agenda Item 3: Addressing gaps and inconsistencies between proposed NBA outcomes and mandatory direction in the National Planning Framework	Lead speaker: Minister for the Environment
<p>Description to focus discussion:</p> <ul style="list-style-type: none"> This paper seeks MOG agreement for officials to make minor changes to the list of mandatory direction in the National Planning Framework (NPF) to ensure it is consistent with the proposed NBA outcomes. 		
<p>Decisions Sought:</p> <p>agree to add mandatory direction on 'outcomes' for the topics covered by environmental limits</p> <p>agree to cross reference the specific relevant 'outcomes' within the existing topic areas agreed for national direction</p> <p>agree to clarify mandatory national direction on climate change is intended to cover climate change mitigation and adaptation, and natural hazard risk reduction</p>		
<p>Supporting documents</p> <ul style="list-style-type: none"> Key decisions – RM Reform Ministerial Oversight Group Meeting #7 Recommendations – RM Reform Ministerial Oversight Group Meeting #7 Paper 2 - Addressing gaps and inconsistencies between proposed NBA outcomes and mandatory direction in the National Planning Framework (for item 3) 		

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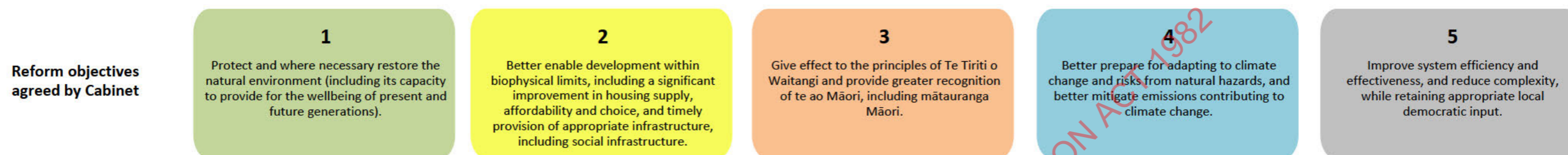
Proposed future system overview diagram



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Key Decisions – RM Reform Ministerial Oversight Group Meeting #7

This note summarises key decisions being sought. The formal decision papers with advice and recommendations are attached separately.



Description of decisions sought in attached papers	Context and next steps (including outstanding decisions)	Objectives met	Implications versus status quo
Paper 1: The Strategic Planning Act (SPA): purpose, function and scope of regional spatial strategies, and integration with the resource management system (for item 1)			
Agree matters relating to the purpose of the SPA	<ul style="list-style-type: none"> Proposed purpose is broadly consistent with the Panel's indicative purpose statement for the SPA, with modifications to align with the NBA (including definitions and functions under specified legislation). Further advice will come to a later MOG on how to most appropriately reflect relevant Te Tiriti obligations (including settlements) in the SPA in the context of Te Tiriti related decisions made by the MOG on the NBA. It will be important that the included list of 'specified legislation' containing functions to be integrated by the SPA, is updated once there is greater certainty about the content of the Climate Adaptation Act and Acts resulting from three waters reform. The paper recommends the SPA does not require its own outcomes but should instead provide that the NBA outcomes apply, with the decision to be revisited if necessary following the exposure draft inquiry. 	1, 2, 3, 4	<ul style="list-style-type: none"> ❖ The SPA would address problems in the current system, including: <ul style="list-style-type: none"> ○ a lack of a longer term, outcomes-based approach to planning ○ poor alignment of decisions about land use, infrastructure, environmental protection, climate change and natural hazards ○ fragmented governance and decision making with multiple actors across a range of domains and insufficient central government involvement and coordination ○ poor incentives on councils to come together to coordinate, provide for and fund infrastructure to respond to growth and change. ❖ The above problems have a negative impact on wellbeing due to development on inappropriate land, inefficiencies in infrastructure investment and constraints on development capacity. ❖ The proposed SPA purpose statement is centred on the long-term strategic integration of specified statutory functions to promote wellbeing. This reflects the role of the SPA in addressing the above problems in the current system.
Agree the purpose, time period, scope and level of detail of regional spatial strategies	<ul style="list-style-type: none"> Regional spatial planning is primarily a strategic planning exercise. Regional spatial strategies should be high-level and strategic and focus on the major strategic issues and opportunities for a region, including significant anticipated changes in land use, environmental management and major infrastructure. Regional spatial strategies will need to uphold Treaty settlement legislation and other bespoke Māori-related legislation that amends or interacts in a relevant way with the RMA to the extent they are relevant to SPA planning. As recommended by the Panel, regional spatial strategies should set a strategic direction for at least the next 30 years. This should be informed by longer-term data and evidence as appropriate, such as 30 to 50 years for a new transport corridor, and 100 years plus projections for climate change. The paper presents three options for the scope of regional spatial strategies and recommends the 'strategic' option. This is in line with the Panel's recommendation with the addition of discretionary matters that meet a statutory test or criteria relating to the significance of their impact on the nation, region or sub-region. 	All	<ul style="list-style-type: none"> ❖ Regional spatial strategies will be the key mechanism to achieve the purpose of the SPA. They will help to address problems in the current system by: <ul style="list-style-type: none"> ○ enabling longer term, future-focused, outcomes-based planning ○ enabling central government, local authorities, and iwi/hapū to partner in a process to develop a future-focused vision for a region, a set of objectives and priority actions ○ moving planning above the traditional land use plans and zoning decisions to providing more strategic, integrated direction about how decisions around land use, infrastructure, environmental protection, climate change and natural hazards can be integrated

	<ul style="list-style-type: none"> • The paper presents two options for the level of detail of regional spatial strategies and recommends they be strategic and high-level (rather than detailed and prescriptive) but based on robust evidence and analysis as appropriate and proportionate to the level of detail of the spatial strategy. The SPA should provide flexibility for the level of detail to vary as appropriate to suit the particular time period, area or activity. This is in line with the Panel's recommendation. • The paper recommends that MOG invite officials to: <ul style="list-style-type: none"> ○ report back to MOG on detailed proposals for the significance test/criteria for inclusion of discretionary matters in a spatial strategy ○ report back to the Urban Development and Infrastructure subgroup on the components within the resource management system needed to establish competitive urban land markets, including whether any adjustments may be required to the Public Works Act 1981 ○ provide advice on the information and evidential requirements to prescribe in the SPA for development of regional spatial strategies. • The paper recommends that a national priorities statement is not required to direct the development of regional spatial strategies, and officials will provide advice to a later MOG on how to fulfil the functions that the Panel outlined for the national priorities statement. 		<ul style="list-style-type: none"> ○ providing an evidence-based vision and set of priorities to guide decisions further down the planning system and improve the basis upon which central government, local government and other actors make infrastructure and other investment decisions ○ improving the process for choosing the best approaches for achieving environmental limits and integrating functions to achieve this ○ helping to understand where there are trade-offs and tensions and presenting a framework for guiding joined-up planning and investment decisions. ❖ Regional spatial strategies provide the opportunity to facilitate some of the necessary components of establishing a competitive urban land market and set the strategic direction for more detailed land use and infrastructure funding decisions through NBA plans and Local Government Act 2002 and Land Transport Management Act 2003 investment plans. Making this change will involve some shifts from the way the land market is currently planned and regulated. It will also require design choices to maximise land market competition within a given level of public infrastructure resourcing. ❖ The provision and operation of infrastructure (hard, social and community) is a key issue across the resource management reforms. Regional spatial strategies will play a key role in integrating land use and infrastructure provision but will not address the broader infrastructure funding and financing constraints. This remains a key dependency.
<p>Agree policy intent for level of legal weight (strength of influence) that a range of Acts and national-level tools and strategies have on the development of regional spatial strategies, and the legal weight regional spatial strategies have to direct local level instruments</p>	<ul style="list-style-type: none"> • Regional spatial strategies provide the key integrating mechanism to bring together different functions across the system. This includes integrating national level direction (such as the National Planning Framework (NPF) under the NBA, direction from Government Policy Statements (GPSs) and other relevant national plans and strategies), with regional and iwi/Māori priorities to form a cohesive strategy that will shape how regions will grow and change over the next 30-years and beyond. • Regional spatial strategies will then in turn be implemented through a variety of instruments including NBA plans, central and local government funding mechanisms (such as those in the Local Government Act 2002 and the Land Transport Management Act 2003) and other policy documents. • How regional spatial strategies integrate with the NPF and NBA plans will be critical for system efficiency and achieving the outcomes sought by spatial planning. • Integrating national and regional priorities is one of the key roles of the regional spatial strategy. The new system needs to find a balance between providing certainty and leaving space for the Government of the day to express its priorities and preferences. • There is a possibility that some of these national level directions/ outcomes (eg, direction in GPSs for land transport and housing and urban development) may conflict with the direction in the NPF when applied in a particular region. Officials propose that if this occurs and the conflict cannot be resolved through the spatial planning process the NPF direction takes priority. Note that the NPF will contain direction on urban development and infrastructure. • Further work and advice to be provided to MOG on: <ul style="list-style-type: none"> ○ what statutory links are required between the SPA, regional spatial strategies and Treaty settlement arrangements and/or specified instruments ○ how climate change instruments (including the emissions reduction plan and national adaptation plan under the Climate Change Response Act, and the proposed Climate Adaptation Act) will be integrated ○ options for how central government will play its part in implementing regional spatial strategies in its land-use planning and funding decisions. 	<p>All</p>	<ul style="list-style-type: none"> ❖ Sufficient legal weight between NPF, NBA plans and regional spatial strategies ensures that direction in the NPF, including environmental limits are adequately reflected through the system, and that decisions made in the regional spatial strategy are not relitigated in the development of NBA plans. Ensuring decisions are made higher up in the system should increase efficiency in how most people engage in the system (eg, consenting processes). ❖ Multiple avenues for how the Government of the day can express its priorities and preferences. ❖ Greater clarity about how to resolve tensions in a regional spatial context, increasing efficiency in development of regional spatial strategies and NBA plans. ❖ Clear requirements for how local instruments must consider and implement strategic direction from a regional spatial strategy.

Paper 2: Addressing gaps and inconsistencies between proposed NBA outcomes and mandatory direction in the National Planning Framework (for item 3)

Agree clarifications to the mandatory direction provisions in the NBA exposure draft	<ul style="list-style-type: none">Recent decisions on the NBA outcomes have led to some gaps and inconsistencies between the current NBA outcomes and the previously agreed list of matters for mandatory national direction:<ul style="list-style-type: none">it is necessary for the exposure draft to make clear that limits and other national direction should be developed for the relevant NBA outcomes, to provide a coherent policy frameworkwhile national direction is required for natural hazards and climate change, infrastructure and urban development, it is preferable to refer to the specific wording of the agreed outcomes to improve the line of sight of policy development in the NBA.While mandatory national direction has already been agreed on natural hazards and climate change, it is preferable to clarify this covers both climate change mitigation (currently under development in the RMA) and adaptation, as well as natural hazard risk reduction.	1, 2, 4	❖ The status quo mandatory direction provisions in the exposure draft are not consistent with the NBA limits and outcomes. The proposed clarifications will ensure consistency.
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Recommendations – RM Reform Ministerial Oversight Group Meeting #7

Officials recommend that the RM Reform Ministerial Oversight Group:

Agenda Item 1: Policy decisions on the Strategic Planning Act

1. agree to officials working with Parliamentary Counsel Office to progress drafting the SPA on the basis of the decisions in this paper

SPA Purpose Statement

2. agree to using the Panel's indicative purpose for the SPA as the basis for drafting with modifications to align with the NBA
3. agree that the purpose of the SPA should include reference to the promotion of the wellbeing of present and future generations through the long-term strategic integration of functions exercised under specified legislation
4. invite officials to come back with further advice on how to most appropriately reflect relevant Te Tiriti obligations (including settlements) in the SPA in the context of Te Tiriti related decisions made by the MOG on the NBA
5. agree that definitions of terms referred to in the SPA purpose should align with the NBA definitions of those terms, including those for 'wellbeing' and 'environment'
6. agree that the SPA purpose sub-clauses that describe the functions under specified legislation will be aligned with NBA clauses (as appropriate) to promote alignment between the two Acts
7. agree that the 'specified legislation' referred to in the SPA purpose should include the:
 - a. Natural and Built Environments Act
 - b. Local Government Act 2002
 - c. Land Transport Management Act 2003
8. agree in principle that the Climate Change Response Act 2002 should be included in the 'specified legislation' subject to further advice
9. agree in principle that, dependent on final content once passed, 'specified legislation' should also include:
 - a. Acts resulting from three waters reform
 - b. the proposed Climate Adaptation Act
10. note that officials will provide advice on consequential changes to other legislation for a future MOG meeting and that this may include advice to further expand the list of 'specified legislation'
11. agree in principle that the SPA does not require its own outcomes but should instead provide that the NBA outcomes apply, with this decision to be revisited if necessary, following the exposure draft inquiry
12. agree that the SPA contain a clause to the effect that, to assist in achieving the purpose of the SPA, those exercising functions and powers under it must:
 - a. provide for national outcomes set out in the NBA purpose/outcomes section, as directed by the NPF

- b. consider how the relevant outcomes and objectives contained within specified national strategic plans and documents (such as Government Policy Statements) can be applied regionally

Purpose of regional spatial strategies

13. agree that the purpose of regional spatial planning and the resulting regional spatial strategies is to promote overall system integration and the wellbeing of present and future generations, including by:
 - a. identifying a shared long-term high-level vision, objectives and priority actions for how a region will grow and change over time, underpinned by a robust evidence base
 - b. translating relevant national-level direction into a regional context
 - c. supporting strategic integration of statutory functions specified in the purpose of the SPA
 - d. improving coordination and alignment of infrastructure investment between central government, local authorities and other infrastructure providers
 - e. providing strategic direction to other parts of the planning system
 - f. upholding relevant Treaty settlement legislation and other bespoke Māori-related legislation that amends or interacts in a relevant way with the RMA to the extent it is affected by SPA planning

Time horizon of regional spatial strategies

14. agree that regional spatial strategies should set a strategic direction for at least the next 30 years. This should be informed by longer-term data and evidence as appropriate, such as 30 to 50 years for a new transport corridor, and 100 years plus projections for climate change

Scope of regional spatial strategies

15. agree that the scope of regional spatial strategies should be consistent with the 'strategic' option as described in Paper 1 Appendix 2
16. note that a regional spatial strategy's focus or extent of coverage of the matters within scope will differ depending on the region and context
17. agree that regional spatial strategies may also cover other matters that meet a statutory test or criteria relating to the significance of their impact on the nation or region (eg, a significant new tourist attraction that is critical to the regional economy and needs to be integrated with decisions on infrastructure investment)
18. invite officials to report back to the MOG with a detailed proposal for the significance test or criteria
19. note that it is important that the RM system supports the efficient and cost-effective delivery of strategic infrastructure at all levels of planning, and that regional spatial strategies have an important role in ensuring that the infrastructure identified in the strategies can be implemented through subsequent designations and consents under the NBA and funding processes.
20. note that officials are currently working across the RM reform programme to ensure a coherent approach to planning and infrastructure delivery that flows logically from the NPF, to SPA and into NBA plans and will provide specific recommendations at a later date
21. invite officials to report back to the Urban Development and Infrastructure subgroup with joint advice on the components within the resource management system needed

to establish competitive urban land markets, including whether any adjustments may be required to the Public Works Act 1981

Level of detail within regional spatial strategies

22. Agree that regional spatial strategies should be strategic and high-level, and:
 - a. identify indicative locations for proposed (visionary) activities rather than specific site boundaries, except where boundaries have already been identified (eg, through the National Planning Framework)
 - b. include high-level information on indicative locations for future development capacity, including infrastructure corridors, and the basis (or triggers, such as a developer presenting a feasible proposal) used to guide decision-making
 - c. provide a greater level of detail for short-term elements of the strategy, and less detail and greater flexibility for changes and activities planned further out in time (medium and long-term)
 - d. inform the development of more detailed implementation agreements
23. agree, subject to a) to c) above, that the level of detail included in a regional spatial strategy can vary to suit the particular area or activity

Evidence and strategic framework for developing regional spatial strategies

24. agree that all regional spatial strategies should be informed by robust information and evidence, including mātauranga Māori that is proportionate to the level of detail required in the strategies
25. direct officials to provide advice for a future MOG meeting about what information and evidential requirements should be prescribed in the SPA

National Priorities Statement

26. agree that a National Priorities Statement is not needed
27. note that officials will provide further advice on how to fulfil the role that the National Priorities Statements would have performed (including the sequencing of regional spatial strategies). This will be part of advice on geographic scope, governance and institutional arrangements

Legal weight between NPF and spatial strategies

28. agree that spatial strategies must 'implement' (eg, 'give effect to', or similar legal weighting) any provisions of the NPF that the NPF explicitly states are to be implemented through a spatial strategy
29. agree that spatial strategies must be 'consistent with' (or similar legal weighting) any other provisions of the NPF (ie, those that are to be implemented through NBA plans)

Legal weight between spatial strategies and NBA plans

30. agree that spatial strategies must have sufficient legal weight on NBA plans to ensure that any key strategic decisions made through the strategy are not revisited or relitigated when preparing NBA plans.

Treaty Settlement Acts

31. note that Treaty settlement Acts specify the legal weight that must be applied to Treaty settlement arrangements or specific instruments in an RMA context and the purpose, functions and powers of existing governance arrangements
32. note that further work, including engagement with the relevant PSGEs, will be done to identify commitments that are materially affected by the SPA and what is needed to provide for them in the SPA

Integration with instruments in other legislation

33. agree to the policy intention that regional spatial strategies should have particular regard to current and future Government Policy Statements (GPS), including the GPS for land transport and the future GPS for housing and urban development
34. agree that regional spatial strategies should take into account the Minister's response to the National 30-year infrastructure strategy, where they are relevant to regional spatial planning

National-level direction for regional spatial strategies

35. agree in principle that if there are conflicts between different national-level direction or outcomes shaping a spatial strategy that cannot be resolved through the spatial strategy process, the NPF direction takes priority

Local level plans and other instruments

36. agree with the policy intent that LTPs, Annual Plans, local authority infrastructure strategies, and RLTPs should be required to take active steps towards the 30-year strategy in regional spatial strategies, while having flexibility to consider timing and sequencing, and matters outside the resource management system as required by their respective legislation
37. note that the governance model for spatial strategies will also have implications for how spatial strategies direct local instruments

Climate change

38. note that officials will provide advice on how to integrate the national adaptation plan and emissions reduction plan under the Climate Change Response Act (2002) and the Climate Adaptation Act with regional spatial strategies at a later MOG

Agenda Item 2: Te Oranga o te Taiao

Refer to separate paper '*Paper 3: Including Te Oranga o te Taiao in the Natural and Built Environment Act exposure draft*' for recommendations

Agenda Item 3: Addressing gaps and inconsistencies between proposed NBA outcomes and mandatory direction in the National Planning Framework

39. agree to add mandatory direction on 'outcomes' for the topics covered by environmental limits
40. agree to cross reference the specific relevant 'outcomes' within the existing topic areas agreed for national direction
41. agree to clarify mandatory national direction on climate change is intended to cover climate change mitigation and adaptation, and natural hazard risk reduction.

Paper 1: The Strategic Planning Act: purpose, function and scope of regional spatial strategies, and integration with the resource management system (for item 1)

Part A: Context

1. The Resource Management Review Panel (the Panel) considered how to integrate processes under the Resource Management Act 1991 (RMA), the Local Government Act 2002 (LGA) and the Land Transport Management Act 2003 (LTMA), and how the process of spatial planning can achieve better alignment of this legislation. The Panel has recommended mandatory regional spatial planning through a Strategic Planning Act (SPA). The aim of this new legislation is to embed a long-term, strategic and integrated approach to planning, the provision of infrastructure and associated funding and investment.
2. This paper looks at the purpose of the SPA, the purpose, function and scope of regional spatial strategies and the value that mandatory strategies would add in terms of developing a future-focused, outcomes-based approach to what we want to achieve in our regions. The paper also recommends how regional spatial strategies should integrate with the broader resource management (RM) system and the weight they need to have.
3. The Panel recommended regional spatial strategies be jointly developed and agreed by experts from central government, councils and mana whenua. Governance and decision making, implementation and resourcing decisions will be considered at future MOGs. The intent of this paper is to obtain agreement to the overarching strategic framework for the SPA and regional spatial strategies, and the role they need to play in the system.
4. Officials propose to work with Parliamentary Counsel Office (PCO) to progress drafting the SPA on the basis of the decisions on this paper.

Recommendations

Agree to officials working with Parliamentary Counsel Office to progress drafting the SPA on the basis of the decisions in this paper.

Achieving an integrated, long-term, visionary approach to planning

5. Cabinet has agreed a set of objectives for reform. These include:
 - better enabling development within environmental biophysical limits, including a significant improvement in housing supply, affordability and choice, and timely provision of appropriate infrastructure
 - give effect to the principles of Te Tiriti o Waitangi and provide greater recognition of te ao Māori, including mātauranga Māori
 - better preparing for, and adapting to, climate change risks and natural hazards
 - improving system efficiency and effectiveness and reducing complexity.
6. At MOG #2 it was agreed that the overall policy intention of the proposed Natural and Built Environments Act (NBA) is to enable the use of the natural and built environment within environmental limits, in a way that provides for the wellbeing of current and future generations. This includes promoting outcomes for the natural and built environments.

7. As agreed in MOG #3, the National Planning Framework (NPF) within the NBA will provide direction on matters of national significance or matters where national consistency is desirable. The NPF will take a strategic approach to identify central government priorities across the NBA to direct and influence regional spatial strategies, and natural and built environment plans. This could include direction on delivery of significant infrastructure. The NPF will provide a mechanism for giving effect to the principles of Te Tiriti and reflecting te ao Māori.
8. The Panel also recommended an NBA plan per region combining existing regional policy statements, regional plans and district plans. The Panel recommended the combined plans have a nine-year horizon. NBA plans will be required to give effect to direction in the NPF.
9. The Panel also identified the need for a new mechanism that would improve strategic integration across the system to help align planning, the provision of infrastructure and associated funding and investment under the proposed NBA, LGA and LTMA. The Panel recommended legislatively mandating regional spatial planning to enable the development of high-level, strategic regional spatial strategies that::
- facilitate more efficient land and development markets to improve housing supply, affordability and choice
 - aid the regulation of land use to address climate change, including both adaptation and mitigation measures
 - address the cumulative effects of land use and other activities impacting the environment
 - reduce or avoid ad hoc decision making in response to perceived issues as they arise.

The current system suffers from a lack of long-term planning and disjointed decisions

10. There is no consistent framework for spatial planning in New Zealand. Only Auckland Council is legally required to have a spatial plan, which has provided a mechanism for the community to come together and articulate a vision for how it wants the city to grow. It has also been the first time the city has had a plan that seeks to integrate land-use, infrastructure, the environment and other aspects of well-being into a strategic plan.
11. However, there was no clear role for central government's involvement, and the plan lacked weight in the necessary parts of the wider system. Some other councils (often in partnership with iwi and the Crown) are making good progress in developing spatial plans but are limited by the absence of legislation prescribing a common set of robust, strategic spatial planning requirements across all regions. These difficulties often include:
- a lack of a longer term, outcomes-based approach to planning
 - poor alignment of decisions about land use, infrastructure, environmental protection, climate change and natural hazards
 - fragmented governance and decision making with multiple actors across a range of domains and insufficient central government involvement and coordination
 - poor incentives on councils to come together to coordinate, provide for and fund infrastructure to respond to growth and change
 - infrastructure funding and financing constraints.

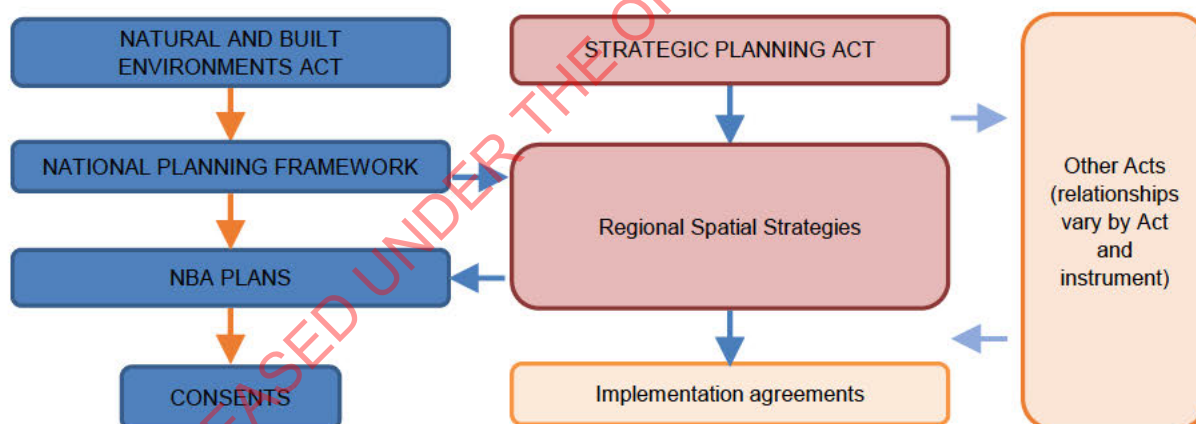
12. These problems pose core issues to New Zealand's wellbeing and productivity:
- there is development on land that is inappropriate for environmental, social, cultural, or natural hazard reasons, or land is not used to its highest value potential
 - the future cost of supplying infrastructure is higher than it otherwise would have been, which reduces how much is supplied and its responsiveness to demand
 - there are constraints on the supply of new development capacity, decreasing price competition between landowners, increasing house prices and reducing location options for firms.

Regional spatial strategies will help improve long-term planning and strategic integration across the resource management system

13. The Panel recommended the SPA to enable a process of spatial planning to set long-term outcomes and objectives for a region and to integrate planning, infrastructure and investment decisions under several pieces of legislation, including the proposed NBA, LGA, LTMA and Climate Change Response Act 2002 (CCRA).

14. Figure 1 sets out at a high level where regional spatial strategies will sit in the system.

Figure 1: Regional spatial strategies in the resource management system



15. Regional spatial strategies will be high-level and strategic and will help to address the problems identified above by:

- enabling longer-term, future-focused, outcomes-based planning
- enabling dynamic, well-functioning urban and rural areas that accommodate growth within environmental limits
- facilitating the necessary components to establish competitive urban land markets to increase opportunities for urban development, increase the supply of housing and reduce its cost, creating more equitable and accessible urban areas
- enabling central government, local authorities and iwi/hapū to partner in a process to develop a future-focused vision for a region and a set of outcomes and objectives

- moving planning above the traditional land use plans and zoning decisions to providing more strategic, integrated direction about how decisions around land use, infrastructure, environmental protection and climate change can be integrated
- providing an evidence-based vision and set of priorities to guide decisions further down the planning system and improve the basis upon which central government makes infrastructure and other investment decisions
- helping to understand where there are trade-offs and tensions and presenting a framework for guiding joined-up planning and investment decisions.

16. The following sections of the paper set out:

- the purpose of the SPA
- the purpose, function and scope of regional spatial strategies
- how regional spatial strategies will be integrated into the RM system and their recommended legal weight within the system.

Part B: The purpose of the Strategic Planning Act

The SPA will need a purpose and supporting provisions

17. The Panel recommended the following purpose and proposed that the SPA includes a Te Tiriti o Waitangi clause aligned with that agreed for the NBA.

Panel's indicative purpose statement for the SPA

The purpose of this Act is to promote the social, economic, environmental and cultural wellbeing of present and future generations through the long-term strategic integration of functions exercised under specified legislation in relation to:

- the use, development, protection and enhancement of the natural and built environments;
- the provision of infrastructure and services and associated funding and investment;
- the relationship of iwi, hapū and whānau and their culture and traditions with natural and built environments; and
- responses to climate change including the reduction of greenhouse gas emissions, reduction of risks from natural hazards and the use of adaptation measures.

'Specified legislation' means enactments specified in Schedule 1.

Schedule 1

Enactments subject to this Act

Natural and Built Environments Act

Local Government Act 2002

Land Transport Management Act 2003

Climate Change Response Act 2002

18. Officials agree with the intent of the Panel's indicative purpose statement but propose that it be updated to align with decisions on the purpose of the NBA.

19. Like the NBA, the SPA will establish important decision-making responsibilities that need to be exercised in a way that reflects the Treaty principles and upholds the Crown's Treaty relationship in that context. Officials will come back with further advice on how to most appropriately relevant Te Tiriti obligations (including settlements) in the SPA in the context of Te Tiriti related decisions made by the MOG on the NBA.
20. Consistent with the Panel, officials recommend that the SPA purpose should include reference to the promotion of the wellbeing of present and future generations through the long-term strategic integration of functions exercised under 'specified legislation'. The NBA definition of 'wellbeing' should apply (currently the social, economic, environmental and cultural wellbeing of people and communities, and their health and safety). Other relevant NBA definitions should also apply, such as the definition of 'environment'.
21. Officials consider the legislative functions listed by the Panel in sub-clauses (a) to (d) of its indicative purpose statement (above) cover the right types of functions. However, officials recommend the wording of these sub-clauses be updated to align with NBA decisions following the exposure draft inquiry.
22. The 'specified legislation' referred to in the SPA purpose should cover the Acts that contain the key statutory functions that need to be integrated to improve the wellbeing of present and future generations. These include the NBA plan-making process, the LGA long-term planning process and the LTMA regional land transport planning process.
23. CCRA instruments will influence regional spatial planning under the SPA but the processes for preparing those instruments are unlikely to be significantly affected by the SPA. However, this could change if, for example, the Climate Change Adaption Act (CAA) is incorporated into the CCRA or there are other changes to the CCRA resulting from the RM reforms. Officials recommend agreeing in principle that the CCRA and CAA should be included in the list of 'specified legislation' to be revisited when the CAA is further developed.
24. Officials recommend agreeing in principle that the relevant three waters reform Bills¹, currently under development, be included in the list of 'specified legislation' to be revisited when they are further developed. It will be important that the three waters reform and the proposed water service entities are fully integrated with regional spatial strategies and the wider resource management reforms as they will impact wellbeing and the natural and built environment.
25. Specifically, the provision of three waters is a key component to support urban development, and more broadly, to shape urban form. There is a risk that if water entities are not sufficiently integrated the outcomes sought through the SPA would be undermined. Policy development for both RM reform and three waters reform is happening in parallel, and officials are working together to develop detail on how to best integrate these.
26. There will be other statutory functions that will be impacted in some way by the SPA, and officials expect that consequential changes to other Acts will be needed.² Officials will provide advice on consequential amendments at a future MOG meeting, which may include recommendations to further expand the list of 'specified legislation' in the SPA purpose. Officials will also provide advice on options to provide for easy updating of the list of 'specified legislation' to include relevant future Acts.

¹ There will be a bill to reform the delivery of the three waters services. Officials refer to this as a 'three waters reform Bill' to avoid confusion with the Water Services Bill currently before Parliament, which relates to the regulation of drinking water to ensure that it is healthy.

² Examples of Acts that may require consequential amendments include the Urban Development Act 2020 and Kāinga Ora – Homes and Communities Act 2019.

27. The Panel recommended that regional spatial strategies should be 'consistent with' the purposes of the NBA, LGA and LTMA. Officials do not propose making this a specific provision. It is our intent that regional spatial strategies should not undermine the purposes of the other Acts, as they direct specific parts of the system and operate to different timeframes (short, medium and long-term implementation).

28. This relationship will be addressed by:

- specifying in the purpose of the SPA the functions of other Acts that need to be integrated
- clarifying the legal relationship between regional spatial strategies and instruments under those other Acts (including governance, accountability and funding)
- enabling contributions from a range of actors responsible for instruments under those other Acts to flag potential conflicts to be resolved during spatial planning (to be discussed further in advice on governance and decision making).

29. The Panel also recommended amending the purpose of the LTMA to better align with wellbeing statements in other Acts. Amending the Purpose of the Act would require the Ministry of Transport to undertake a review of the LTMA. As this change is not required for the new resource management system to function, officials recommend that the Minister of Transport is not asked to progress this at this point.

Officials recommend that the SPA does not have its own set of outcomes

30. Regional spatial strategies under the SPA are a tool for implementing national outcomes and objectives, and identifying other regional opportunities at a strategic, spatial level. In previous advice provided to MOG #4, officials proposed an indicative set of outcomes for the SPA to guide the development of regional spatial strategies, which broadly aligned with the emerging NBA outcomes at the time.

31. However, officials now consider the NBA outcomes are sufficiently well developed to guide the development of regional spatial strategies. Separate outcomes for the SPA would result in unnecessary duplication and increased complexity.

32. Officials recommend the SPA includes a clause to the effect that those exercising functions and powers under the SPA must provide for national outcomes set out in the NBA purpose/outcomes section, as directed by the NPF, and make a regional contribution to relevant outcomes and objectives contained within other specified national level strategic plans and documents (such as Government Policy Statements discussed in Part D of this paper).³

Recommendations – SPA Purpose statement

Agree to using the Panel's indicative purpose for the SPA as the basis for drafting with modifications to align with the NBA.

³ Officials also note that regional spatial strategies may contribute to wider government outcomes and objectives (eg, economic development and productivity through improving access to jobs and markets, or public health by supporting active transport modes).

Agree that the purpose of the SPA should include reference to the promotion of the wellbeing of present and future generations through the long-term strategic integration of functions exercised under specified legislation.

Invite officials to come back with further advice on how to most appropriately reflect relevant Te Tiriti obligations (including settlements) in the SPA in the context of Te Tiriti related decisions made by the MOG on the NBA

Agree that definitions of terms referred to in the SPA purpose should align with the NBA definitions of those terms, including those for 'wellbeing' and 'environment'.

Agree that the SPA purpose sub-clauses that describe the functions under specified legislation will be aligned with NBA clauses (as appropriate) to promote alignment between the two Acts.

Agree that the 'specified legislation' referred to in the SPA purpose should include the:

- Natural and Built Environments Act
- Local Government Act 2002
- Land Transport Management Act 2003

Agree in principle that the Climate Change Response Act 2002 should be included in the 'specified legislation' subject to further advice

Agree in principle that, dependent on final content once passed, 'specified legislation' should also include:

- a. Acts resulting from three waters reform
- b. the proposed Climate Adaptation Act.

Note that officials will provide advice on consequential changes to other legislation for a future MOG meeting and that this may include advice to further expand the list of 'specified legislation'.

Agree in principle that the SPA does not require its own outcomes but should instead provide that the NBA outcomes apply, with this decision to be revisited if necessary, following the exposure draft inquiry.

Agree that the SPA contain a clause to the effect that, to assist in achieving the purpose of the SPA, those exercising functions and powers under it must:

- a. provide for national outcomes set out in the NBA purpose/outcomes section, as directed by the NPF
- b. consider how the relevant outcomes and objectives contained within specified national strategic plans and documents (such as Government Policy Statements) can be applied regionally.

Part C: Purpose, function and scope of Regional Spatial Strategies

What is regional spatial planning?

Regional spatial planning is primarily a strategic planning exercise

33. The SPA will provide a legislative framework for strategic and high-level regional spatial planning. Spatial planning is a process of long-term strategy-making and coordination. As experience with the urban growth partnerships has taught us, it is about jointly identifying

the big issues and opportunities facing an area and developing a strategy to respond to these. The spatial planning process is as important as the final strategic plan. The process of working together to identify big issues and opportunities, build an evidence base, and agree a high-level vision, set of objectives and priority actions will help provide the foundation for consensus.

34. For each region, spatial planning will involve:

- establishing a spatial planning partnership between central government, all local authorities in the region and iwi/hapū
- developing an evidence base to underpin decisions, including use of mātauranga Māori, and that is proportionate to the level of detail required in a strategy
- enabling community conversations about the future of the region, including responses to growth, climate change and other drivers of significant change
- producing a regional spatial strategy.

35. Each regional spatial strategy will be short, high level and strategic and could include:

- a summary of the big issues and opportunities facing the region
- a summary of underlying quantitative assumptions underpinning the strategy, such as growth projections
- a long-term high-level vision for future development and change in the region, with scenarios (including a preferred scenario) for how the region may grow and change
- objectives and priority actions required to deliver the vision
- supporting maps that illustrate the vision and strategic direction.

36. Spatial mapping helps to represent the complexity of a long-term regional strategy spatially in a clear and understandable way, helping decision-makers make detailed planning and funding decisions over the long-term in a strategic, outcomes-focused and integrated way.

37. The following section provides advice on the purpose, time-period and scope of regional spatial strategies. Advice about the geographic scale of regional spatial strategies, their application to the coastal marine area and principles for governance and decision-making arrangements will be provided at a future MOG meeting.

Purpose of regional spatial strategies

38. The purpose of regional spatial planning and the resulting strategies is to promote overall system integration and the wellbeing of present and future generations. It includes:

- identifying a shared long-term high-level vision, objectives and priority actions for how a region will grow and change over time, underpinned by a robust evidence base
- translating relevant national-level direction into a regional context
- supporting integration of decisions about land use, transport, infrastructure planning, environmental management, responses to climate change (both mitigation and adaptation), and natural hazard risk reduction
- improving coordination and alignment of infrastructure investment between central and local government (both regional councils/unitary authorities and territorial authorities) and other infrastructure providers, including supporting the early identification and acquisition of land for infrastructure to support growth

- providing strategic direction to other parts of the planning system for relevant matters (NBA plans and infrastructure plans under the LGA and LTMA) by managing issues and trade-offs higher up the planning hierarchy, reducing the need for complex planning and consenting processes at lower levels
- upholding relevant Treaty settlement legislation and other bespoke Māori-related legislation⁴ that amends or interacts in a relevant way with the RMA to the extent they are affected by SPA planning.

Recommendations – purpose of regional spatial strategies

Agree that the purpose of regional spatial planning and the resulting regional spatial strategies is to promote overall system integration and the wellbeing of present and future generations, including by:

- identifying a shared long-term high-level vision, objectives and priority actions for how a region will grow and change over time, underpinned by a robust evidence base
- translating relevant national-level direction into a regional context
- supporting strategic integration of statutory functions specified in the purpose of the SPA
- improving coordination and alignment of infrastructure investment between central government, local authorities and other infrastructure providers
- providing strategic direction to other parts of the planning system
- upholding relevant Treaty settlement legislation and other bespoke Māori-related legislation that amends or interacts in a relevant way with the RMA to the extent they are affected by SPA planning.

Time period for regional spatial strategies

Regional spatial strategies should cover a 30 plus year time period

39. The Panel recommended that regional spatial strategies should set a strategic direction for a 30 year period or more. This would be informed by longer-term data and evidence as appropriate, such as 100 years plus projections for climate change.
40. The Panel recognised that the time period of a regional spatial strategy might differ for different parts of the strategy and for different issues. For example, the high-level vision and objectives for the region might look out 100 years and beyond, while proposals (such as a new transport corridor) could have an indicative timeline of 30 to 50 years.⁵ The Panel suggested that additional, separate implementation agreements made under the SPA could provide project-level detail about steps to be undertaken in the first three, six and 10 years. Officials will provide advice about the role and scope of implementation agreements at a future MOG meeting.

⁴ For example, the Marine and Coastal Areas Act.

⁵ Even where infrastructure is expected to be developed within a 30-year period, spatial planning committees will need to consider the long-term impacts of climate change, depending on the lifespan of the infrastructure.

41. In addition to the Panel's proposal, officials have considered alternative options of a shorter time period of 10 to 30 years, and a longer time period of 50 to 100 plus years. Officials support the Panel's proposal as it provides for different time periods for different matters as appropriate. It also recognises that different regions are likely to have different appetites for uncertainty so flexibility should be provided for regions to choose to cover a longer time period than 30 years. An example is the practical application of Te Ture Whaimana – the Vision and Strategy for the Waikato River – where an 80-year timeframe has been applied to realise the vision in Te Ture Whaimana through the Waikato Regional Council Proposed Plan Change 1.
42. A shorter time period would be less effective in addressing the problem of insufficient long-term strategic planning in the current system and may prevent timely responses to longer term issues and opportunities. A longer time period may result in regional spatial strategies that are overly speculative and uncertain.

Recommendations – time horizon of regional spatial strategies

Agree that regional spatial strategies should set a strategic direction for at least the next 30 years. This should be informed by longer-term data and evidence as appropriate, such as 30 to 50 years for a new transport corridor, and 100 years plus projections for climate change.

Scope of regional spatial strategies

Regional spatial strategies could cover a broad range of matters or could be more focused

43. Regional spatial strategies will be high-level and strategic and focus on the major strategic issues and opportunities for a region. The effectiveness of regional spatial strategies depends on them identifying the major issues and opportunities that regions face, helping to identify and resolve trade-offs and conflicts. They could include, for example, trade-offs between the need to protect the natural environment and highly productive land, and the need to enable housing and supporting infrastructure. They also need to provide clear strategic direction for more detailed planning and funding processes. Regional spatial planning is just one tool within the system, however, and regional spatial strategies do not need to cover all resource management issues relevant to the region; just the most critical ones that are of long-term, regional strategic significance.
44. Regional spatial strategies will also not be responsible for managing all trade-offs between potentially competing uses. The NPF, prepared under the NBA, will reconcile some tensions at a national level and facilitate trade-offs made at regional spatial strategy and NBA plan levels. The intent is that trade-offs should be made as high up in the system as possible to guide subsequent decision making.

The Panel recommended that regional spatial strategies have a broad scope

45. The Panel recommended that regional spatial strategies should have a broad scope, setting "long-term objectives for urban growth and land use change, responding to climate change, and identifying areas inappropriate to develop for reasons such as their natural values or their importance to Māori."⁶

⁶ RM Review Panel *New Directions for Resource Management in New Zealand* (2020) Chapter 4, Key recommendation 3, p.155.

46. Its report included a list of 'specified content' for regional spatial strategies (outlined in Appendix 1 of this briefing). The Panel envisaged that a regional spatial strategy would not necessarily cover all matters included in the 'specified content' list but would focus on those that are strategically important for the region and its communities.

There are choices about the scope of regional spatial strategies

47. There are choices about the scope of regional spatial strategies and how detailed the mapping needs to be to successfully represent a strategy for growth and change.

48. These choices are outlined in Appendix 2, along with the pros and cons of the different options. The scope options would form the basis for the content of regional spatial strategies and range from a constraints-based ('narrow') option to a more wide-ranging ('comprehensive') approach, with an approach in the middle ('strategic').

The strategic option has the greatest potential to address the RM reform objectives and all four components of wellbeing contained within the proposed NBA and SPA purposes

49. Officials consider that the 'strategic' option (which is closest to the Panel's recommendation) has the greatest potential to fully address the RM reform objectives, deliver on all four aspects of wellbeing, and provide strategic direction to the wider RM system. It is also broad enough to reflect regional variation in strategic issues and opportunities, while providing sufficient flexibility over the medium to long-term to respond to the market and other challenges as they arise. The strategic option also provides sufficient direction to NBA plans and would help central government decide where to invest by providing sufficient detail to enable planning at a national level.

50. In contrast, there is a risk that a narrow regional spatial strategy, rather than streamlining the system, merely pushes strategic decision-making to the next layer of the planning system (eg, NBA plans and funding plans), which may lead to misalignment. Or it may result in the parties developing non-statutory shadow spatial plans to fill the information void and help with planning and integration. A 'comprehensive' strategy would be overly complex, resource intensive, be difficult to agree and risk duplicating NBA plans (see Appendix 2 for more consideration of the pros and cons).

51. Officials recommend the Panel's 'strategic' option described above with a minor addition. The proposed addition officials suggest is a provision that provides for other discretionary elements to be covered in a regional spatial strategy, subject to meeting a statutory test or criteria relating to the significance of their impact. For example, this could apply to activities or features that are of sufficient scale and significance to affect future wellbeing outcomes for an entire region.

52. The advantages of this provision are that:

- it would avoid the need for a long and exhaustive list of 'specified content' for regional spatial strategies
- strategies could cover unforeseen or novel activities that would have a significant impact on a region a significant new tourist attraction that is critical to the regional economy and needs to be integrated with decisions on infrastructure investment.
- it would provide an important mechanism for different communities to identify other strategic issues of relevance to their region.

53. There are also some things that all spatial strategies will need to do. For example, all regional spatial strategies should make allowances for the different geographic, demographic and environmental contexts of regions. For example, how to accommodate

projected population growth will be a key issue for many but not all regions. Some regions will be facing significant competing demands for use of the coastal marine area, while other regions will not.

54. Regional spatial strategies should also identify (and where appropriate map) any cross-boundary issues and networks shared with neighbouring regions that are relevant to successful growth management, the management of other significant change, or are of importance to mana whenua. For example, for the Auckland Region this could include parts of the northern Waikato that are functionally part of the Auckland urban area, and important connections between parts of Auckland and the Waikato River.

The strategic option presents some risks for agreeing a regional spatial strategy, but these can be managed

55. Officials note that the strategic option still represents a significant departure from existing practice in New Zealand and internationally, which tends to focus on urban areas (and their surrounding context). Applying strategic planning to manage strategic inter-rural and coastal issues increases the breadth of information required to develop a regional spatial strategy. It will be important that the level of evidence and information gathered is proportionate to the level of detail required in the strategies.
56. Because of the central importance of strategic planning to the new system, regional spatial strategies would ideally be developed before NBA plans to translate national direction and provide high-level strategic direction to the wider system. If regional spatial strategies take many years to develop it risks slowing the entire system down.
57. Officials consider the risk that applying strategic planning to manage strategic inter-rural and coastal issues can be managed by ensuring these areas are only covered to the extent necessary to address the big strategic issues and opportunities for the region, or by staging the roll-out of strategies.

Regional spatial strategies have a key role in creating the conditions for competitive, well-planned, and well-regulated housing markets

58. Reform Outcome 2c is *housing supply is responsive to demand, with competitive land markets enabling more efficient land use and responsive development, which helps improve housing supply, affordability and better meets a range of housing needs (by type, size, location and price point).*
59. The Panel report identified one of four significant benefits of spatial planning to be the opportunity to facilitate more efficient land and development markets to improve housing supply, affordability and choice. In particular, spatial planning:
- identifies alternative opportunities for development with the result that the price of land is not artificially inflated through scarcity
 - aligns infrastructure and land use provision
 - considers both the positive and negative effects of land and resource use in spatial planning decisions.
60. Regional spatial strategies provide the opportunity to facilitate some of the necessary components of establishing a competitive urban land market and set the strategic direction for more detailed land use and infrastructure funding decisions through NBA plans and LGA and LTMA investment plans. Making this change will involve some shifts from the way the land market is currently planned and regulated. It will also require design choices to maximise land market competition within a given level of public infrastructure resourcing.

61. There are strategic choices for the level of ambition for regional spatial strategies and their implementation in relation to supporting more competitive urban land markets. At a high level there is a choice between a responsive and a targeted approach to spatial planning:
- Responsive: This approach has a focus on providing and maximising development options and maintaining options for growth investments to follow housing demand. This would lead to more of a step change in the number of development opportunities that have the potential to serve market demand for housing.
 - Targeted: This approach seeks better decision making and integration behind chosen options, with housing following growth investment. This would be an opportunity to evolve the approach to the release of land relative to the status quo. This would likely still be a linear approach to the release of land, with the focus being better-integrated decision-making and better enablement of infrastructure.
62. The responsive option is a more significant move away from the current planning system than the targeted option. Both options will carry costs and benefits which need to be understood in more detail so we can fully test new ways of structuring and implementing the planning system to achieve the government's outcomes.
63. The provision and operation of infrastructure (hard, social and community) is a key issue across the resource management reforms. Regional spatial strategies will play a key role in integrating land use and infrastructure provision but will not address the broader infrastructure funding and financing constraints. This remains a key dependency. Further advice on how regional spatial strategies can help to achieve well-functioning urban environments, including through the provision and operation of infrastructure will be provided through the MOG sub-group on urban development and infrastructure.

64

There is a risk that regional spatial strategies could increase land-banking and speculative behaviour, but this can be managed

65. Under all the proposed options, there is a risk that identifying infrastructure needs and indicative corridors and strategic sites many years in advance (even if this is only indicative) will increase the cost of land and encourage land-banking. These issues are challenging to manage as there is an inherent tension/trade-off between identifying indicative infrastructure and transport corridors (which can support greater integration and certainty, but increase land prices), and being market-led and flexible over time (which may help increase competitive tension in land markets but may make it harder for infrastructure providers to plan and coordinate infrastructure).
66. Regional spatial strategies will inevitably have some influence on market expectations and behaviour. However, these risks could be managed by:
- identifying more than sufficient land to meet demand (both up and out)
 - identifying only indicative routes for future infrastructure, and
 - by remaining responsive to market demand in terms of timing and sequencing of land and infrastructure (consistent with the responsiveness policy of the National Policy Statement on Urban Development).
67. For example, while a regional spatial strategy may identify, at a high-level, the likely future indicative infrastructure and transport corridors, this would and should not prevent councils from releasing land (under the NBA) and funding infrastructure earlier than initially signalled in a strategy if market conditions changed or private sector partners were willing and able

to move early. The potential for early release, along with significant up-zoning across the city, should help to address spatial monopolies and rent seeking, and discourage land-banking. Alternatively, the government may choose to secure or acquire through NBA plans some land early so that any land price inflation associated with investment is able to be captured.⁷

Recommendations – scope of regional spatial strategies

Agree that the scope of regional spatial strategies should be consistent with the ‘strategic’ option as described in Appendix 2

Note that a regional spatial strategy’s focus or extent of coverage of the matters within scope will differ depending on the region and context

Agree that regional spatial strategies may also cover other matters that meet a statutory test or criteria relating to the significance of their impact on the nation or region (eg, a significant new tourist attraction that is critical to the regional economy and needs to be integrated with decisions on infrastructure investment)

Invite officials to report back to the MOG with a detailed proposal for the significance test or criteria

Note that it is important that the RM system supports the efficient and cost-effective delivery of strategic infrastructure at all levels of planning, and that regional spatial strategies have an important role in ensuring that the infrastructure identified in the strategies can be implemented through subsequent designations and consents under the NBA and funding processes.

Note that officials are currently working across the RM reform programme to ensure a coherent approach to planning and infrastructure delivery that flows logically from the NPF, to SPA and into NBA plans.

Invite officials to report back to the Urban Development and Infrastructure subgroup with joint advice on the components within the resource management system needed to establish competitive urban land markets, including whether any adjustments may be required to the Public Works Act 1981.

Level of detail of regional spatial strategies

The level of detail within regional spatial strategies should be tailored to the particular matter and time period being addressed

68. The Panel recommended that regional spatial strategies should be strategic and high-level with project and site-level detail provided through separate implementation agreements and subsequent NBA planning and LGA and LTMA planning and funding processes.

69. In addition to the Panel’s proposal, officials have considered an alternative option of more detailed and specific regional spatial strategies that would, for example, include more precise information about the boundaries of development areas, and the location and

⁷ This would increase upfront costs to government (local and central), but, according to modelling undertaken by Infrastructure Australia (Corridor Protection: Planning and investing for the long term, July 2017) provides savings in the long-term if land is able to be purchased at near rural values. As suggested, officials will provide further advice on these matters.

design of future infrastructure corridors and the likely sequencing and timing of development.

Regional spatial strategies that are too detailed and prescriptive would:

- have a significant impact on private property rights
- take too long and cost too much to prepare
- reduce flexibility in implementation and risk them becoming out-of-date and no longer fit for purpose, for example, if the timing or design of an infrastructure corridor had to be changed following a natural hazard event.

70. Officials consider that regional spatial strategies should not be so detailed they provide site-specific direction, project-level design, specific timing and sequencing of development or duplicate NBA plans.
71. However, to promote integration and improve investment certainty for infrastructure providers (including social infrastructure providers), landowners, businesses, developers and others, regional spatial strategies should include high-level information on indicative locations for future development capacity, including infrastructure corridors, and the basis (or triggers, such as a developer presenting a feasible proposal) used to guide decision-making.
72. This level of detail should depend on the activities' status and time period, with more detail being provided for already planned and short-term elements of the regional spatial strategy, and less detail and greater flexibility provided for changes and activities planned further out in time (medium and long-term). For example, regional spatial strategies should distinguish between 'existing' infrastructure, designations, land use and features (which can be shown in greater detail and with a greater level of certainty), 'planned' (where some information is available), and 'visionary' infrastructure, land use and features (which are more indicative and necessarily high-level). These categories are currently used for the draft Queenstown Spatial Plan and are also similar to those used in the Greater Sydney Regional Plan.
73. The level of detail could vary for different parts of the region or different activities. For example, a regional spatial strategy could provide greater detail on a sub-region that is experiencing rapid growth or change and less detail on other parts of the region.
74. It is also important to distinguish between the detail shown in a regional spatial strategy (both the written narrative and the spatial information) and the process for developing the strategy. While regional spatial strategies should be high-level and strategic, the features and development patterns identified, and the scenarios tested should be based on detailed analysis. For example, a certain level of detail is required to identify a future infrastructure corridor at a high-level, such as information on the broad land use and urban form, likely land use (urban, residential, commercial, industrial), expected densities, future population growth, and household and employment projections.

Recommendations – level of detail within regional spatial strategies

Agree that regional spatial strategies should be strategic and high-level, and:

- a. identify indicative locations for proposed (visionary) activities rather than specific site boundaries, except where boundaries have already been identified (eg, through the National Planning Framework)
- b. include high-level information on indicative locations for future development capacity, including infrastructure corridors, and the basis (or triggers, such as a developer presenting a feasible proposal) used to guide decision-making
- c. provide a greater level of detail for short-term elements of the strategy, and less detail and greater flexibility for changes and activities planned further out in time (medium and long-term)
- d. inform the development of more detailed implementation agreements

Agree, subject to a) to c) above, that the level of detail included in a regional spatial strategy can vary to suit the particular area or activity.

Evidence required for developing regional spatial strategies

Regional spatial strategies will need to be informed by detailed evidence and robust analysis

75. National and international best practice suggests good spatial planning processes should start with an analysis of regional evidence and identify issues and opportunities to address these (including recognition of any national outcomes or directives), followed by the development of an agreed vision and set of high-level objectives.
76. Wherever possible, regional spatial strategies should use robust and consistent information and evidence that is appropriate and proportionate to the scope and level of detail of regional spatial strategies. For example, this could include such information as StatsNZ population growth projections, national health and education data sets and projections, standard GIS information, national climate change projections and risk assessments, and other hazard information to ensure a consistent approach across New Zealand. It could also include the use of dynamic adaptive modelling to derive scenarios for decisions that have a degree of uncertainty.
77. Initially, regional spatial strategies will need to be developed on the basis of available evidence and using a range of scenarios where the evidence is more uncertain. The evidence base can continue to be refined over time. As noted by the Panel, regional spatial strategies should be informed by, and incorporate, mātauranga Māori. Officials will provide advice on implementation and transition matters, including evidence requirements, for a later MOG.
78. It is important that any technical reports and data inputs and assumptions are included as part of the regional spatial strategies to ensure decisions are transparent and can inform subsequent decision-making at the NBA plan and infrastructure planning level (to maintain consistency and avoid duplication).
79. Officials consider the SPA should set out some evidential requirements for all regional spatial strategies to meet. This would support a consistent and robust approach to the practice of spatial planning across New Zealand. Officials will provide advice for a future MOG meeting about what these requirements should be, including what may be practical and affordable for regional spatial planning committees..

Recommendations – Evidence and strategic framework for developing regional spatial strategies

Agree that all regional spatial strategies should be informed by robust information and evidence, including mātauranga Māori.

Direct officials to provide advice for a future MOG meeting about what information and evidential requirements should be prescribed in the SPA.

Officials recommend that the provision of a ‘national priorities statement’ is not required to direct the development of regional spatial strategies

80. The Panel recommended that the SPA provides for a national priorities statement which would enable “coordination across central government and transparency with regard to engagement with local government”. It would set out:
- any intended sequence in which central government intends to engage in the development of regional spatial strategies (the Panel thought there would be insufficient capacity to do 14 regional spatial strategies at the same time)
 - any particular areas central government intends to promote or address through regional spatial strategies eg, climate change adaptation and urban development. Focus areas may be tailored to the characteristics of particular regions
 - expectations about inter-regional processes to address cross-boundary issues (to address matters such as the Hamilton- Auckland corridor that crosses regional boundaries).
81. The Panel did not provide detailed analysis on the gaps that might be filled by a national priorities statement, the form it might take (statutory or non-statutory) or the process that might be followed to put it together, including the role of the Crown’s other regional spatial strategies governance partners or other interested parties and stakeholders.
82. The Panel’s recommendation on a national priorities statement was in addition to the legal weight it recommended for the regional spatial strategies in relation to specific instruments in other legislation (eg, GPSs), which was discussed in the previous section of this briefing.
83. Some national direction will be required to ensure that regional spatial strategy processes reflect national priorities and standards and are affordable for central government. There are already a range of tools available to provide that national direction. If a NPS was to be included as a new tool, it is important that it does not duplicate existing tools.
84. Officials recommend that the linkages outlined in this briefing to national-level tools, strategies and policies such as the NPF and Government Policy Statements is sufficient to accurately signal government priorities for consideration in regional spatial strategies.
85. Officials also recommend that the coordinating function across government priorities that the Panel recommended the national priorities statement perform should be addressed through process rather than adding another legislated tool. Officials will provide further advice on this at a future MOG meeting on institutional arrangements.
86. It will be important that the Crown is clear on when its inputs into the process are of equal weight to those of other parties, and when there are directions that must be implemented. Officials recommend that being clear about the legal weight of national level inputs into the process should provide sufficient clarity about Government’s position.
87. Officials recommend that cross boundary issues can be managed through a range of tools

already proposed, such as the NPF, transport planning and other national planning documents. It could also be addressed through flexible governance arrangements for particular matters.

88. The key gap identified in this analysis that a national priorities statement could fill is guidance on sequencing of spatial strategy work, and on processes. However, regulations or ministerial directions are mechanisms already commonly used in the RMA to provide for these types of matters and may be preferable to the creation of a new mechanism. You will receive advice on these matters at later MOGs considering geographic scope, governance and institutional arrangements for regional spatial strategies.

Recommendations – National Priorities Statement

Agree that a National Priorities Statement is not needed.

Note that officials will provide further advice on how to fulfil the role that the National Priorities Statements would have performed (including the sequencing of regional spatial strategies). This will be part of advice on geographic scope, governance and institutional arrangements.

Part D: Integration

Context

89. Spatial strategies prepared under the SPA provide the key integrating mechanism to bring together different functions across the system. This includes integrating national level direction (such as the NPF, as well as direction from Government Policy Statements and other relevant national plans and strategies), with regional and iwi/manua whenua priorities to form a cohesive strategy that will shape how regions will grow and change over the next 30-years and beyond. The regional spatial strategies will then in turn be implemented through a variety of instruments including regulatory plans under the NBA, central and local government funding mechanisms, and other policy documents.
90. Table 1 below provides a summary of the recommendations for integrating the Strategic Planning Act and regional spatial strategies with the wider resource management system. Further detail is provided in the text that follows. Appendix 3 provides a visual representation of the points of integration into the regional spatial strategy corresponding with the numbers in the table.
91. This section seeks agreement to policy intent, with exact legal wording to be worked through with PCO and to be informed by future MOG work on governance and funding.

Table 1: Summary of recommendations for the relationship between SPA and other parts of the planning and resource management system

#	Instrument the SPA needs to integrate with	Nature of the relationship	Recommended legal weight
1	Natural and Built Environment Act – National Planning Framework	<ul style="list-style-type: none"> How regional spatial strategies integrate with the NPF and NBA plans will be critical for system efficiency and achieving the outcomes sought by spatial planning. The degree to which the NPF is implemented through regional spatial strategies, and the extent to which NBA plans must implement regional spatial strategies are key decisions sought through this section of the briefing. Where the NPF provides strategic direction, or where resource management tensions need to be resolved at a regional level, spatial strategies are a better instrument than NBA plans to do this. 	<ul style="list-style-type: none"> The Panel's proposed weighting between the NPF and regional spatial strategies should be strengthened so that the NPF can direct implementation of strategic provisions through the regional spatial strategy. Agree that spatial strategies must 'implement' (eg, 'give effect to', or similar legal weighting) any provisions of the NPF that the NPF explicitly states are to be implemented through a spatial strategy. Agree that spatial strategies must be 'consistent with' (or similar legal weighting) any other provisions of the NPF (ie, those that are to be implemented through NBA plans).
2	Natural and Built Environment Act Plans	<ul style="list-style-type: none"> Spatial strategies need sufficient legal weight on NBA plans to ensure that key strategic decisions are made through the strategy and are not revisited or relitigated in the preparation of NBA plans. The Panel recommendation for NBA plans to 'be consistent' with spatial strategies would mean NBA plans could not contain provisions that would undermine the strategic direction in the spatial strategy. NBA plans would refine or more closely determine precise boundaries for particular uses/ activities within the bounds of the strategic direction. The more detailed the map or policy direction, the less flexibility the NBA plan would have to deviate from the spatial strategy. 	<ul style="list-style-type: none"> Agree that spatial strategies must have sufficient legal weight on NBA plans to ensure that key strategic decisions are made through the strategy are not revisited or relitigated in the preparation of NBA plans.
3	Treaty Settlements and other relevant instruments	<ul style="list-style-type: none"> Relevant Treaty Settlement legislation, both existing and future, needs to be upheld through regional spatial strategies. In the Waikato River settlement, Te Ture Whaimana - the Vision and Strategy - takes precedence over national direction. Officials will provide advice on whether any provisions of any other settlements take precedence over national direction.. 	<ul style="list-style-type: none"> Note that Treaty settlement Acts specify the legal weight that must be applied to Treaty settlement arrangements or specific instruments in an RMA context and the purpose, functions and powers of governance arrangements. Note that further work, including engagement with the relevant PSGEs, will be done to identify where this would be appropriate in an SPA context.
4	Other national directions	<ul style="list-style-type: none"> Officials propose that the Panel's recommendation that regional spatial strategies are consistent with the GPSs is too high a test given the differing time periods of the documents. Officials agree with the Panel that spatial strategies take into account of the Minister's response to the National Infrastructure Commission, which may be enacted through many Government levers. Spatial strategies will need to consider a range of non-NBA national level direction and outcomes in their development. There is a possibility that some of these national level directions/ outcomes may conflict with the direction in the NPF (or with itself) when applied in a particular region. The NPF will contain direction on urban development and infrastructure. 	<ul style="list-style-type: none"> Agree to the policy intent that regional spatial strategies should have particular regard to GPS current and future. Agree that regional spatial strategies take into account the Minister's response to the National 30-year infrastructure strategy. Agree in principle that if there are conflicts between direction provided through the national planning framework and direction provided through other national strategies or policies that cannot be resolved through the spatial strategy process, the NPF direction takes priority.
5	LGA infrastructure strategies, local council long-term plans, annual plans, and LTMA regional land transport plans	<ul style="list-style-type: none"> The SPA is designed to better integrate land-use planning and funding decisions – a large part of these decisions sit in the local instruments set out in other legislation. If no link is provided between Regional Spatial Strategies and these instruments, the reform aims may not be achieved. In later briefings officials will explore options for how central government will have to play its part in implementing regional spatial strategies in its land-use planning and funding decisions. The Panel did not address the question of what should happen to the National Land Transport Programme (NLTP). As required now, the NLTP would give effect to the GPS and take into account projects that come from regional land transport plans. 	<ul style="list-style-type: none"> Agree with the policy intent that LTPs, Annual Plans, and RLTPs should be required to take active steps towards the 30 year strategy in regional spatial strategies, and have enough flexibility to consider timing and sequencing, and matters outside resource management reform as required by their respective legislation. Note that future work will be done to identify consequential amendments needed to ensure appropriate linkages and legal weight between the SPA and other relevant legislation.
6	Climate change adaptation and mitigation	<ul style="list-style-type: none"> For regional spatial strategies, the Panel recommended that the SPA should address climate change responses in the purpose of the SPA, and at a strategic level and over a longer timescale (100 years plus) for climate change mitigation, by 'taking into account' the emissions reduction plan under the Climate Change Response Act (CCRA), and for climate change adaptation and natural hazard risk reduction, by being 'consistent with' the national adaptation plan under the CCRA. The emissions reduction plan, and national adaptation plan are still under development. These instruments will be set nationally and will need to be interpreted and translated into a regional context. Regional and local risk assessments for example will be much more important for regional spatial strategies than the national assessment. 	<ul style="list-style-type: none">

For the SPA to fulfil its role in resource management, it must integrate with existing legislation

92. The Panel noted that the resource management system is unnecessarily complex. This complexity is a product of the RMA itself, and its interface with requirements across the LGA, LTMA, Building Act 2004 and wider legislation.
93. There are good reasons for the differences in purposes and processes across the three statutes. However, officials need aligned and coordinated decision-making to get good and timely outcomes. For example, enabling new capacity for urban development requires changes to land use regulation (under the proposed NBA) and infrastructure investment (under the LGA and LTMA). A new large-scale urban development proposal will need decisions under the proposed NBA (designations and consents), the LGA (infrastructure funding) and LTMA (transport funding). To facilitate this, decision-making criteria across the system need to be coherent and processes as streamlined as possible.
94. The Panel proposed that the Strategic Planning Act would set long-term strategic goals and facilitate the integration of legislative functions (both land use planning and the provisions of infrastructure and associated funding and investment) across the resource management system, including functions under the new NBA, the LGA, the LTMA and CCRA.
95. This is provided for in the proposed SPA purpose (ie, that it should promote well-being “through the long-term strategic integration of functions exercised under specified legislation”). However, the Panel gave limited recommendations of what this would mean in practice for links between the Acts and their instruments. The following sections set out how regional spatial strategies will integrate with a range of instruments across the RM system from a statutory point of view. The complexity of making these a reality will be discussed at future MOG meetings.

Integration with NBA tools will be critical for implementing regional spatial strategies

96. How regional spatial strategies integrate with the tools under the NBA (the National planning Framework (NPF) and NBA plans) will be critical for system efficiency and achieving the outcomes sought by spatial planning. The NPF, regional spatial strategies, and NBA plans each play an important but distinct role within the system. The roles and functions of these instruments (including which decisions are made where), and the relationships between them will shape how efficiently and effectively the system will work. The degree to which the NPF is implemented through regional spatial strategies, and the extent to which NBA plans must implement regional spatial strategies are key decisions sought through this section of the briefing.

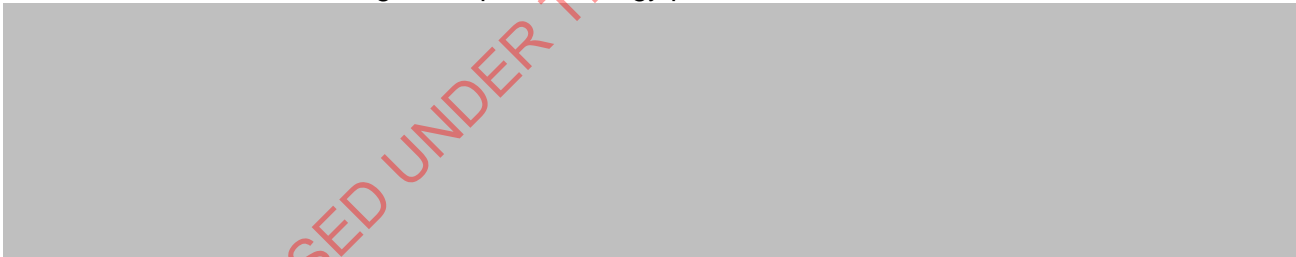
97.

Regional spatial strategies should play an active role in implementing strategic content in the NPF

98. The Panel recommended that regional spatial strategies ‘be consistent’ with national direction under the NBA, and that NBA plans should ‘be consistent’ with regional spatial strategies.

99. The NPF is intended to provide for a range of different types of direction ranging from strategic policy direction to prescriptive content for NBA plans. Some direction will most appropriately be implemented in NBA plans (such as rules or other instruments to implement environmental limits, or site-specific content), and it would be sufficient for the spatial strategies to be consistent with

this, assuming that the same evidence is used across regional spatial strategy and NBA plan development.⁸

100. Note that this level of weight would not preclude more active implementation of the NPF through the regional spatial strategy where that made sense but would not require it. For example, the spatial strategy could choose to include targets to improve biodiversity across the blue-green⁹ network. These targets could be achieved using a range of tools that can be directed or influenced by the regional spatial strategy and would not have to rely on a regulatory response through NBA plans (eg, investing in riparian planting).
101. However, where the NPF provides strategic direction, or where resource management tensions need to be resolved at a regional level, spatial strategies are a better instrument than NBA plans to do this. For example, strategic direction such as in the current NPS-UD to have 'well-functioning urban environments' shapes decisions on urban form and should be implemented in spatial strategies where investment in infrastructure and other government and local priorities could be considered at the same time. The spatial strategy would actively identify an urban form that would provide for well-functioning urban environments (supported by both land-use and infrastructure investment), which in turn would be enabled through NBA plans.
102. Another example of when spatial strategies could be the appropriate instrument to implement the NPF is where resource management tensions need to be resolved at the regional level. The NPF will not be able to foresee and resolve all resource management tensions and the NPF may explicitly provide for regional variation/expression, and trade-offs that are best made at a regional level. An example of this might be determining a regional target (over and above the limit) for water quality with a community. To choose a target, it would be important to understand what impact it would have on providing for housing need, or the impact different targets may have on the horticultural industry in the region, for example. This type of decision will likely have impacts on land-use at a scale that would shape a region's strategic direction for growth and change and is therefore best taken through the spatial strategy process.
103. 
104. Officials therefore recommend that provisions in the NPF can have different legal weighting on spatial strategies. For example, the NPF can specify that particular direction must be implemented (eg, 'given effect') by the spatial strategies, such as direction to provide for a well-functioning urban environment under the National Policy Statement on Urban Development. For other direction in the NPF (eg, where it is the role of the NBA plans to implement it), officials recommend using the Panel's proposal of a lesser legal weighting ('consistent with'). For the above example, this could be direction to enable at least six storeys of development around rapid transport stations. The NPF would need to be clear which provisions are to be implemented through the regional spatial strategies and which are implemented through NBA plans. Officials will report

⁸ The evidence underpinning the decisions in spatial strategies and evidence needed to develop NBA plans is likely to be similar (if not the same), whether that evidence becomes part of the spatial strategy or not. For example, determining the broad location for an infrastructure corridor in the spatial strategy is going to require a knowledge of the land-use implications of environmental limits (eg, where there are constraints) and other national direction matters in the NPF so that the infrastructure can avoid those locations.

⁹ Blue/green networks are a way of planning, based around waterways (blue), and planting and parks (green). These are managed together through a combination of infrastructure, ecological restoration and urban design to connect people and nature across the city.

back on criteria for determining this so there is a transparent process within the NPF.

105. It is important to note that reflecting the NPF in the spatial strategy would still only provide strategic direction – regulations to actually implement it would still need to be done through NBA plans being 'consistent' with the spatial strategy.

Recommendations – legal weight between NPF and spatial strategies

Agree that spatial strategies must 'implement' (eg, 'give effect to', or similar legal weighting) any provisions of the NPF that the NPF explicitly states are to be implemented through a spatial strategy.

Agree that spatial strategies must be 'consistent with' (or similar legal weighting) any other provisions of the NPF (ie, those that are to be implemented through NBA plans).

Spatial strategies need sufficient legal weight on NBA plans to ensure that key strategic decisions are not relitigated when preparing NBA plans

106. To fulfil their integration role within the system, spatial strategies need sufficient legal weight on NBA plans to ensure the key strategic decisions made through the spatial strategy are not relitigated in NBA plans. This will provide system efficiency and enable streamlining of some planning processes. For example, opposition to, or appeals on, NBA plans should not be able challenge decisions already made through a regional spatial strategy, reducing the time taken to have an operative regulatory plan.¹⁰
107. The Panel recommended NBA plans 'be consistent' with regional spatial strategies and would mean NBA plans could not contain provisions that would undermine the strategic direction in the spatial strategy. NBA plans would still be able to refine or more closely determine precise boundaries for particular uses/ activities within the bounds of the strategic direction (eg, maps and policy direction) within the regional spatial strategy. The more detailed the map or policy direction, the less flexibility the NBA plan would have to deviate from the spatial strategy.
108. This means that, for relevant content, NBA plans are confined to achieving a particular outcome in a spatial strategy, rather than what, whether or where that outcome needs to be provided for. Note that regional spatial strategies will likely be silent on many matters that an NBA plan will have full discretion to regulate for so long as it is not inconsistent with the spatial strategy.
109. This has flow-on implications for system design. The more binding a spatial strategy is on NBA plans, the greater the 'stakes' in their preparation and the more contested spatial strategies could be. Their development requires both robust supporting evidence and a robust process for governance and decision making (including with iwi/hapū), and a public submissions process. Officials will consider how the strategies could impact on property rights,¹¹ private interests (eg, by both reducing or increasing the value of land) and what mechanisms will be available to contest decisions. Officials are still developing advice on the system design features that will be needed to ensure fairness.
110. This level of debate and process needs to occur at some stage in the system. While this could add time, complexity and cost to the spatial strategy process, it reduces debate (and litigation) when NBA plans are developed and ensures that decisions on spatial strategies are enduring and can fulfil their integrating function. Having this debate occur higher up the system should increase

¹⁰

¹¹ Including rights conferred through consents and other relevant permissions in the Coastal Marine Area.

efficiency in how most people engage in the system. Later MOG papers will recommend ways to streamline and connect these processes across the system, given capacity and capability constraints, and a need to avoid consultation fatigue.

Recommendations – legal weight between spatial strategies and NBA plans

Agree that spatial strategies must have sufficient legal weight on NBA plans to ensure that any key strategic decisions made through the strategy are not revisited or relitigated when preparing NBA plans.

Treaty of Waitangi matters and settlement obligations need to be integrated into the SPA and regional spatial strategies

111. As stated in the Purpose section of this paper, officials will come back with further advice on how to most appropriately reflect relevant Te Tiriti obligations (including settlements) in the SPA in the context of related decisions made by the MOG on the NBA.
112. Our overall assessment is that the high-level proposals for the SPA in this briefing are likely to have a positive impact on the Treaty relationship by having iwi and hapū on the committee to develop regional spatial strategies.

Treaty settlements

113. There are Treaty settlement commitments and mechanisms, both recorded in settlement legislation and in relationship agreements that interact with planning provisions in the RMA, which may need specific statutory links with the SPA. These commitments must be protected and provided for in the new RM system [CAB-20-MIN-0522 refers]. In the Waikato River settlement, Te Ture Whaimana – the Vision and Strategy - takes precedence over national direction. Officials will provide advice on whether any provisions of any other settlements take precedence over national direction. Another example is Te Awa Tupua that is an indivisible legal entity with its own kawa¹² that has legal weight in an RMA context. The SPA will need to ensure the regional spatial strategy does not override this.
114. Settlement by settlement analysis and engagement with PSGEs is being conducted for the RM reforms overall by a central team. Our initial view is that Treaty settlements, depending on their nature, will be reflected in the regional spatial strategies through:
 - iwi and hapū engagement on the National Planning Framework, which will set the starting point for participation on governance arrangements for regional spatial strategies. This is the purview of the NBA workstream
 - covering relevant parts of Treaty Settlements that relate to Regional Policy Statements in regional spatial strategies.¹³ Relevant commitments should be transferred to the regional spatial strategy committees, of which Māori groups will be a member
 - establishing relationships as appropriate between joint committees and other bodies established through settlement with regional spatial strategy committees

¹² Section 13 of Te Awa Tupua (Whanganui River Claims Settlement) Act.

¹³ Some arrangements provided for by settlements have strategic links to RPS. For example the Waikato River Settlement Act provides (in s12) that Te Ture Whaimana - The Vision and Strategy for the Waikato and Waipā Rivers prevails over any inconsistent provision in national direction.

- explicit statutory links between the SPA, regional spatial strategies and Treaty settlement arrangements and/or specific mechanisms as appropriate.

115. Further work will also be done, including engagement with customary marine title holders, to explore whether any links between the SPA and planning documents under the Marine and Coastal Area (Takutai Moana) Act 2011 would be appropriate.

Consistency with Waitangi Tribunal Recommendations

116. The Waitangi Tribunal has produced considerable commentary on the RMA since 1991.¹⁴ There are several observations and recommendations related to partnership and co-governance of natural resources, as well as on the purpose of the RMA. The Panel considered the relevant findings and recommendations of the Tribunal in developing its recommendations.
117. Waitangi Tribunal commentary and recommendations regard partnership between Māori and government as essential for environmental management. Officials have maintained the Panel's recommendation that regional spatial strategies are to be created by a joint committee that includes mana whenua.
118. The Tribunal has provided guidance on Māori involvement in a Treaty-compliant resource management system which is articulated in Wai 262. Further development of the Panel's recommendation will be informed by the Tribunal's work in this regard.

Recommendations

Note that Treaty settlement Acts specify the legal weight that must be applied to Treaty settlement arrangements or specific instruments in an RMA context and the purpose, functions and powers of existing governance arrangements.

Note that further work, including engagement with the relevant PSGEs, will be done to identify commitments that are materially affected by the SPA and what is needed to provide for them in the SPA

Regional spatial strategies have a role in translating other national instruments into a regional spatial context

119. Embedding regional spatial strategies into the wider system requires that they consider a range of national instruments through their development. It will always be difficult to marry what the country needs to move forward and can manage or afford, with local needs or preferences. Integrating national and regional priorities is one of the key roles of the regional spatial strategies; if they do not consider or implement government direction then regional spatial strategies might not hold the required weight to influence investment and land-use decisions on the ground. The new system also needs to find a balance between providing certainty and leaving space for the Government of the day to express its priorities and preferences.
120. The Panel recommended that regional spatial strategies should contain objectives and policies consistent with relevant government policy statements.
121. Government policy statements (GPS) are a tool for articulating central government strategy for more than 3 years, in a particular domain. However, current GPS also include quite specific,

¹⁴ These have been compiled by MfE and proactively released as *Extracts from Waitangi Tribunal commentary, findings and recommendations on the Resource Management Act 1991*
https://www.mfeg.ovt.nz/sites/default/files/media/RMA/19-D-02140b_0.pdf

different purposes beyond the high-level strategy:

- the Government Policy Statement on Land Transport under the LTMA includes specific function to direct investment of the hypothecated national land transport fund
- the Government Policy Statement on Housing and Urban Development provides specific direction and support to Kāinga Ora as the Government's lead housing provider and urban developer
- the role of the future water services GPS is to be determined.

122. As GPS are Ministerial documents, they may be subject to change with the electoral cycle. The Panel recognised this and thought it was acceptable as there is a long-term focus in spatial strategies and there could be separate implementation agreements that could agree more immediate, project-specific work.
123. Officials propose that setting a legal test in legislation of 'consistent with' that officials know cannot be met, would increase confusion and reduce certainty in the system. Officials therefore recommend that spatial strategies must "have particular regard to" GPS. This means aims and ambitions set in GPS would have a strong link with RSS, which would need to support the goals set out in a GPS. GPS would need to be considered strongly and only departed from for strong reasons.
124. Our proposal is less binding than the Panels', accommodating the different time periods and recognising that consistency with a GPS will be much more relevant in the short to medium (planned and indicative content) time period of a spatial strategy, with flexibility in the longer term for governments to shape how those indicative or visionary projects may be delivered. The legal test should reflect that not all aspects of a GPS will have implications for spatial strategies.
125. The new system needs to find a balance between providing certainty and leaving space for the Government of the day to express its priorities and preferences. There are many paths towards a 30-year goal for a region and the short to medium term steps taken to get there can vary by different Governments. There are options for how Governments could do this, including:
- Government can provide for and protect specific matters of national significance (that are relevant to the purpose of the NBA) through the NPF
 - GPS could consider whether to set out specifically how regional spatial strategies should respond to the direction in the GPS
 - GPS can use the wealth of knowledge and visions in spatial strategies to help inform national-level policy
 - Governments can influence the project-level translation of spatial strategies, through (potential) new implementation agreements or existing documents/plans with funding. Such documents will be considered at a later MOG meeting.
126. It will be important for agencies to consider the NPF in future GPS reviews, so that Government is not providing conflicting national-level direction.
127. The Panel recommended that spatial strategies 'take into account' (a lesser legal weighting than 'consistent with') the Minister's response to the Infrastructure Commission's 30-year infrastructure strategy. Officials agree, as the Infrastructure Commission's strategy will focus on strategic issues for infrastructure, rather than individual projects. The Minister's response will consider all levers available to government, including outside RM legislation, to give effect to the recommendations.

Recommendations – integration with instruments in other legislation

Agree to the policy intention that regional spatial strategies should have particular regard to current and future Government Policy Statements (GPS), including the GPS for land transport and the future GPS for housing and urban development

Agree that regional spatial strategies should take into account the Minister's response to the National 30-year infrastructure strategy, where they are relevant to regional spatial planning.

Regional spatial strategies may need to resolve tensions between different national-level directions

128. Because regional spatial strategies need to consider a range of non-NBA national level direction and outcomes (such as Government Policy Statements or other strategies) alongside the NPF in their development, there is a possibility that some of these national level directions/ outcomes may conflict when applied in a particular region. While this is not likely to occur very often at the strategic level, the possibility should be provided for.
129. Because regional spatial strategies are prepared under the SPA legislation and their purpose is broader than giving effect to the purpose and principles of the NBA, there is a possibility that NBA outcomes could be 'traded-off' against non-NBA outcomes through the spatial strategy process. This would create inconsistencies between a spatial strategy and the NBA plan, as the NBA plan must give effect to the purpose of the NBA and the NPF. To ensure that strategic decisions made in a regional spatial strategy can be implemented through NBA plans, officials recommend that if there is a conflict between desired outcomes that cannot be resolved through the spatial strategy process, the NPF direction takes priority. This is consistent with a recommendation from the Parliamentary Commissioner for the Environment.
130. This recommendation places a lot of importance on the NPF in the development of regional spatial strategies, and officials recommend that it is an 'in principle' decision rather than a final one as it makes a number of key assumptions about the NPF that may need to be revisited once it becomes clear what the content within the NPF will look like. These assumptions include:
- the NPF will be internally consistent eg, the policy direction within it will not inherently conflict
 - there will be direction on how to resolve any conflicts or tension if these arise when the NPF is applied spatially in a particular region
 - the NPF will provide direction on both urban development and infrastructure (including sufficient protection for critical/life-line infrastructure) eg, not just environmental constraints.

Recommendations – national-level direction for regional spatial strategies

Agree in principle that if there are conflicts between different national-level direction or outcomes shaping a spatial strategy that cannot be resolved through the spatial strategy process, the NPF direction takes priority.

Spatial strategies should direct local instruments

131. The Panel designed the SPA to better integrate land-use planning and funding decisions. However to do this they must have some influence on the local instruments, as many of these

decisions are currently taken in these. These instruments are set out in other legislation (primarily the Local Government Act 2002 (LGA) and the Land Transport Management Act 2003). The Panel recommended that 10-year LTPs (which includes 30-year infrastructure plans), Annual Plans and RLTPs should 'be consistent with' regional spatial strategies.

132. Officials support the policy intent of the Panel recommendation as it would undermine the value-add of regional spatial strategies if more-detailed plans do not refer back to them. Officials support an approach that improves integration but retains flexibility for central and local government budget processes to consider timing and sequencing, and to consider a broad range of issues, including those beyond the scope of the resource management system.
133. A weaker legal weight would not guarantee that the integrating value of spatial strategies translates into real movement towards the agreed 30 year direction. A stronger weight might do more for integration but would likely require undoing many of the accountabilities and funding mechanisms that currently sit in separate Acts. Further analysis on the implications for accountabilities and funding mechanisms in other Acts is required if Ministers wish to explore a stronger weighting.
134. The governance model for spatial strategies will also have implications for the extent to which spatial strategies direct local instruments. Individual local authorities are accountable to their communities for LTPs, annual plans and infrastructure strategies under the LGA. A governance model for spatial strategies should support the accountability of local authorities to their communities through local funding instruments and not undermine that accountability. The integration between spatial strategies and local instruments will need to be further considered in light of the governance models.
135. Given the impacts legal weight of spatial strategies could have for local governance, accountability and funding, officials will work with our legal experts to find the appropriate legal test and clauses to make sure local plans are appropriately working towards the 30-year strategy.
136. [REDACTED]

Recommendations – local level plans and other instruments

Agree with the policy intent that LTPs, Annual Plans, local authority infrastructure strategies, and RLTPs should be required to take active steps towards the 30-year strategy in regional spatial strategies, while having flexibility to consider timing and sequencing, and matters outside the resource management system as required by their respective legislation.

Note that the governance model for spatial strategies will also have implications for how spatial strategies direct local instruments.

Additional legislation not considered by the Panel

137. There are several pieces of legislation, and their instruments, that were not considered by the Panel that may be relevant to the proper implementation and integration of the SPA. This includes, for example, the Public Works Act and the Maritime Transport Act. The resource management system has many flow on effects and it will be necessary to consider the policy impacts across other areas.
138. [REDACTED]

Climate Change adaptation and mitigation outcomes need to be integrated with the SPA and regional spatial strategies

139. Climate change mitigation and adaptation responses need to be embedded into the strategic planning framework. It will be important that regional spatial strategies consider the impacts of climate change and natural hazard risk and the options for responding to it in the strategic allocation of land use. Regional spatial strategies will need to consider how they can contribute to meeting emission reduction targets set out in the national emissions budgets.
140. MOG has agreed that the NPF will include a mandatory topic on natural hazards risk reduction. This acknowledges that while many natural hazards are exacerbated by climate change, separate consideration is required for natural hazards such as earthquakes and land instability. Consideration of natural hazards is provided for in the scope of the spatial strategies discussed earlier, and through the NPF. This section focuses particularly on the climate change tools under the Climate Change Response Act, and the Climate Adaptation Act.
141. The Panel's recommendations for the reformed RM system included strong consideration of both climate change mitigation and adaptation measures. These proposals are woven across the system through the outcomes of the NBA, mandatory matters of national direction (now to be reflected in the NPF), consideration at regional spatial strategy level and NBA plans, and through the creation of a new Act to address processes and mechanisms for managed retreat as well as funding and financing of wider climate adaptation (the Climate Adaptation Act).
142. For regional spatial strategies, the Panel recommended that the SPA should address climate change responses in the purpose of the SPA, and at a strategic level and over a longer timescale (100 years plus) for:
 - climate change mitigation, by 'taking into account' the emissions reduction plan under the Climate Change Response Act (CCRA), and
 - climate change adaptation and natural hazard risk reduction, by being 'consistent with' the national adaptation plan under the CCRA.
143. The first emissions reduction plan has not yet been developed; however, it will be the mechanism by which central government sets policies and measures to meet emission reduction targets set in emissions budgets¹⁵. The first emissions reduction plan is not likely to be readily applied on a regional basis as the emissions budgets look economy-wide (although there is nothing restricting this application going forward). However, some communities and regions may be particularly affected by climate changes and the transition to a low emissions society. It will be important that regional spatial strategies can play a role in supporting necessary change. For example, there may be activities that contribute to emissions reductions that could be facilitated through spatial strategies such as mode shift to public or active transport, integrating land use and transport, or identifying locations particularly suited to renewable electricity generation.
144. Likewise, the first national adaptation plan is under development and must be published by August 2022. It is intended to build on the actions New Zealand is already undertaking to respond to the impacts of climate change and will outline how the government is going to respond to the risks identified in the National Climate Change Risk Assessment over the next six years: 2022 to 2028. The first (and subsequent) national adaptation plan will not be a regulatory tool in its own right; it

¹⁵ The first three emissions budgets and corresponding emissions reduction plan will be delivered by 31 December 2021. Emissions budgets quantify the amount of greenhouse gas emissions allowed over a five-year period expressed as a single amount of carbon dioxide equivalent. Three emissions budgets must be in place at any time (the first starting from 1 January 2022). These act as a 'sinking lid' on emissions that is in line with meeting the 2050 target.

will not require other actors to undertake particular actions. However, it will contain outcomes and objectives for how New Zealand can improve its resilience to the effects of climate change. Although it is a national strategy focussing on central government action, it would be desirable for regional spatial strategies to align with relevant outcomes and objectives in the national adaptation plans.

Climate change mitigation and adaptation measures in regional spatial strategies could predominantly take direction from the national planning framework

145. Neither the emissions reduction plan nor the national adaptation plan will be spatial in nature, or (for the first versions at least) regionally specific. There will be an interpretation exercise to determine what these documents mean for both the planning system more broadly, as well as a response in a particular region. For example, regional and local risk assessments will be much more relevant to the development of regional spatial strategies than the national climate change risk assessment and national adaptation plan.
146. The Panel recommended that climate change mitigation and adaptation become mandatory topics for national direction in the new system, as well as being reflected in regional spatial strategies. For emissions reduction, this national direction would be provided in a way that is consistent with the emissions reduction plan, and in a way that takes account of emissions pricing. For adaptation, the recommendation was that national direction should be consistent with the national climate change risk assessment (especially the risk assessment methodology) and national adaptation plan under the CCRA. MOG has agreed to these being mandatory topics for the NPF.
147. The NPF will provide direction on adaptation and mitigation that is relevant to the planning system and the tools within it. It could also (given recommendations earlier in this paper) provide direction on the specific role the regional spatial strategies can plan in meeting emissions budgets and adapting to risks. Therefore, the main policy response in the regional spatial strategies to emissions reduction and adaptation could occur through the NPF. This mechanism will provide an effective (and strong) link for the regional spatial strategies to address these issues.
148. However, the first emissions reduction plan, and national adaptation plan are still under development and they may include direction that would not be appropriate to reflect in the NPF (eg, would not fall under the purpose of the NBA), but that might still need to be considered through either the development or implementation of regional spatial strategies. For this reason, the national adaptation plan and emissions reduction plan are likely to need a direct influence into regional spatial strategies as well through the NPF.
149. Given that the emissions reduction plan and national adaptation plan are still under development, and the content of how these would be reflected in the NPF is yet to be decided, officials are not yet in a position to recommend how to best integrate these plans with regional spatial strategies. Officials will provide you with advice at a later MOG.

Regional spatial strategies can support a dynamic approach to climate change adaptation

150. The Panel was fairly silent on how the proposed Climate Adaptation Act would integrate with regional spatial strategies. Its recommended purpose was to provide for managed retreat powers to change established land uses and to address liability and options for potential compensation; and to establish an adaptation fund to enable central and local government (both regional and local authorities) to support necessary steps to address climate change adaptation and reduction of risks from natural hazards. Some of these functions could also sit across the NPF, regional spatial strategies and NBA plans, so it will be important to be clear about where the respective powers sit across the suite of legislation and instruments.

151. The particular role that the Climate Adaptation Act will play in the system is still being developed and it is yet unclear how the functions of it will relate to the Climate Change Response Act (and the instruments within it). However, officials do know that climate adaptation occurs across a wide range of response options, including managed retreat, and that regional spatial strategies could play a key role in identifying response options or pathways, understanding thresholds and triggers for different adaptation responses, providing an agreed evidence base and assessment methodologies, and transparency about where central and local government may invest.
152. The current scope, content and purpose of the SPA and regional spatial strategies recommended in this briefing does not preclude these approaches, however more work is needed to determine the specific role that regional spatial strategies could play in climate change adaptation, and in particular integration with the Climate Adaptation Act. Further advice will be provided as the development of the Climate Adaptation Act progresses.

Recommendations – climate change

Note that officials will provide advice on how to integrate the national adaptation plan and emissions reduction plan under the Climate Change Response Act (2002) and the Climate Adaptation Act with regional spatial strategies at a later MOG.


Some functions within the current system that will need to be transitioned to the new

153. One of the key issues to consider in transition will be how current instruments change or are carried forward in the new system. For example, can Regional Land Transport Plans have strategic content pared back to save on duplication with regional spatial strategies.
154. There is also potential for overlap between regional spatial strategies and NBA plan content. There is a question about where strategic policy direction (such as that currently contained within Regional Policy Statements (RPS) under the RMA) would sit within the system. The Panel recommended that there was a role for RPS within NBA plans, however this could create duplication with the regional spatial strategies.
155. Some provisions within RPS have clear spatial application and would most obviously sit within the regional spatial strategies (such as urban growth areas, outstanding natural landscapes and areas of indigenous biodiversity). However, some RPS content has no spatial application such as policies to give effect to national policy direction and co-governance documents. How this content is split has implications for the role of regional spatial strategies and the level of detail it may need to go into, and for the efficiency of processes, such as designations. Officials are receiving advice on this and will provide further advice and recommendations to a future MOG.

Consultation

156.

157.

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158. The relationship between spatial strategy committees, NBA plan committees and existing co-governance bodies will be different region to region and within each region depending on the specific taonga, and the composition, purpose and functions of existing bodies. Māori representation should be considered carefully within this system to ensure the perspectives of iwi, hapū, ahi kā and other Māori groups can be provided across the system in an efficient and effective way.
159. The Strategic Planning Reform Board oversees the policy development for the proposed Strategic Planning Act. The Board is chaired by the Secretary for the Environment and comprises chief executives from the Ministry of Transport, Housing and Urban Development, Internal Affairs, Conservation, and Treasury. From now on the Board, an interdepartmental executive board, has responsibility under the Public Service Act for developing and maintaining the capability of the public service to engage with Māori and to understand Māori perspectives. In addition to consultation referenced above, the Board and its secretariat are further considering engagement options with Māori to understand Māori perspectives.
160. Cabinet agreed that the Minister for the Environment will report back to the MOG on how Māori and local government will be engaged on the development of the SPA [DEV-21-MIN-0019 and CAB-21-MIN-0063 refer]. The cross-agency Strategic Planning Act team has local government personnel seconded to the team (from Bay of Plenty Regional Council) and MfE officials are in the process of exploring another secondment from a local council. The SPA team is engaging regularly with local government through the mechanisms already established for the NBA - a local government CE's group, a small Mayoral group and LGNZ's sector fora. Officials have also convened a group of local government experts to provide input and advice into the SPA policy development. Officials are also looking at options for obtaining strategic input at Deputy Chief Executive and Board meetings.
161. In general, LGNZ and many in local government (particularly the regional sector) consider the current engagement arrangements inadequate to develop good policy. On Friday 14 May, the Minister for the Environment met with LGNZ's Metro Sector and promised a letter to local government to enable more involvement in the next phases of the reform while meeting the reform timelines. At this stage, officials suggest any future process has longevity through transition and implementation, noting the need to consider how input from local government is provided for both NBA and SPA policy and that this will require significant resource. The Ministry for the Environment is working with the Department of Internal Affairs, LGNZ and Taituarā on a proposal and will report back to the Minister for the Environment and the Minister of Local Government.