

This document sets out the terms of reference for the interdepartmental executive board to develop the Strategic Planning Act as part of the resource management reforms.

# Strategic Planning Reform Board

Terms of Reference approved  
28 April 2021

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## Terms of reference for the Strategic Planning Reform Board

### Purpose of document

1. This document sets out the terms of reference for the Strategic Planning Reform Board members (the Board) and other parts of government. It canvases its purpose, scope, deliverables and composition.

### Context

2. The reform of the resource management system is a Government priority.
3. On 14 December 2020, Cabinet agreed to reform the resource management system through repealing the Resource Management Act 1991 and enact three pieces of legislation: the Strategic Planning Act (SPA), the Natural and Built Environments Act (NBA) and the Climate Change Adaptation Act (CAA).
4. Cabinet noted the progress of the SPA would benefit from a formal cross-agency board structure, particularly due to the SPA's connection with a wide range of portfolios (including environment, climate change, housing, local government, economic and social development, and transport).
5. On 15 March 2021, Cabinet agreed to establish the Board [CBC-21-MIN—0063; DEV-21-MIN-0019 refers]. The Board was established by the Governor-General through the Public Service (Strategic Planning Reform Board) Order 2021 on 29 April 2021.

### Purpose of Board

6. The overall purpose of the Board is to:
  - provide system leadership to ensure good outcomes for the resource management reform
  - provide advice on and to manage the policy development process for the SPA using a cross-agency approach
  - align and co-ordinate strategic policy, planning, and budgeting activities across government for work related to the development of the SPA
  - support departments to undertake priority work for the development of the SPA
  - support cross-department initiatives related to the development of the SPA.

### Scope of the Board's responsibilities

7. The Board is an interdepartmental executive board set up to develop the SPA under the Public Services Act.<sup>2</sup>

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<sup>1</sup> See section 25 of the Public Service Act 2020 (the Act).

<sup>2</sup> Section 26 of the Act.

8. The Board is responsible for the development of the SPA. It will manage consequential amendments to other legislation necessary to implement the SPA and any secondary legislation that may be required under the SPA once it is enacted.
9. The Board will not be formally responsible for the development of the NBA or the CAA, except to the extent that the SPA interfaces with those enactments. Agencies will provide joint advice to the Ministerial Oversight Group on policy decisions for the NBA and the CAA.
10. In the course of developing the SPA, the Board will also need to ensure:
  - it develops and maintains the capability of the public service to engage with Māori and to understand Māori perspectives<sup>3</sup>
  - it engages with other relevant stakeholders with significant interests, including local government and key stakeholders.

## Ministerial responsibilities and reporting relationships

### Ministerial Oversight

11. Cabinet agreed to establish the Ministerial Oversight Group (MOG) with responsibility for resource management reform due to the scale and pace of policy decisions needed for the reform.
12. The MOG has authority to make policy decisions on the development of the SPA [CAB-21-MIN-0019 refers]. This includes decisions on:
  - the role of the SPA and its relationship with other legislation and the wider system
  - the scope, level of detail and weight of regional spatial planning
  - governance and decision-making arrangements for regional spatial strategies
  - other policy decisions necessary on the SPA.
13. The membership of the MOG aligns with the agencies within the Board's remit. Its use will help maintain integration and alignment of the SPA with the NBA and CAA. It will also draw connections and alignment with other relevant legislation<sup>4</sup> and major non-RMA work programmes (including "Three Waters" reform).<sup>5</sup>
14. The Minister for the Environment is the appropriate Minister for the Board. The Minister will bring final policy decisions on the SPA back to Cabinet.

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<sup>3</sup> Section 14(2)(a) of the Act.

<sup>4</sup> Other legislation may include the Land Transport Management Act 2003 and the Climate Change Response Act 2002.

<sup>5</sup> Examples of other major non-RMA work programmes includes the "Three Waters reform" programme and the Urban Growth Agenda, Treaty settlements under development, the Crown Minerals Act 1991 review and marine protection reforms.

## Role of the Board

15. The Board members are jointly responsible to the Minister for the Environment for the Board's operation and performance.<sup>6</sup>
16. The Board will work together to manage trade-offs between portfolios and government priorities to provide collective advice to the Minister for the Environment and the MOG.
17. The Board will ensure its work programme is co-ordinated across other agencies within its remit and their chief executives.<sup>7</sup> This is for the reason that not all chief executives of agencies within the remit of the Board will be members of the Board.
18. The Board reports directly to the Minister for the Environment for its functions and any joint resources it controls. The Board chooses who will have the day-to-day relationship with the Minister. It is likely this will be either the Chairperson or the director.<sup>8</sup>
19. With respect to the day-to-day operations and performance of its functions, the Board operates in a similar manner to a chief executive of a department. Decisions could be delegated to the director where appropriate.<sup>9</sup>
20. The Board is responsible for ensuring it complies with the reporting requirements under the Public Finance Act 1989. It is required to provide the Minister for the Environment with information on its strategic intentions and its annual report (unless this requirement is waived or exempted by the Minister of Finance).<sup>10</sup> It can be delegated to the servicing department and the Director may lead this work.

## Role of the Director

21. The Board may appoint a director to:
  - lead the work of the secretariat and the SPA cross-agency policy team<sup>11</sup>
  - manage the relationship with the Minister<sup>12</sup>
  - make decisions if delegated to the director where appropriate.<sup>13</sup>

## Board membership

22. The Board will comprise the chief executives from the following agencies:<sup>14</sup>
  - Ministry for the Environment (MfE)

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<sup>6</sup> Section 28 of the Public Service Act.

<sup>7</sup> Ibid, p. 4.

<sup>8</sup> Public Service Commission, Machinery of Government Supplementary Guidance Note: Interdepartmental Executive Board, p. 4.

<sup>9</sup> Ibid, p. 4.

<sup>10</sup> Ibid., p. 6; see the Public Finance Act 1989.

<sup>11</sup> Ibid., p. 5.

<sup>12</sup> Ibid, p. 5.

<sup>13</sup> Ibid. p. 4.

<sup>14</sup> Section 29(1) of the Act: the Public Services Commissioner selects the members of the Board.

- The Treasury (TSY)
- Ministry of Housing and Urban Development (HUD)
- Department of Internal Affairs (DIA)
- Ministry of Transport (MoT)
- Department of Conservation (DoC).

23. The Board will be chaired by Vicky Robertson, Secretary for the Environment.

24. The Board may also include independent advisers appointed on an as-needed basis.

### Financial management and reporting

25. On 20 June 2021 the Minister for the Environment and Minister of Finance approved the financial management and reporting arrangements for the Board as set out below.

26. Agreed to establish a new appropriation from 1 July 2021 titled Strategic Planning Reform to be used for development and implementation of the Strategic Planning Act.

27. Agreed the Minister for the Environment is the appropriation Minister under section 7C(2)(a) of the Public Finance Act 1989 (PFA).

28. Agreed that the Ministry for Environment will be the appropriation administrator for the “Strategic Planning Reform” appropriation under section 7(2)(b) of the PFA.

29. Directed under section 7C(2)(c)(i) of the PFA that the Board use the appropriation so that, under section 34(3) of that Act, chief executives who are members of the Board will be jointly responsible for what is achieved with any expenditure incurred against the appropriation.

30. The new appropriation is for departmental output expenses so any department may incur expenses against the appropriation under section 7(2)(c)(i) at the direction of the Minister for the Environment or with the agreement of the appropriation administrator under section 7(2)(c)(ii) of the PFA.

31. Agreed that existing employment arrangements will remain in place until those contracts expire and any new employment contracts will be with the Board and/or the Ministry for the Environment and, for the avoidance of doubt, this function or duty of the Board for employment arrangements will be delegated to the servicing department (MfE).

32. Exempted the Board from the requirement to provide an annual report for the financial year (2020/21) under section 45I of the Public Finance Act 1989 . (Note that at its meeting of 16 June 2021 the Board agreed that a short annual report for future years would be appropriate).

33. Waived the requirement for the Board to provide information on its strategic intentions under sections 38 and 41(3A) of the Public Finance Act 1989 because the function of the Board is the development of the proposed Strategic Planning Act

which is a relatively discrete task and it is more appropriate that the information on strategic intentions is provided by its relevant departments, in particular the Ministry for the Environment

34. Waived the requirement for the Board to include its own financial statements in its annual report under section 45AB of the Public Finance Act 1989 because the function of the Board is the development of the proposed Strategic Planning Act which is a relatively discrete task, and the materiality of the assets, liabilities, expenditure, and revenue of the Board are relatively small.