

Transforming Aotearoa New Zealand's resource management system

Our future resource management system

Materials for discussion

Te pūnaha whakahaere rauemi o anamata

Kaupapa kōrero

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Message from the Minister

He kōrero nā te Minita

Over the past year, the Government has been delivering on its promise to build a new resource management system for Aotearoa New Zealand: a system that provides better outcomes for our natural and built environments.

There is broad consensus that the Resource Management Act 1991 (RMA) is not working as was intended. It takes too long, and costs too much. It has not adequately protected the natural environment, nor enabled housing or infrastructure development where needed. There is an urgent need to address these issues and create a system that protects and provides for the wellbeing of current and future generations.

The Government is aiming to replace the RMA with a Natural and Built Environments Act (NBA) and a Strategic Planning Act (SPA) within this parliamentary term. A select committee inquiry recently reported its findings on an exposure draft of key parts of the Natural and Built Environments Bill. The Government is now considering the findings.

In the meantime, we would like to have a discussion with you about our thinking on parts of the system not included in the exposure draft. As our partners and stakeholders, we want to hear your views and ideas on how the reform is shaping up.

Building on the engagement that has already occurred, and recognising the constraints posed by the COVID-19 pandemic, we are holding a series of forums and hui where we will share with you work on the remaining policy details of the NBA and the SPA. This includes initial policy decisions that have been made around the key components of the system and the roles and responsibilities within it.

Your feedback on this document is welcome until 28 February 2022. It will help shape the NBA and SPA, for which Bills will be introduced into Parliament later in 2022.



Hon David Parker
Minister for the Environment
November 2021

Purpose of this document

Te kiko o tēnei tuhinga

In February 2021, the Government announced it would reform the resource management system by replacing the Resource Management Act 1991 (RMA) with three new Acts: the Natural and Built Environments Act (NBA), the Strategic Planning Act (SPA) and the Climate Adaptation Act (CAA). This process is referred to as the resource management system reform (RM reform) in this document.

In carrying out the RM reform objectives (see page 10), the Government aims to:

- move from an effects-based system to an outcomes-based one that avoids harmful cumulative effects
- simplify and standardise processes and make them less costly
- provide more effective and consistent national direction
- substantially reduce the number of local government resource management (RM) plans
- reduce the need for consenting while ensuring environmental safeguards are still in place.

The RM reform continues to progress, and the Government is providing another opportunity to engage on the current proposals for the NBA and SPA before they are developed into full Bills.

This document supports targeted engagement with hapū/iwi/Māori, local government and other stakeholders. It deals mainly with initial decisions made on reform detail since the exposure draft was prepared.

The objectives of the engagement are to:

- provide an update for Māori, local government and sector stakeholders on where the Government is up to in the reform of the resource management system and on next steps in the reform
- present a fuller view of the main components of the system designed to date, including the role of Māori and local government within the future resource management system, from the national to the local level
- respond to and build on feedback received to date
- provide a general overview of RM reform to audiences who have a limited understanding or limited engagement to date, and support preparation for submissions on the full Bill to a select committee in 2022.

Together with submissions provided to the Environment Committee's inquiry on an exposure draft of a Bill for the NBA, feedback received on proposals in this document will inform Ministerial decisions that shape the NBA and SPA legislation that will be introduced into Parliament in 2022.

This document does not cover the CAA. Public consultation on the CAA is expected to take place in early 2022 alongside consultation on the National Adaptation Plan under the Climate Change Response Act 2002.

Structure of this document

Part one of this document provides an overview of the reform process.

Part two sets out where the Government has got to so far in the design of the future system. We have developed a series of questions to seek your views on this proposed system.

Part one:

Resource management reform context

Wāhanga Tuatahi:
Te whakapapa kōrero o
te rauemi whakahaere



Resource management reform to date

There is broad consensus that the current resource management system introduced by the Resource Management Act 1991 (RMA) has not adequately protected the natural environment, nor enabled housing or infrastructure development where needed. It has also been unable to provide hapū/iwi/Māori with an effective enough role in the system.

Challenges in the current system include:

- cumulative environmental effects not being well managed
- local government resource management plans restricting housing and infrastructure growth needed in response to population growth
- hapū/iwi/Māori entities needing to have a more effective role in the system that recognises the relationships under Te Tiriti o Waitangi (the Treaty of Waitangi)
- needing to urgently reduce carbon emissions and adapt to climate change
- the lack of integration across the system, resulting in inefficiencies, delay and costs.

Resource Management Review Panel

In 2019, the Government set up the Resource Management Review Panel (Randerson Panel) to review Aotearoa New Zealand's resource management system. This was an expert panel led by retired Court of Appeal Judge Hon Tony Randerson QC.

The Randerson Panel's report, *New Directions for Resource Management in New Zealand*, identified similar issues to those found in previous reviews of the resource management system including by the Productivity Commission in 2017¹, the Environmental Defence Society in 2019² and the Waitangi Tribunal from 1993–2020³.

¹ Better urban planning: Final report.

² Reform of the Resource Management System, the next generation, the synthesis report.

³ Extracts from Waitangi Tribunal commentary, findings and recommendations on the Resource Management Act 1991, Ministry for the Environment.

Three new Acts

In February 2021, the Government announced it would repeal the RMA and – based on the recommendations of the Randerson Panel – replace it with three new Acts:

- Natural and Built Environments Act (NBA), to protect and restore the environment while better enabling development, as the primary replacement for the RMA
- Strategic Planning Act (SPA), to help coordinate and integrate decisions made under relevant legislation by requiring the development of long-term regional spatial strategies (RSSs)
- Climate Adaptation Act (CAA), to address complex issues associated with managed retreat and funding and financing adaptation.

Objectives for the reform

The Government set objectives for the future resource management system. These are to:

- protect and, where necessary, restore the natural environment, including its capacity to provide for the wellbeing of present and future generations
- better enable development within environmental biophysical limits, including a significant improvement in housing supply, affordability and choice, and timely provision of appropriate infrastructure, including social infrastructure
- give effect to the principles of Te Tiriti o Waitangi to provide greater recognition of te ao Māori, including mātauranga Māori
- better prepare for adapting to climate change and risks from natural hazards as well as mitigating the emissions that contribute to climate change
- improve system efficiency and effectiveness, and reduce complexity, while retaining appropriate local democratic input.

Select committee inquiry

In July 2021, the Government referred an exposure draft of a Bill for the NBA to Parliament's Environment Committee. The inquiry conducted by this select committee allowed the public to get an early look at the main aspects of the proposed legislation. The Environment Committee provided its report to Parliament on 1 November 2021, and the Government is now considering it.

Many written and oral submissions were made on the exposure draft, with responses coming from hapū/iwi/Māori, local government, key stakeholders and the public.

The exposure draft provided for a range of environmental outcomes. In its report, the Select Committee summarised these as relating to the natural environment, cultural values, climate change and natural hazards, and well-functioning urban and rural areas.

The report also provided a list of ideas for making the resource management system efficient, proportionate, affordable and less complex.

Other engagement on the reform

Engagement on the reform began with the Randerson Panel, which conducted public consultation on issues and options for reform in 2019 and 2020. In 2021, the select committee inquiry considered public submissions. Other engagement is outlined below.

Engagement with hapū/iwi/Māori

The Ministry for the Environment has undertaken ongoing regular engagement with two Māori leadership groups, and their technical experts over the past year.

These two groups are:

- Freshwater Iwi Leaders Group and Te Wai Māori Trust
- New Zealand Māori Council, Federation of Māori Authorities (FOMA), and Kāhui Wai Māori (KWM), known as Te Tai Kaha (TTK)

The Minister for the Environment, Hon David Parker, and Associate Minister for the Environment, Hon Kiritapu Allan, have met regularly with these two groups.

MfE has engaged with Post Settlement Governance Entities (PSGEs) since March 2021, to discuss how their settlement arrangements will be carried over into the future system. This is a separate engagement process that will continue right through to the introduction of the legislation, while past feedback has informed the policy proposals.

Two rounds of regional hui with hapū/iwi/Māori, led by Minister Allan, were held in March–April and July 2021.

Local government

MfE's engagement with local government has included:

- regular engagement through a local government chief executives forum
- engagement with selected council technical experts to test policy options
- engagement with specific councils, including Auckland Council for its experience in developing the Auckland Unitary Plan and Auckland 2050 spatial plan
- meetings with Local Government New Zealand (LGNZ) sector groups (metropolitan, regional and rural and provincial groups)
- engagement with the newly established Local Government Steering Group.

The Minister for the Environment has also met with LGNZ sector groups and the Local Government Steering Group to provide updates on the RM reform and respond to questions.

How feedback will inform decision-making

A Ministerial Oversight Group has been delegated decision-making authority by Cabinet to work through the policy details needed to progress the legislation required to reform the system.⁴ The reforms are based on the recommendations of the Randerson Panel.

This document includes policy proposals where Ministers have made initial decisions on matters beyond the scope of the NBA exposure draft. It also provides further policy proposals for testing before advice is finalised. Feedback received through this engagement process will inform Ministerial decisions that shape the NBA and SPA legislation, while past feedback has informed the policy proposals.

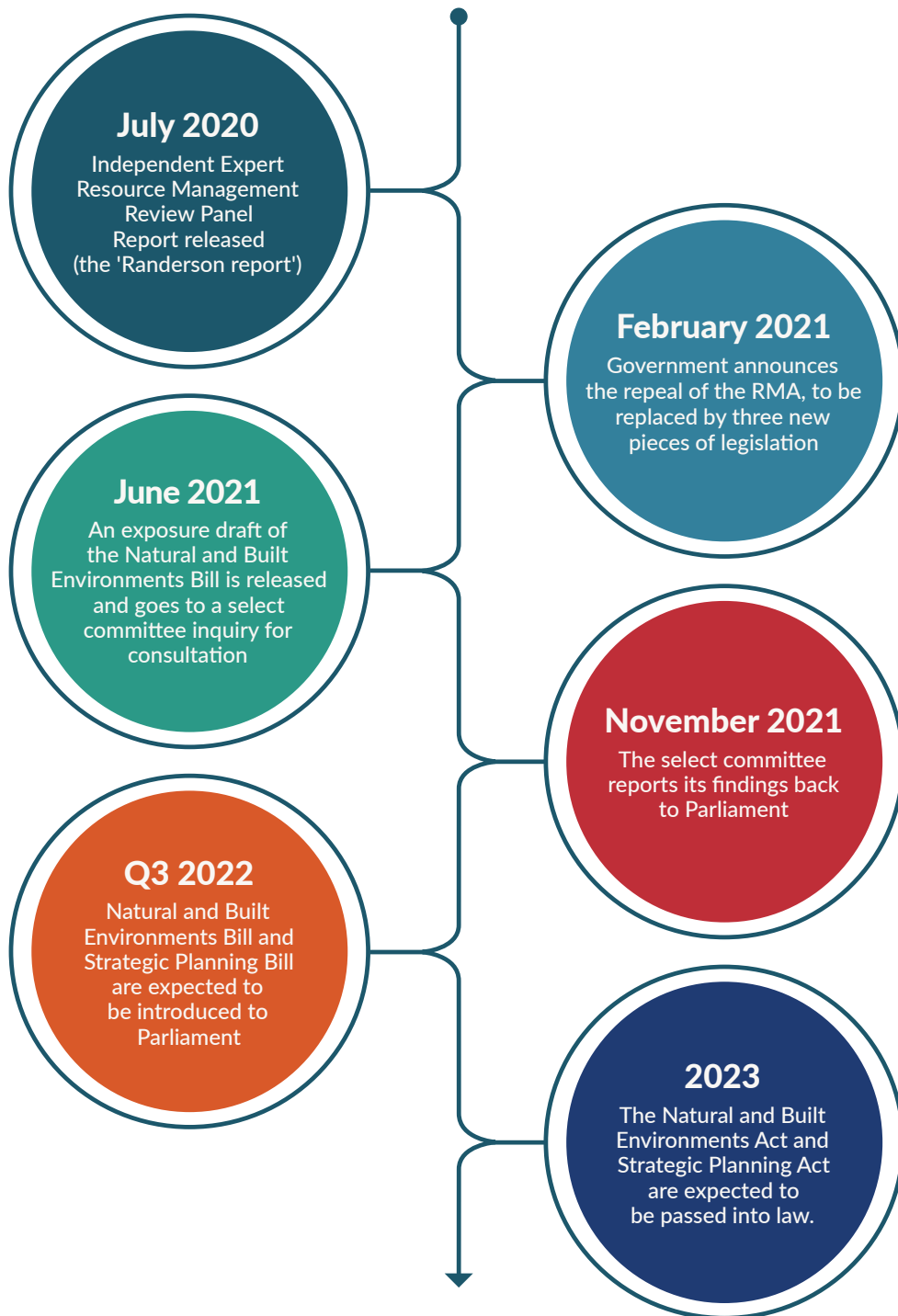
While past feedback has informed the policy proposals in this document, it should not be assumed that those engaged with necessarily agree with the proposals.

⁴ The Ministerial Oversight Group comprises the Ministers of and for Finance (Chair), Environment (Deputy Chair), Māori Crown Relations: Te Arawhiti, Housing, Local Government, Building and Construction, Agriculture, Māori Development, Transport, Conservation, Associate Environment and Associate Arts, Culture and Heritage Hon Kiritapu Allan, and Associate Environment Hon Phil Twyford, and Climate Change.

Timelines for introduction

Both the NBA and the SPA will be introduced to Parliament in 2022. A standard legislative and select committee process will follow, with the aim of the NBA and SPA being passed into law this parliamentary term. The CAA is expected to be introduced to Parliament in mid-2023.

More details on indicative timelines are provided below.



Upholding Te Tiriti settlements

Treaty settlements have led to many resource management arrangements that recognise the unique relationships between tangata whenua and te taiao (the environment).

The RMA interfaces with over 70 Treaty settlement arrangements. Engagement with settlement PSGEs will ensure that reform avoids unintended consequences for, and upholds the integrity of, Treaty settlements. As already noted, engagement with PSGEs on these matters has begun.

The Government is committed to carrying over existing Treaty settlement arrangements into the NBA and SPA. Doing this will protect the existing influence that PSGEs have on RM processes while ensuring the agreements providing for such influence are not themselves relitigated.

Engagement with relevant entities will also ensure the upholding of:

- natural resource arrangements agreed by hapū/iwi/Māori entities and local government under existing provisions of the RMA
- rights recognised under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 (takutai moana legislation).

Takutai moana rights

Takutai moana groups who have, or are seeking, recognition of customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011 will be invited to engage in regional hui and other processes. In recognition of customary interests in the common marine and coastal area, takutai moana legislation includes significant resource management rights for hapū/iwi/Māori.

The Crown is committed to upholding these rights in the reform. There are nearly 600 applications for recognition of customary interests, which collectively cover the entire coastline of Aotearoa from the wet part of the beach out to 12 nautical miles (the edge of the territorial sea). Some of the applications have already been determined, with customary marine title or protected customary rights recognised by the Government.

The resource management rights of takutai moana groups include:

- the right to give or decline permission for certain resource consents
- the ability to prepare a planning document that influences regional planning
- the right to carry out protected customary activities without a resource consent (eg, tauranga waka, using wai for rongoā)
- the right to be notified of certain resource consent applications.

Engagement through regional hui with takutai moana applicants and rights holders will inform upcoming decisions on how the rights will be effectively transitioned to the future system.

Working with local government

Engagement with local government was enhanced in September 2021 with the establishment of the Local Government Steering Group to advise the Government on the RM reforms.

The Group comprises local government elected members and senior council executives.

MfE worked with LGNZ and Taituarā – Local Government Professionals Aotearoa to ensure the Group's members are reflective of the range of New Zealand's councils, including territorial, regional and unitary councils from metropolitan, provincial and rural areas.

Implementing the NBA and SPA

Ensuring an effective implementation of the future system, and smooth transition to it, is critical to achieving the objectives of the reform.

Transition pathways are being developed to identify options for how best to transition key components of the RMA (eg, national direction, plans and consents) into the future system. The transition pathways will need to recognise the capability and capacity of people to participate effectively in the delivery of the future system and achieve the objectives of the reform.

A 'model project' will be developed to support, test and demonstrate the implementation of the future system. The first phase of this project will be the testing of the new system through the development of plan prototypes. Following this, the Government intends to work with a selected region to prepare a model RSS and an NBA plan to test the implementation of the system and provide learnings to other regions. Expressions of interest will be sought from regions to participate in the model project.

A culture, capacity and capability work programme will promote, support and respond to the needs of the future system, identifying new skills and capabilities and the nature of system culture change required.

A digital transformation work programme recognises that technology is integral to the future system to improve efficiency and to enable hapū/iwi/Māori and others to participate more fully in the system. This work will explore the role central government

and/or regions could have in the provision and support of digital technologies.

How resource management reform relates to other Acts and government work

The RMA interacts with a range of other legislation, including the Local Government Act 2002, Land Transport Management Act 2003, Conservation Act 1987 and Building Act 2004.

Substantive changes to these Acts are not proposed as part of this reform. However, minor changes may be made to ensure they work with the NBA and SPA.

Freshwater Māori rights and interests

An objective of the RM reforms is to give effect to the principles of Te Tiriti o Waitangi and provide greater recognition of te ao Māori, including mātauranga Māori.

The Government has committed to working to achieve efficient and fair allocation of freshwater resources, having regard to all interests, including Māori and existing and potential new users.

The Government provided an assurance that the exposure draft of the NBA would not preclude any potential options for addressing Māori freshwater rights and interests and their consideration as part of ongoing discussions with hapū/iwi/Māori. This will continue to be the case in the current engagement process.

Three Waters reform

The Three Waters reform is focused on improving the regulatory and service delivery arrangements for three waters infrastructure (drinking water, wastewater and stormwater). The new multiregional water service entities will need to operate within the resource management system.

Three Waters reform relates to the delivery of drinking water, wastewater and stormwater services. RM reform relates to protecting and restoring the environment while better enabling development.

Officials are working together to ensure the new water entities:

- give effect to existing and future environmental regulation to improve the environmental performance of three waters systems
- enable housing and urban development and support an integrated approach to land use and infrastructure planning, with the expectation that the entities will provide technical support for the development of the new long-term RSSs, which are discussed from page 24.

Both reform programmes are looking at how to address water as a taonga of particular significance and importance to Māori, and the Crown's duty to protect Māori rights and interests under Te Tiriti. Both recognise the intergenerational importance of health and wellbeing. The new water entities will be required to respond to Te Mana o Te Wai, as expressed in the National Policy Statement for Freshwater Management 2020, made under the RMA.

Review into the future for local government

Local government will play an important role in implementing the NBA and SPA. The role of local government in the future will therefore affect how the future resource management system will operate.

In April 2021, the Minister of Local Government established the Review into the Future for Local Government. The review provides local government with an opportunity to comment on how New Zealand's system of local democracy needs to evolve to improve the wellbeing of our communities and environment, actively embody Te Tiriti partnership, and be fit for the future.

The local government review will help to identify what local government does, how it does it, and how it pays for it. The review panel published its interim report in October 2021 (see appendix 5).

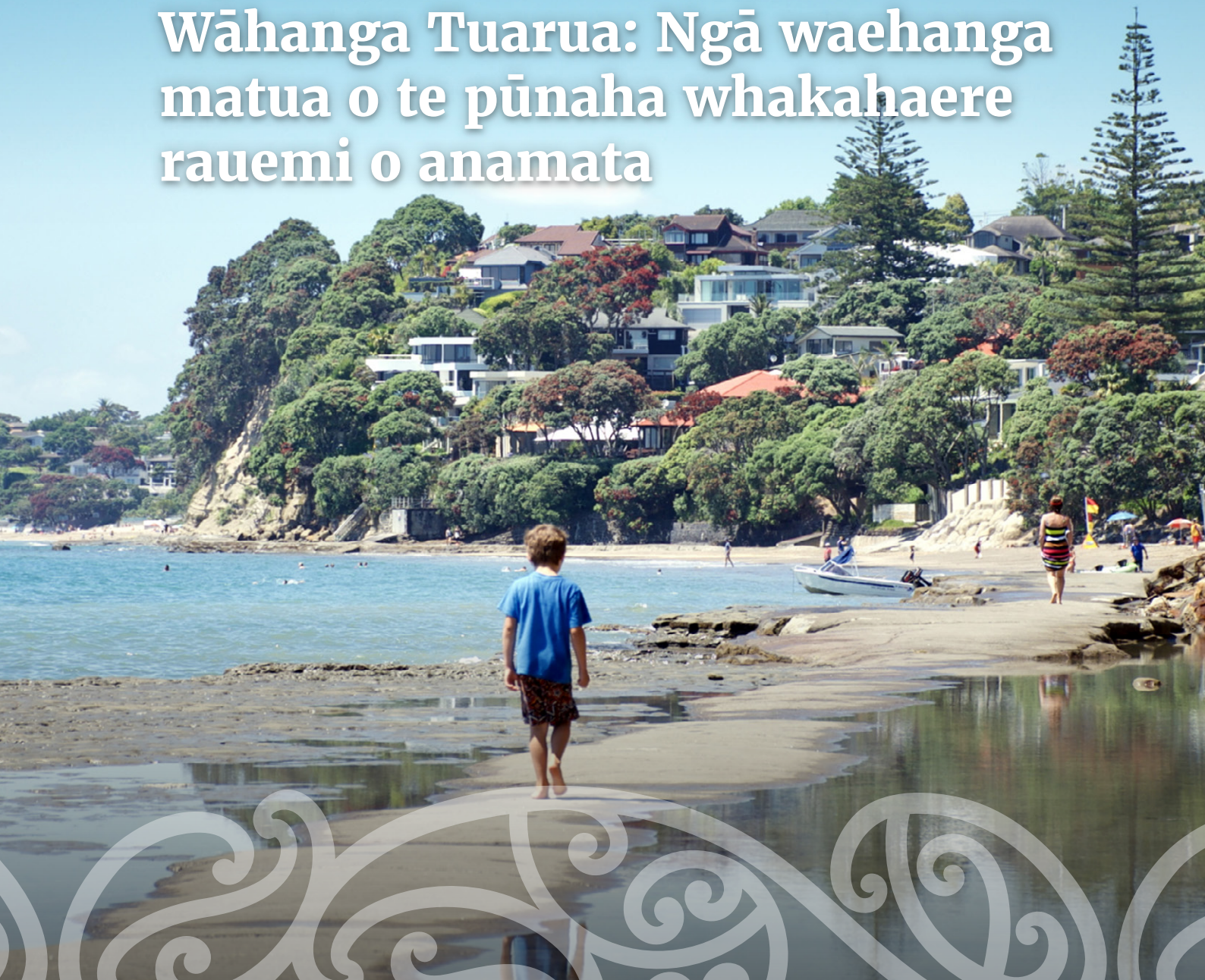
The prospective outcomes of RM reform are flexible enough to not limit the outcomes of the review.



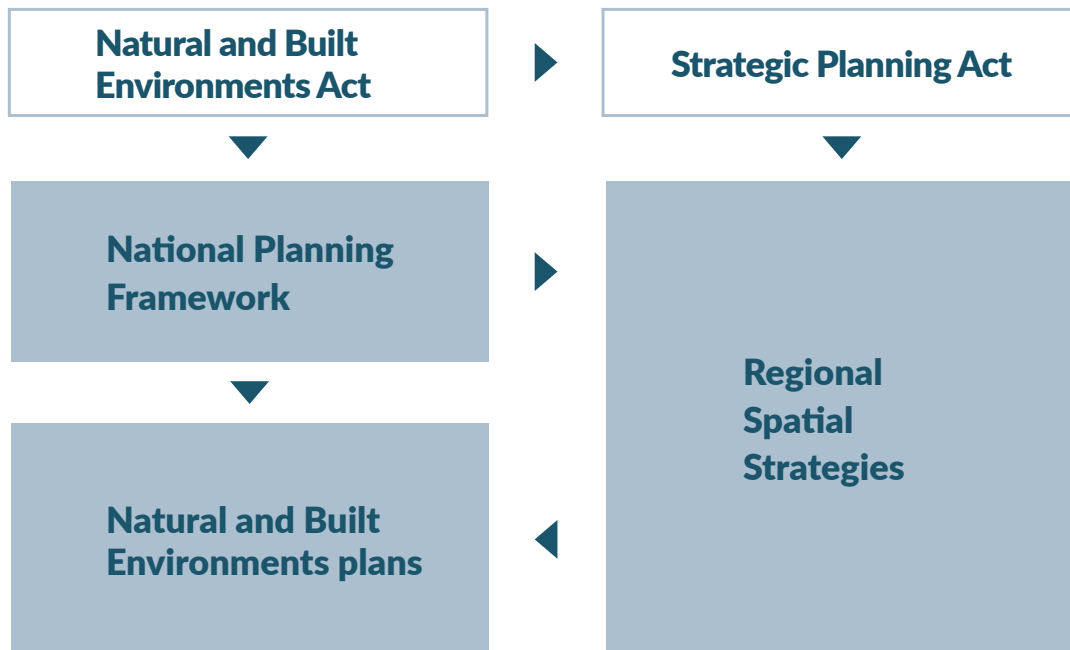
Part two:

Components of the future resource management system

Wāhanga Tuarua: Ngā wāhanga
matua o te pūnaha whakahaere
rauemi o anamata



How the future system will work



Strategic Planning Act

The SPA will integrate with the NBA and other legislation relevant to land, urban development, and the coastal marine area. The SPA will provide strategic direction by requiring the creation of long-term RSSs. These will identify areas that are:

- suitable for development
- need to be protected
- require infrastructure
- vulnerable to climate change effects and natural hazards.

RSSs will integrate with other relevant documents like NBA plans and the National Planning Framework (NPF).

One regional spatial strategy will be developed for each region, with flexibility to address issues within and across regions. The strategy will be prepared by a joint committee comprising representatives from hapū/iwi/Māori, local and central government. RSSs would integrate with other relevant documents like NBA plans and the NPF.

Other significant legislation that the SPA will integrate includes the Local Government Act 2002, Land Transport Management Act 2003 and Climate Change Response Act 2002. These other Acts are important parts of the resource management system, and substantive changes to them are not proposed as part of this reform.

Natural and Built Environments Act

The NBA will be an integrated statute for land use and environmental protection that works in tandem with the SPA. As the primary replacement for the RMA, it will set out how the environment is to be protected and enhanced and will promote positive outcomes for natural and built environments.

Achieving positive outcomes and strengthening limits

A criticism of the RMA is that it focuses too much on managing adverse effects on the environment and not enough on promoting more positive outcomes across all aspects of wellbeing. The NBA will specify outcomes that decision-makers will be required to promote for natural and built environments. Outcomes will also guide RSSs under the SPA.

The NBA will include a mandatory requirement for the Minister for the Environment to set environmental limits for aspects of the natural environment, to protect its ecological integrity and human health.

These limits will be framed as a minimum acceptable state of an aspect of the environment, or a maximum amount of harm that can be caused to that state. Timing and transitional arrangements will be taken into account in setting limits.

Managing environmental effects

The NBA will carry over the RMA's requirement to 'avoid, remedy or mitigate' adverse effects of activities on the environment. This will ensure a management framework exists for all adverse effects, including those not covered by limits or outcomes.

The NBA will also ensure that measures to avoid, remedy or mitigate effects do not place unreasonable costs on development and resource use. Although the NBA will intentionally curtail subjective amenity values, this will not be at the expense of quality urban design, including appropriate urban tree cover.

Te Tiriti o Waitangi and te ao Māori in the system

The NBA will also improve recognition of te ao Māori and Te Tiriti o Waitangi.

This includes reference in the Act's purpose to Te Oranga o te Taiao, a concept intended to encapsulate the intergenerational importance of the health and wellbeing of the natural environment.

As set out in the exposure draft for the NBA, decision-makers would be required 'to give effect to' the principles of Te Tiriti, replacing the current RMA requirement to 'take into account' those principles.

Providing clear national direction

The NPF will provide strategic and regulatory direction from central government. The NPF will play a critical strategic role, setting limits and outcomes for natural and built environments, as well as ways to enhance the wellbeing of present and future generations.

NBA plans

As recommended by the Randerson Panel, one NBA plan will be developed for each region. The plan will be prepared by a joint committee comprising representatives from hapū/iwi/Māori, local government, and potentially a representative appointed by the Minister of Conservation.

NBA plans are intended to bring efficiencies into the system by providing consistency across a region and more effectively implementing the NPF.

The process for developing NBA plans is largely informed by the model used to develop the Auckland Unitary Plan and aims to incentivise all participants to engage early with the best information available. An independent hearings panel would hear submissions and make recommendations to the decision-makers.

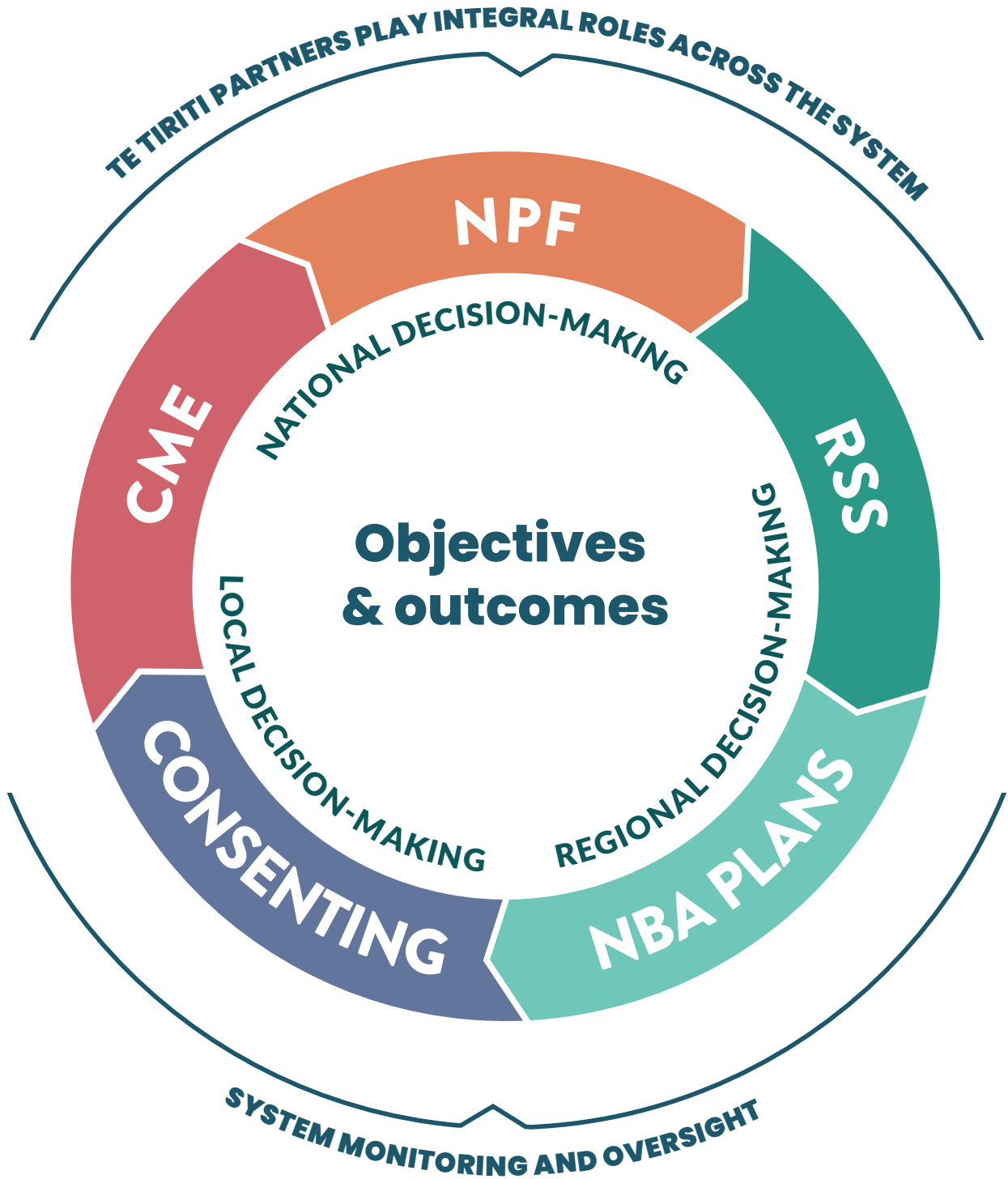
Consenting

Consent activity classes and notification rules will be standardised, with key requirements set out in NBA plans rather than assessed on a case-by-case basis. This will increase certainty and efficiency and drive a reduction in the volume of resource consents.

Compliance, monitoring and enforcement

A broader range of tools will be available to support effective compliance, monitoring and enforcement.

Main components of the future resource management system and how they fit together



NPF: National Planning Framework / **RSS:** Regional Spatial Strategies (RSS)
NBA: Natural and Built Environments plans / **CME:** Compliance Monitoring and Enforcement

National planning framework

Central government will issue an NPF under the NBA that provides a set of mandatory national policies and standards. These will include natural environmental outcomes, limits and targets.

The NPF will also provide direction on resource management matters that must be consistent throughout the system. This may include methods, standards and guidance to support regional spatial strategy development. The NPF will also consolidate existing national direction. It will play a role in resolving conflicts between outcomes in the system.

The NPF will provide strategic and regulatory direction from central government. The NPF is important for ensuring the future resource management system will be more efficient.

Detailed decisions on the process for developing the NPF are still to be made. The policy intent includes effective public consultation, a role for Māori that gives effect to the principles of Te Tiriti, and independent advice to inform decision-making.

Scope of the NPF

The exposure draft stated that the NPF must cover areas like air quality, freshwater, indigenous vegetation, greenhouse gasses, housing supply and infrastructure.

The NPF is expected to:

- contain environmental limits, targets and other provisions, such as methods and rules to direct and guide anyone exercising functions and powers under the Act
- help in resolving conflicts that are the most appropriate to resolve at the national level
- provide direction on resource management matters that benefit from consistency throughout the system
- provide direction on plan-making
- include standards for common construction and development activities (eg, erosion and sediment control and noise and vibration).

Development of NPF

The Randerson Panel recommended a board of inquiry process for the preparation and review of national direction, with an alternative process for less substantive changes.

The process to develop the NPF must be transparent and allow for flexibility, to ensure its development is proportionate to the scope of the direction. The process must allow for expertise, including mātauranga Māori, to inform decision-making.

The Randerson Panel also recommended that national direction should only be prepared by the Minister for the Environment (with the Minister of Conservation where currently involved under the RMA), to ensure the integrity and cohesion of national direction and the outcomes sought are not undermined. It is proposed that the Minister for the Environment would make final decisions (with the Minister for Conservation where appropriate).

Review of NPF

The Randerson Panel recommended that national direction should be reviewed at least every nine years. No decisions have yet been made on this matter.

WHAT DO YOU THINK?

What role does the national planning framework (NPF) need to play to resolve conflicts that currently play out through consenting?

How would we promote efficiency in the Board of Inquiry process while still ensuring its transparency and robustness?

How often should the NPF be reviewed, bearing in mind the relationships between the NPF, regional spatial strategies and Natural and Built Environments Act plans?

Regional spatial strategies

RSSs will require multiple groups to work together to identify how the region will grow over the next 30 years. The RSSs will provide firm direction on integrating decisions on land use, urban development, infrastructure, environmental protection and climate change.

The RSSs will not be operative; rather they will guide NBA plans and coordinate investment from the public and private sector.

Developing RSSs will ensure key decisions and trade-offs could be identified and resolved at the regional level, reducing the need for these issues to be relitigated in NBA plans and individual consents.

RSSs will also help groups to identify areas of mutual benefit and potential conflict earlier on. This will allow interactions between outcomes to be managed in a more strategic way, for example, by designating areas for development or for protection.

Scope of RSSs

RSSs will need to uphold relevant Te Tiriti settlements and customary rights, and will:

- set long-term objectives for urban growth and land-use change
- help ensure development and infrastructure is provided in the right places and in a coordinated way
- help identify areas to be protected from inappropriate development or change, such as areas with highly productive soils, or significant natural areas
- support development capacity and infrastructure provision, including by identifying indicative future infrastructure corridors, or areas to improve housing supply, affordability and choice
- support climate change mitigation and adaptation, and natural hazard risk reduction.

Boundaries for RSS will be based on regional and unitary council boundaries, with provision to address cross-boundary issues. The approach for Te Tau Ihu (top of the South Island) is still under consideration and subject to further advice.

Development of RSSs

One RSS will be developed for each region by RSS joint committees comprising representatives from hapū/iwi/Māori, local and central government.

The exact membership of these committees is still under consideration, as discussed below. Bodies represented on RSS committees will have statutory duties and obligations, with agencies and public and private infrastructure providers providing the committees with technical support.

It is currently proposed that RSSs will be reviewed every nine years with full public engagement.

Provision could also be made for full or partial reviews within cycles, if necessary. The SPA will not prescribe a single process for public engagement on RSS development, allowing each committee to devise a process that will work for their region. The SPA would, however, require certain engagement outcomes to be achieved through the processes devised by each committee.

Review of RSSs

It is currently proposed that RSSs will be reviewed every nine years with full public engagement.

Implementing RSSs

RSSs will identify where infrastructure investment is required. To coordinate investment, the Randerson Panel recommended that project and site-level detail should be provided through separate implementation agreements.

Implementation agreements would allow central and local government, hapū/iwi/Māori, infrastructure providers and stakeholders to agree to advance more detailed project planning for certain infrastructure or environmental remediation projects. It would also allow them to begin business case processes and apportion funding responsibility across central and local government.

The extent to which implementation agreements should bind the delivery partners is still under consideration. A spectrum of options is available, including:

- self-enforcing through mutual obligation, supported by incentives and good relationships
- contracts enforceable through the courts
- legally binding with sanctions for non-compliance in the SPA.

WHAT DO YOU THINK?

To what degree should regional spatial strategies (RSSs) and implementation agreements drive resource management change and commit partners to deliver investment?

How can appropriate local issues be included in RSSs?

With regional and unitary council boundaries proposed for RSSs, how should cross-boundary issues be addressed?

NBA plans

As recommended by the Randerson Panel, one NBA plan will be developed for each region. The plan will be prepared by a joint committee comprising representatives from hapū/iwi/Māori, local government, and potentially a representative appointed by the Minister of Conservation.

Initial consideration has been given to several sub-regional NBA plans being developed, then incorporated into a regional NBA plan. This could allow regions with different communities to take a more nuanced approach to regional planning.

This would consolidate over 100 existing policy statements and plans across the system into around 14 plans (subject to decisions for Nelson/Marlborough/Tasman – Te Tau Ihu), simplifying and improving integration of the system.

Having one plan per region that covers resource use, allocation and land-use management is expected to better bring efficiencies into the system by integrating plan provisions and implementing the NPF.

NBA plans are a significant change to the system. It is important to check in on how they will work in practice and examine the implications for those that will be responsible for preparing and implementing these plans.

Development of NBA plans

The process for developing NBA plans varies from the way existing regional and district plans are made. An NBA plan process may involve:

- facilitating early and better public participation during policy development, ensuring all types of feedback received have weight throughout the plan development process
- providing an early and sustained role for hapū/iwi/Māori entities in the plan development process
- drawing in diverse community feedback on plans, and requiring those preparing the plan to seek a wide range of views, including from communities that have traditionally been hard to connect with
- providing for local place-making in the plan-development process. This could be through local plans, such as those developed under the Local Government Act 2002 (eg, town centre plans, local community plans) and structure plans
- ensuring a robust plan through use of an independent hearings panel
- appeals based on the model used for the Auckland Unitary Plan process, that is, rehearing of any independent hearings panel recommendations not accepted by the joint committee
- allowing local government and hapū/iwi/Māori entities to participate in the submissions and hearings phases of plan development.

Review of NBA plans

Work is under way to consider how often NBA plans would be reviewed.

A range of plan change approaches would be available to enable the process to be proportionate to the plan change sought. Private plan changes would be possible but restricted in scope and as to when they may occur.

WHAT DO YOU THINK?

Do you agree with the Randerson Panel's recommendation to have one combined Natural and Built Environments Act (NBA) plan per region?

Would there be merit in enabling sub-regional NBA plans that would be incorporated into an NBA plan?

What should the role of local authorities and their communities be to support local place-making and understanding of local issues in NBA plans?

Will the proposed plan-making process be more efficient and effectively deliver planning outcomes?

How the NPF, RSS and NBA will work together

RSSs and NBA plans are designed to give effect to the provisions of the NPF.

If there are conflicts between different directions or outcomes shaping an RSS that cannot be resolved through the spatial strategy process, it is proposed that the NPF direction will take priority.

RSSs will have sufficient legal weight on NBA plans to ensure that any significant strategic decisions made through the strategy are not revisited or relitigated when preparing NBA plans.

Local authority long-term plans, annual plans, infrastructure strategies and land transport plans would be required to take active steps towards the RSS, while having flexibility to consider timing and sequencing, and matters outside the resource management system as required by their respective legislation.

RSS and NBA joint committees

The Randerson Panel recommended that joint committees be established to develop and make decisions on RSS and NBA plans.

Joint committee composition

There will be one joint committee for NBA plans and another for RSS.

RSS joint committees will have representation from local government, hapū/iwi/Māori and central government.

NBA joint committees will have representation from local government and hapū/iwi/Māori. Consideration is also being given to the Randerson Panel's proposal for a representative of the Minister of Conservation.

Proposals for joint committees

Proposals for RSS and NBA joint committees align with the objective to improve system efficiency and effectiveness and reduce complexity.

A challenge in working this through is how to retain local democratic input where final plan-making decisions are held by a joint committee.

Proposals being considered include:

- RSS and NBA joint committees not requiring common membership across both committees (but regions may wish to)
- structure and composition of committees being determined on a region-by-region basis
- a preference (not requirement) for representation of all local authorities in the region on the committees
- joint committees being provided with full autonomy on final decisions, supported by feedback from local authorities and hapū/iwi/Māori
- joint committees establishing sub-committees to give effect to local voice where it does not conflict with NPF, RSS or Treaty partnership obligations
- the establishment of a secretariat to support the committees (ie, to prepare the regional spatial strategy and NBA plan). This would include how committees could draw staff and resources from existing local authorities in the region, and how technical and mātauranga Māori expertise is provided for
- subject to agreement by PSGEs, existing governance arrangements to be provided for through Te Tiriti partnership entities to uphold Treaty settlements, takutai moana rights and existing voluntary arrangements in the future system.

WHAT DO YOU THINK?

How could a joint committee model balance effective representation with efficiency of processes and decision-making?

How could a joint committee provide for local democratic input?

How could a joint committee ensure adequate representation of all local authority views and interests if not all local authorities are directly represented?

Are sufficient accountabilities included in the proposed new integrated regional approach to ensure the strategies and plans can be owned and implemented by local authorities?

How should joint committees be established?

Consenting

Resource consents are still expected to be part of the future resource management system. The NPF and NBA plans will play an important role in consenting by:

- providing direction on where consents are needed and what activity definition (eg, controlled or discretionary) they will be
- providing direction on what level of notification will be required. This may include precluding involvement for some activities that have already been litigated through NBA plans
- permitting activities subject to conditions, to ensure environmental protections remain. Conditions could include development standards (eg, erosion and sediment control) and require third party approvals or certifications
- providing clear processes for decision-making on consents.

This is expected to create a more efficient consenting system, improve certainty for decision-makers, and reduce the number of consents required.

New activity definitions

The Randerson Panel recommended that the existing RMA resource consent types remain in the future system, that is, land use consent, subdivision consent, coastal permit, water permit and discharge permit. The Government agrees.

The Panel also recommended that the current list of activities categories remain, except for the non-complying category.

The Government is proposing to reduce the number of activities categories from six (in the RMA) to four (in the NBA). Although the terminology would be similar to that in the RMA, changes are proposed to the definitions of the categories and in associated legal requirements. The four categories are:

- **permitted:** activities where positive and adverse effects (including cumulative and those relevant to outcomes) are known. There will be a slight expansion in the scope of permitted activities⁵
- **controlled:** activities where potential positive and adverse effects (including cumulative and those relevant to outcomes) are generally known, but where tailored management of effects is required. There will be limited discretion to decline

⁵ A consent is not required if identified parties gave their written approval (similar to section 87BA of the RMA), or a suitable management plan is prepared by a suitably qualified person.

- **discretionary:** activities that are less appropriate, have effects that are less known (or go beyond boundaries), and activities that were unanticipated at the time of plan development. Councils will have a broad discretion to seek information and the ability to decline
- **prohibited:** activities do not meet outcomes and/or breach limits; no applications will be allowed.

Put simply, in terms of allowing a particular activity, these are yes (permitted), probably (controlled), maybe (discretionary) and no (prohibited).

Changes to the system could clarify and explicitly enable permitted activities to require a third-party certification, thus allowing a more proportional and efficient approach.

Potential examples are farm plans prepared by a suitably qualified professional, and a cultural values assessment prepared by an iwi within an area identified as having significant value to Māori.

WHAT DO YOU THINK?

Will the proposed future system be more certain and efficient for plan users and those requiring consents?

Compliance, monitoring and enforcement

The future resource management system must be supported by a robust and effective compliance, monitoring and enforcement (CME) regime.

Proposed changes to CME include:

- broadening the cost recovery provisions for CME in the NBA, allowing for costs to be recovered for compliance monitoring of permitted activities and investigations of non-compliant activities
- ensuring compliance and enforcement decision-making is independent and not subject to inappropriate influence or bias
- a substantial increase in financial penalties, broadening the range of offences subject to fines for commercial gain, and increasing the statute of limitations to 24 months
- prohibiting the use of insurance for prosecution and infringement fines
- allowing consent authorities to consider an applicant's compliance history in the consent process
- providing for alternative sanctions to traditional enforcement action and providing for new intervention tools, including enforceable undertakings and consent revocation.

Carrying out compliance, monitoring and enforcement

It is expected councils will continue to be responsible for the delivery of CME services, including decision-making about when to take enforcement action and what type of action to take.

The Randerson Panel recommended the establishment of CME regional hubs, which would be structurally separate to councils. Decisions on hubs and CME institutional arrangements are to be deferred for the time being.

WHAT DO YOU THINK?

Do you agree with the proposed changes to compliance, monitoring and enforcement provisions and tools?

How practical will the proposals be to implement?

Monitoring and system oversight

Monitoring and oversight is fundamental to the operation of the resource management system.

Monitoring

Monitoring provides information to help set environmental limits, track progress towards desired targets and outcomes, and let decision-makers know about the consequences of their actions.

The proposed approach to monitoring will include:

- a suite of tools in the NBA to direct monitoring
- consistent and regular local-level environmental monitoring and reporting
- enabling Māori to be involved in developing and undertaking monitoring and reporting activities
- clear connections between the NBA and national environmental reporting under the Environmental Reporting Act 2015
- stronger requirements for responsible bodies to investigate, evaluate and respond when this monitoring identifies problems that need to be addressed.

System oversight

System oversight ensures there is transparency and accountability for the performance of the system and the delivery of its objectives.

The following functions of system oversight are proposed to be reflected in the future system:

- stronger regulatory stewardship and operational oversight of the system by central government and other independent oversight bodies
- regular reporting to Parliament on the performance of the system, in relation to environmental limits, targets and outcomes of the NBA
- legislated requirements for central government to respond to national level reports on the state of the environment and system performance
- independent oversight of system and agency performance, to provide accountability and impartial analysis and advice
- mechanisms to monitor how the system gives effect to the principles of Te Tiriti
- a range of powers for ministers to intervene and direct the system.

Carrying out monitoring and oversight

It is expected councils will continue to be responsible for undertaking monitoring, with greater opportunities for Māori to be involved in monitoring activities.

Central government is expected to play a stronger role in providing oversight of the system alongside independent bodies such as the Parliamentary Commissioner for the Environment and the proposed national entity for enabling Māori involvement at the national level.

WHAT DO YOU THINK?

Will these proposals lead to more effective monitoring and oversight of the system?

Will the system be able to adequately respond and adapt to changing circumstances?

Roles and responsibilities

This section sets out the roles and responsibilities for the main decision-makers in the system:

- local government
- hapū/iwi/Māori
- central government.

Role of local government in the future system

Local authorities will have important roles in the future resource management system. We are seeking input from local government on ways to ensure community input and local voices in the system are preserved or improved, and on the type of relationship and interactions local authorities need with the RSS and NBA plan joint committees.

The proposed role of local government in the future system is outlined below. Note that this is subject to further decisions.

RSS and NBA plan development

Local authorities will:

- play an essential connecting role between local communities and RSS and NBA plan development. Local authorities will support effective community engagement processes to ensure RSS and NBA plans enable local place-making and will give effect to significant views through governance and decision-making arrangements
- contribute to RSS and NBA plan development, including through provision of information, resource and expertise. Involvement of councils through the secretariat will provide an avenue for council input into drafting
- provide local plans to inform strategy and plan development. Specifically, it is intended the NBA will provide for place-shaping documents, such as local plans, under the Local Government Act 2002 (eg, town centre plans, community plans)
- support engagement with local communities on strategies and plans, and collaborating with hapū/iwi/Māori, building off existing trusted relationships
- review and provide feedback on draft strategies and plans, potentially through timebound review stages.

Joint committees

Local authority appointments to RSS and NBA joint committees would be responsible for giving effect to local voice. It is expected other governance roles would be provided for local government through potential cross-regional and sub-regional sub-committees.

RSS and NBA plan implementation

Regional councils will retain responsibility for natural resource functions, and territorial authorities will retain their core land use and subdivision responsibilities.

Local authorities will implement RSSs through local authority plans and functions under the Local Government Act 2002 and through implementation agreements.

Compliance, monitoring, enforcement and oversight

Local authorities will continue to be responsible for the delivery of CME services, including decision-making on when to take enforcement action and what type of action to take.

Local authorities may be required to provide consistent and regular local-level environmental reporting, and would likely have roles in monitoring the implementation of RSS and regulatory instruments under NBA plans.

WHAT DO YOU THINK?

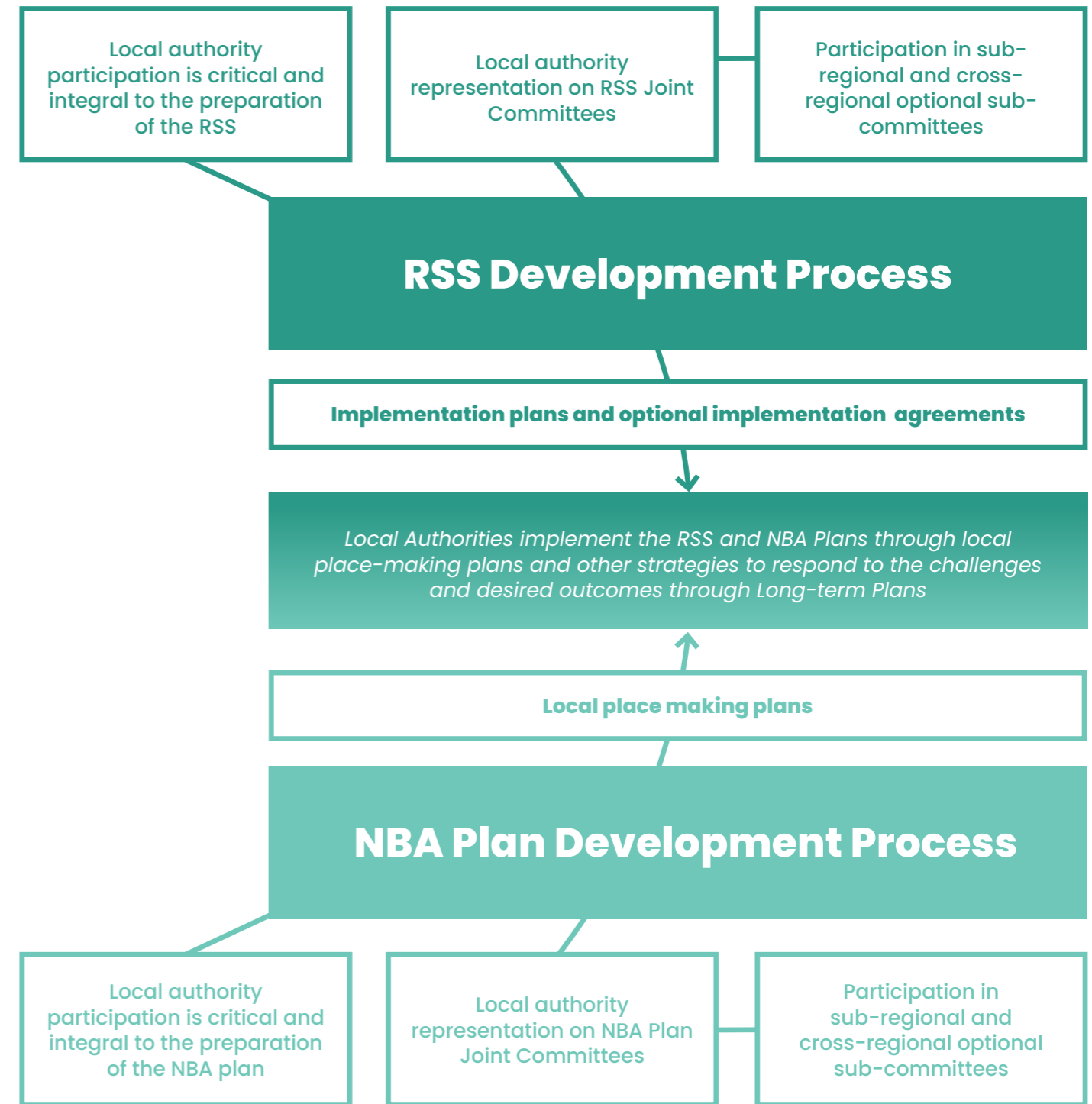
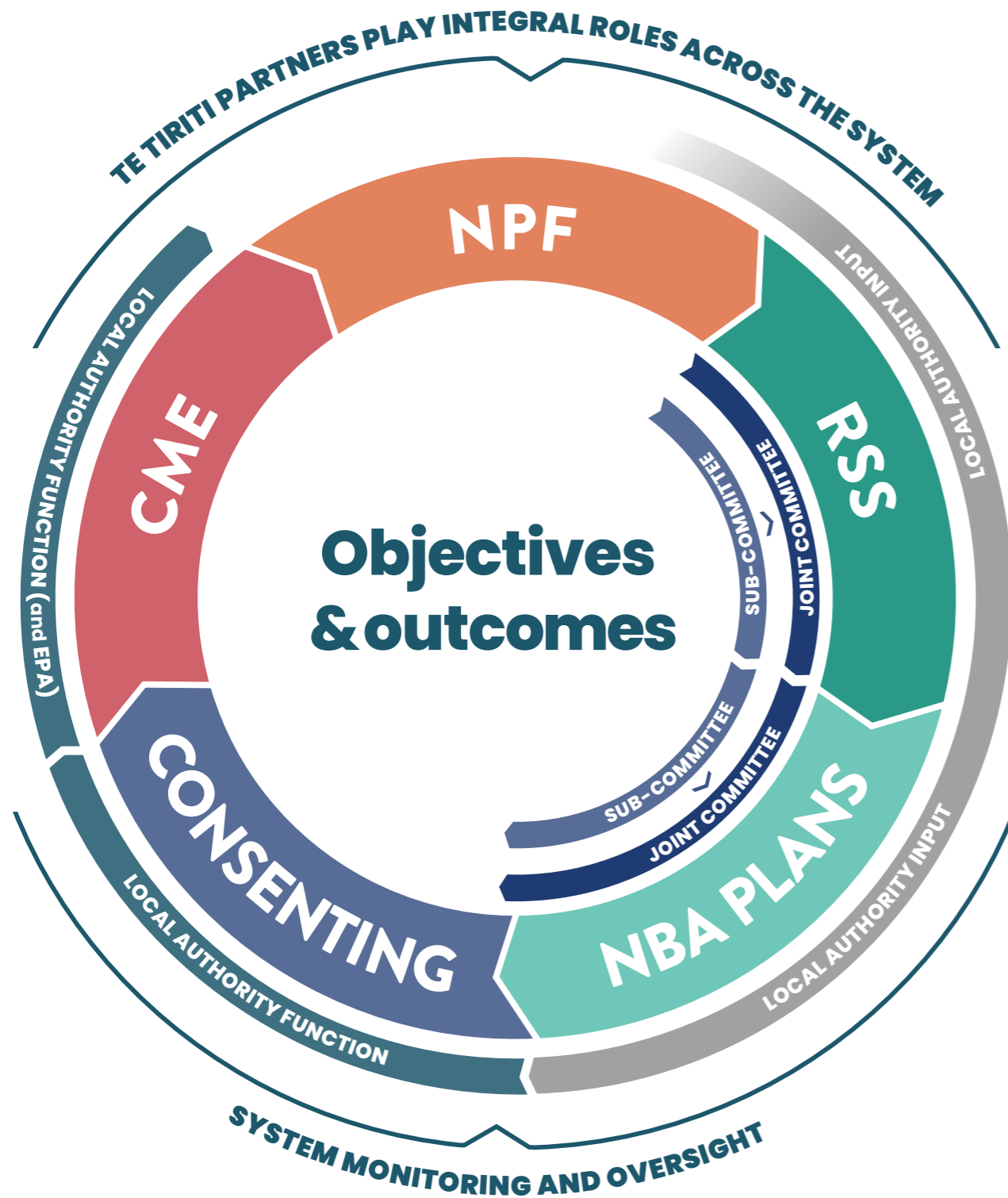
What does an effective relationship between local authorities and joint committees look like?

What other roles might be required to make the future resource management system effective and efficient?

What might be required to ensure the roles and responsibilities of local authorities can be effectively and efficiently delivered?



Local government role in the future system



NPF: National Planning Framework / **RSS:** Regional Spatial Strategies (RSS) / **NBA:** Natural and Built Environments plans / **CME:** Compliance Monitoring and Enforcement

Role of hapū/iwi/Māori in the future system

The proposed system provides more effective roles for hapū/iwi/Māori entities across the future system. New roles will be established for them in governance and decision-making on plans and strategies, and in developing and undertaking monitoring and reporting activities, as outlined below.

Decisions are yet to be finalised on who or what groups participate in the new system. Varied feedback from Māori has been received. Feedback is sought on this and on appropriate terminology that is inclusive of hapū/iwi/Māori.

National entity

- A national entity would be established to enable Māori as Treaty partners to participate in decision-making at a national level.
- Possible roles for the entity could include input into the development of the NPF, appointing Māori members to any board of inquiry process, and in system oversight and monitoring (including monitoring of Te Tiriti performance).

RSS and NBA plans

- Hapū/iwi/Māori appointments to RSS and NBA joint committees (alongside local government appointments) would be worked through region by region, but 50/50 governance is not proposed.
- Hapū/iwi/Māori would be involved in RSS and NBA plan development processes.
- Treaty settlements that have governance arrangements through PSGEs be fully transitioned into the new system as will takutai moana rights.
- The Mana Whakahono ā Rohe process⁶ would be enhanced by better enabling Māori participation in the system through an integrated partnerships process that would integrate with the existing RMA tools for transfers of powers and joint management agreements.
- Clearer signalling will be ensured through NBA plans of who in the regions (hapū/iwi/Māori) must be consulted or notified for consents.

⁶ A way for tangata whenua and local authorities to work together on environmental issues under the Resource Management Act 1991 (RMA)

Joint committees

- Appropriate weighting would be given to Māori technical inputs (including roles in the secretariat and through iwi management plans).

Compliance, monitoring, enforcement and oversight

- Opportunities would be made available to provide a more strategic role for Māori in the system and to strengthen the role of Māori in consenting and CME services.

WHAT DO YOU THINK?

National entity

- What functions should a national Māori entity have?
- What should the membership and appointments process be for the entity?

Joint committee composition

- Should parties in a region be able to determine their committee composition?
- What should be the selection and appointments processes for joint committee members?
- Are sub-committees needed to meet regional needs including Treaty settlements?
- How do we best provide for existing arrangements (eg, Treaty settlement or other resource management arrangements)?

Enhanced Mana Whakahono ā Rohe arrangements, integrated with transfers of powers and joint management agreements

- How could an enhanced Mana Whakahono ā Rohe process be enabled that is integrated with transfers of powers and joint management agreements?
- What should be covered in the scope of an enhanced Mana Whakahono ā Rohe and what should be mandatory matters?
- What are the barriers that need to be removed, or incentives added, to better enable transfers of powers and joint management agreements?

Objectives, outcomes, roles and options

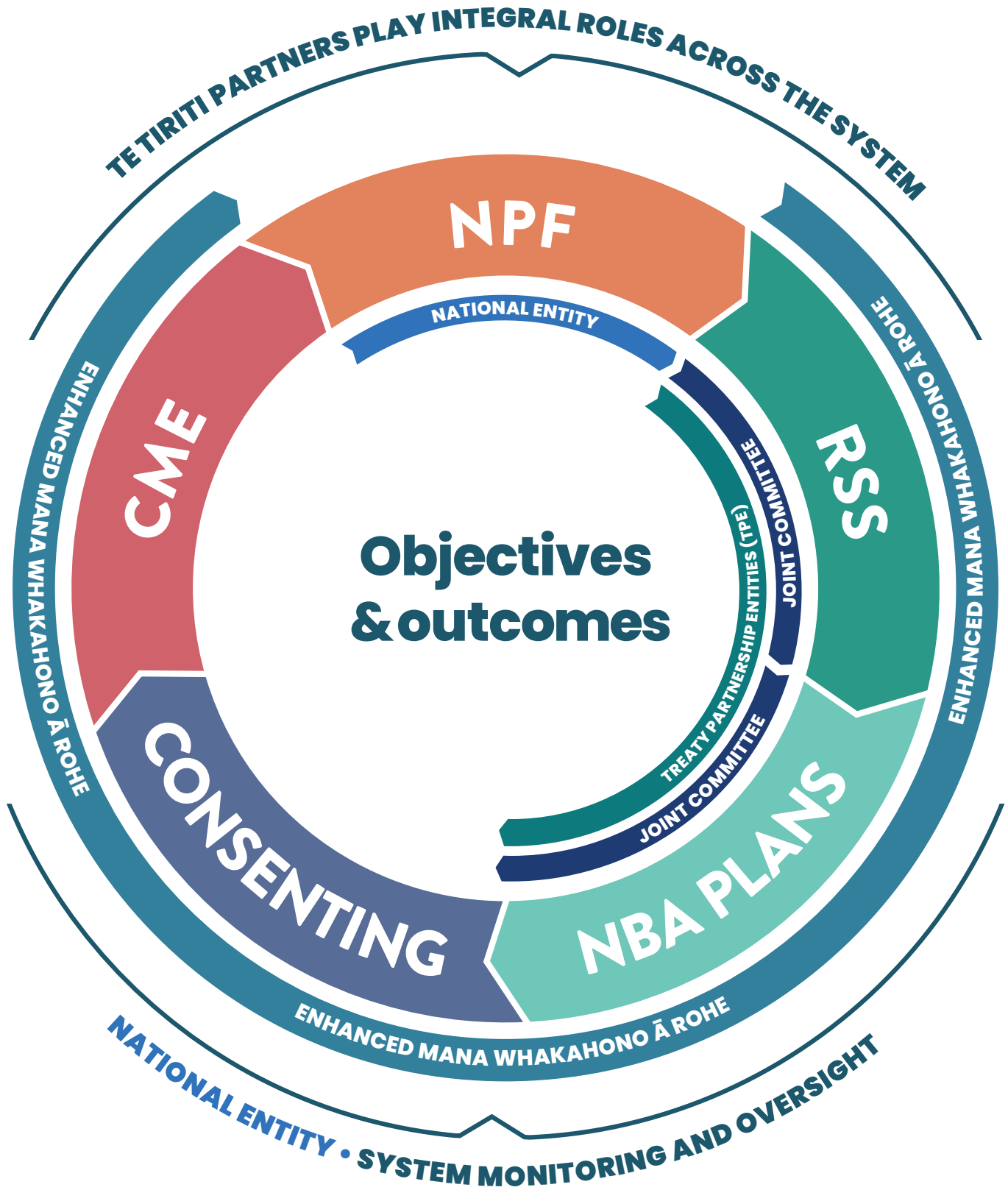
Objectives and outcomes	
Te Oranga o te Taiao	Must uphold for the natural environment: its health, its intrinsic relationship with iwi and hapū, the interconnectedness of all its parts, and its capacity to sustain all life.
Intergenerational wellbeing	Use of the environment is enabled to support the wellbeing of current and future generations.
Principles of Te Tiriti	All people performing functions and duties under the Act must give effect to the principles of Te Tiriti.
Environmental limits	Minimal acceptable state of an aspect of the environment and maximum amount of harm to protect the ecological integrity of the natural environment and human health.
Environmental outcomes and targets	Outcomes for the benefit for the environment across: the natural and built environments (in both urban and rural areas); cultural values; and natural hazards climate change mitigation and adaptation. These can be achieved through setting targets.

Treaty partnership entities	Objectives and outcomes
An enabling mechanism to support committees established through Treaty settlements and through other means, and takutai moana rights, to be upheld. Could also enable new arrangements without having to rely on settlements.	<p>The Mana Whakahono ā Rohe process would be enhanced by better enabling Māori participation in the system through an integrated partnerships process that would integrate with the existing RMA tools for transfers of powers and joint management agreements.</p> <p>Enhanced Mana Whakahono ā Rohe arrangements can help to document how hapū/iwi/Māori participate in regional spatial strategy (RSS) and Natural and Built Environments Act (NBA) plan development, consenting and compliance, monitoring and enforcement (CME).</p> <p>Enhanced Mana Whakahono ā Rohe arrangements provide opportunities for a more strategic role for Māori in the system and to strengthen the role of Māori in consenting and CME services.</p>

National entity	
Proposed roles for the national entity	Options for who participates
<ul style="list-style-type: none"> • System oversight and monitoring, including monitoring of Tiriti performance. • Input into National Planning Framework (NPF) development. • Appointments of any Māori members to the NPF Board of Inquiry. • Not to usurp the mana of hapū/iwi/Māori at place. 	<ol style="list-style-type: none"> 1. The entity has both Māori and crown appointees, or is solely a Māori entity. 2. For Māori appointments: from national Māori organisations, an electoral college-type model or through a self-identification process.

Joint committees	
Māori participation in RSS and NBA plans	Options for who participates
<ul style="list-style-type: none"> • Details of governance and plan development worked through region by region, including mātauranga Māori input. • Upholding the integrity of existing arrangements (including Treaty settlements, takutai moana and other resource management and non-statutory arrangements). • Engagement with hapū/iwi/Māori at various stages of the RSS and NBA plan development process. 	<ol style="list-style-type: none"> 1. The composition of joint committees in regional governance is worked through region by region. 2. Appointment processes are set in legislation or through a self-identification process.

Hapū/iwi/Māori role in the future system



NPF: National Planning Framework / **RSS:** Regional Spatial Strategies (RSS)

NBA: Natural and Built Environments plans / **CME:** Compliance Monitoring and Enforcement

Role of central government in future system

Central government will have a strengthened role in the future system. This includes:

- the Minister for the Environment having responsibilities for the NPF, and central government having responsibilities to ensure the NPF is implemented through the RSSs and NBA plans
- central government making appointments to RSS committees and having responsibilities through RSS implementation agreements (if this tool is adopted)
- central government having key responsibilities in monitoring, reporting and responding to the performance of the system
- central government being expected to play a stronger role in providing oversight of the system alongside independent bodies such as the Parliamentary Commissioner for the Environment and the proposed national entity for enabling Māori involvement at the national level.

Funding in the future system

To work effectively, the future system requires appropriate funding mechanisms for its different roles and activities.

MfE is exploring what provisions and guidance can be provided in the future system, to set clear expectations regarding who should pay for what, and to support the availability and use of appropriate funding tools.

Proposals will use existing guidance on charging in the public sector and look at applying this to the context of the future resource management system.

WHAT DO YOU THINK?

How should funding be distributed across taxpayers, ratepayers and individuals?

How should Māori participation be supported at different levels of the system?

Next steps

MfE thanks you for engaging with this material which sets out the main components of the future resource management system and roles and responsibilities within it.

The feedback gathered will be collated by officials. It will then be analysed and used to inform the development of the legislation. We will provide participants with a report of their forum or hui with us.

Written feedback is also welcome until 28 February 2022. You can send this and any further questions you may have to MfE at RM.reform@mfe.govt.nz.



Appendix 1: List of resource management reform questions for discussion

National Planning Framework

What role does the National Planning Framework (NPF) need to play to resolve conflicts that currently play out through consenting?

How would we promote efficiency in the Board of Inquiry process while still ensuring its transparency and robustness?

How often should the NPF be reviewed, bearing in mind the relationships between the NPF, regional spatial strategies and Natural and Built Environments Act plans?

Regional spatial strategies

To what degree should regional spatial strategies (RSSs) and implementation agreements drive resource management change and commit partners to deliver investment?

How can appropriate local issues be included in RSSs?

With regional and unitary council boundaries proposed for RSSs, how should cross-boundary issues be addressed?

NBA plans

Do you agree with the Randerson Panel's recommendation to have one combined Natural and Built Environments Act (NBA) plan per region?

Would there be merit in enabling sub-regional NBA plans that would be incorporated into an NBA plan?

What should the role of local authorities and their communities be to support local place-making and understanding of local issues in NBA plans?

Will the proposed plan-making process be more efficient and effectively deliver planning outcomes?

RSS and NBA joint committees

How could a joint committee model balance effective representation with efficiency of processes and decision-making?

How could a joint committee provide for local democratic input?

How could a joint committee ensure adequate representation of all local authority views and interests if not all local authorities are directly represented?

Are sufficient accountabilities included in the proposed new integrated regional approach to ensure the strategies and plans can be owned and implemented by local authorities?

How should joint committees be established?

Consenting

Will the proposed future system be more certain and efficient for plan users and those requiring consents?

Compliance, monitoring and enforcement

Do you agree with the proposed changes to compliance, monitoring and enforcement provisions and tools?

How practical will the proposals be to implement?

Monitoring and system oversight

Will these proposals lead to more effective monitoring and oversight of the system?

Will the system be able to adequately respond and adapt to changing circumstances?

Role of local government in the future system

What does an effective relationship between local authorities and joint committees look like?

What other roles might be required to make the future resource management system effective and efficient?

What might be required to ensure the roles and responsibilities of local authorities can be effectively and efficiently delivered?

National Māori entity

What functions should a national Māori entity have?

What should the membership and appointments process be for the entity?

Joint committee composition

Should parties in a region be able to determine their committee composition?

What should be the selection and appointments processes for joint committee members?

Are sub-committees needed to meet regional needs including Treaty settlements?

How do we best provide for existing arrangements (eg, Treaty settlement or other resource management arrangements)?

Enhanced Mana Whakahono ā Rohe arrangements, integrated with transfers of powers and joint management agreements

How could an enhanced Mana Whakahono ā Rohe process be enabled that is integrated with transfers of powers and joint management agreements?

What should be covered in the scope of an enhanced Mana Whakahono ā Rohe and what should be mandatory matters?

What are the barriers that need to be removed, or incentives added, to better enable transfers of powers and joint management agreements?

Funding in the future system

How should funding be distributed across taxpayers, ratepayers and individuals?

How should Māori participation be supported at different levels of the system?

Appendix 2: Summary of hapū/iwi/Māori feedback

Feedback from regional engagement with Māori	Common themes	Feedback from hapū/iwi/Māori submissions on the Natural and Built Environments Bill exposure draft
<p>Te Oranga o te Taiao and Te Tiriti o Waitangi</p> <ul style="list-style-type: none"> • Support for Te Oranga o te Taiao but suggestions to include stronger wording to include intrinsic relationship with te taiao • Questions raised about how the Tiriti clause will be interpreted and monitoring of system performance in general • An interest in mana whenua and iwi involvement in the monitoring of Tiriti performance <p>Outcomes</p> <ul style="list-style-type: none"> • Interest in how the reform would practically deliver better outcomes for hapū and landowners • Concern that the future resource management system may not be strong enough to challenge council decisions • Some questions were raised about how iwi management plans will be included in Natural and Built Environments Act (NBA) plans <p>Governance and participation</p> <ul style="list-style-type: none"> • Mātāwaka and mana whenua roles should be defined but separate • Legislation may define functions and purpose for roles, but who fills those positions should be decided by iwi • Issues of conflict of interest for hapū with both election processes and kaitiaki performing multiple functions within the system • Support for elevating hapū/iwi environmental management plans but acknowledge that this will likely put pressure on capacity, capability and relationship with council 	<ul style="list-style-type: none"> • Strong interest in how the Tiriti clause will be interpreted and performance will be monitored • Suggestions offered to strengthen Tiriti clause, with some favouring giving effect to the articles of Te Tiriti rather than the principles • General support for inclusion of Te Oranga o te Taiao in the NBA Bill's purpose, but a desire for stronger language to require it to be upheld and reflect relationship between hapū/iwi/Māori and te taiao • Concerns about how tikanga Māori concepts and te reo Māori will be incorporated into legislation and how they may be interpreted, for example, Te Oranga o te Taiao, mana whenua, mātauranga • Support for incorporating existing hapū/iwi management plans in regional strategies but acknowledgement of potential issues, such as capacity, that may make this difficult • Due to multiple reforms occurring at the same time and capacity issues, an extended window to provide feedback would have been preferred • Allow for engagement and co-governance options with hapū as well as iwi 	<p>Te Oranga o te Taiao</p> <ul style="list-style-type: none"> • Support for Te Oranga o te Taiao; submitters stressed the importance of upholding it and using the term 'require' rather than 'enable' • Interpret all outcomes through the lens of Te Oranga o te Taiao; should act as korowai across system, including National Planning Framework (NPF) • Te Oranga o te Taiao should be reflected regionally, and integration throughout system will be important <p>Te Tiriti o Waitangi</p> <ul style="list-style-type: none"> • Widespread support for te Tiriti clause but noted further guidance and support needed to ensure Treaty obligations are clear, but consistency across Acts desired and concern about balance between principles and articles • Clarity of the role of local government in te Titiri partnerships desired and national guidance on how to give effect to the principles of te Tiriti <p>Outcomes and environmental limits</p> <ul style="list-style-type: none"> • Concern with lack of hierarchy of outcomes and potential for inappropriate trade-offs • Environmental limits must be set at regional level with iwi and hapū and using mātauranga Māori; national limits not flexible enough to deal with local application • A clear link is needed between limits and Te Oranga o te Taiao, in line with kaupapa Māori • Biophysical limits alone not consistent with tikanga Māori because they do not factor in holistic wellbeing of complex, interconnected systems

Feedback from regional engagement with Māori	Common themes	Feedback from hapū/iwi/Māori submissions on the Natural and Built Environments Bill exposure draft
<p>Use of te reo Māori</p> <ul style="list-style-type: none"> • Concern raised about the appropriateness and interpretation of incorporating te reo and mātauranga into the legislation, including mauri and mana whenua • Council's capability will be crucial in the success of the new system, especially the implementation of te ao Māori concepts <p>Capacity and engagement</p> <ul style="list-style-type: none"> • Concerns about ability to engage with multiple government reforms within short timeframes • Hapū, iwi and Post Settlement Governance Entities require stronger support, including funding, to engage so that they can adequately understand and respond to resource management reform • Requests to continue to engage at regional level, including directly with hapū 		<p>Governance and participation</p> <ul style="list-style-type: none"> • Support for single NBA plan per region, giving effect to hapū/iwi/Māori management plans, integrated management framework with provisions to resolve outcomes • Support for 50/50 partnership at national and regional levels, co-governance with iwi and hapū and support for mana whakahaere councils; includes reference to hapā mana motuhake • Support for national Māori entity for monitoring Tiriti performance, NPF and Tiriti policies • Co-development of NPF with hapū/iwi is critical • Expectation that bespoke arrangements will account for Treaty settlements <p>Use of te reo Māori</p> <ul style="list-style-type: none"> • Many submitters implored the Crown to take caution in implementing tikanga-based concepts and terms, to avoid diluting their meaning and/or status in tikanga Māori terms <p>Capacity and engagement</p> <ul style="list-style-type: none"> • A longer window for feedback would have been better because some submitters were not able to fully canvass the view of their own constituents • Funding in the current system for hapū/iwi/Māori participation has been inadequate, and areas that will need greater funding in the future include implementation, monitoring and enforcement • Increased funding needed for the development of hapū and iwi management plans, and funding to implement them in partnership with planning committees and councils

Appendix 3: Summary of local government feedback

This table is collated feedback from local government chief executive forum and steering group meetings in 2021. A prominent theme throughout this feedback is the lack of local government capacity to engage due to significant reforms: resource management and three waters, and the overarching review of local government.

Common themes	Feedback
Te Tiriti and strategic role for Māori	While supportive of a greater role for Māori in the RM system, more clarity is required about how this is to be achieved and supported (ie, resourcing, iwi capacity for engagement, increasing central and local government te ao Māori capability)
Relationship between central and local government	Need for a collaborative, long-term approach, especially in the transition phase. Local government will need to be well connected and well informed; an advisory group could be useful
Local views and placemaking	Concern that local views are not going to be reflected in plans and strategies. The effects on local communities (ie, reducing to 14 plans) also need to be understood
Governance and decision-making Joint committees	<p>Uncertainty of future form and function of local government and concerns around stronger regional council role</p> <p>Community and iwi representation is crucial in governance and decision-making</p> <p>Unsure how joint committees will be established</p> <p>Local representation is required, balancing technical expertise with elected members (who have democratic accountability)</p>
National direction	There is a need for a joined-up policy approach at the national level, with existing conflicts between pieces of national direction resolved
Transition to new system and implementation	There needs to be a clearer path and timeframes for transition, and it should be sequenced correctly with implementation. A transitional body could be useful for guidance through the transition to the new system, as well as a regional transitional manager for each region
The model project	Clarity is needed on the model project. The timeframes are unrealistic and the model project may drag out the process

Common themes	Feedback
Regional spatial strategies	<p>The Strategic Planning Act needs to be developed in an integrated way, with a clear vision.</p> <p>Clear direction is required on what the regional spatial strategies (RSSs) are trying to achieve. There is concern existing regional structures are not well suited to creating and implementing RSSs; there is support for retaining existing regional boundaries. RSSs should also have more weight in decision-making processes</p> <p>Joint committees will need an enduring presence</p>
Sub-regional plans	Sub-regional plans and growth strategies are needed in the resource management system
Implementation agreements	Implementation agreements are essential but there is uncertainty on how to bind all parties, also creates additional complexity
National Planning Framework (NPF)	Significant work is needed to deliver the NPF for providing sufficient guidance for Natural and Built Environments Act (NBA) plan process. Meaningful engagement with public and hapū/iwi/Māori is required
NBA plans	Uncertainty about how NBA plans differ from current plans. Need sub-regional plans and separate resource allocation plans for combined plans
NBA plan-making process	Develop RSS first to guide NBA plans and support engagement at beginning of process. There is uncertainty on how the new process will differ from existing process
Appeals	Need to restrict appeals to questions of law only. Resourcing for final decision-making bodies is needed so appeals are heard faster and to enable higher quality decision-making
Consenting	Activity categories need a clear intent and notification needs to be reviewed. Environment Court direct referral should be retained
Compliance, monitoring and enforcement (CME)	National oversight is needed to support local government in the CME space. There is concern regional CME hubs may take functions away from the local community. Councils also have a lack of capacity to provide CME services, and there is a general lack of detail of how CME will work in practice.
Monitoring and oversight	Suggested co-designed monitoring frameworks. There is uncertainty on whether monitoring will be a local or regional role, and how outcomes are monitored. Need to integrate existing and new data collection platforms
Funding	New funding tools are needed for effective delivery of plans
Infrastructure pathways	Infrastructure needs a strategic, long-term approach. Need to determine how infrastructure is defined and the relevant pathways for different infrastructure types

Appendix 4: Glossary of terms

Term	Definition
CAA	Climate Adaptation Act
CME	Compliance, monitoring and enforcement
FILG/TWMT	Freshwater Iwi Leaders Group/Te Wai Māori Trust
KWM	Kāhui Wai Māori
LGA	Local Government Act 2002
LGNZ	Local Government New Zealand
LTMA	Land Transport Management Act 2003
MACA	Marine and Coastal Area (Takutai Moana) Act 2011
MOG	Ministerial Oversight Group
exposure draft	Exposure draft of the Natural and Built Environments Bill
MfE	Ministry for the Environment
NBA	Natural and Built Environments Act
NES	National Environmental Standard
NPF	National Planning Framework
RMA	Resource Management Act 1991
RM reform	Resource management system reform
RSS	Regional spatial strategy
SPA	Strategic Planning Act
Te Tau Ihu	top of the South Island
Te Tiriti o Waitangi	the Treaty of Waitangi
TTK or FOMA/KWM/NZMC	Te Tai Kaha, which consists of the Federation of Māori Authorities, KWM, and the New Zealand Māori Council

Appendix 5: Resource management reform key documents

[New Zealand Productivity Commission. 2017. Better urban planning: Final report](#)

[Resource Management Review Panel. 2020. New Directions for Resource Management in New Zealand – Report of the Resource Management Panel Review](#)

[Environmental Defence Society. 2019. Reform of the Resource Management System: A model for the future. Synthesis report](#)

[Ministry for the Environment. 2021. Extracts from Waitangi Tribunal commentary, findings and recommendations on the Resource Management Act 1991](#)

[Cabinet paper: Reforming the resource management system 2020](#)

[Ministry for the Environment. 2021. Interim regulatory impact statement: Reforming the resource management system](#)

[Natural and Built Environments Bill – Parliamentary paper on the exposure draft](#)

[Ministry for the Environment. 2021. Departmental Report on the Natural and Built Environments Bill exposure draft 2021](#)

[Report of the Environment Committee. 2021. Inquiry on the Natural and Built Environments Bill: Parliamentary Paper](#)

