

**Kia ora, nau mai**  
**We will begin this hui shortly**



# Karakia Timatanga

Whakataka te hau ki te uru,  
Whakataka te hau ki te tonga.

Kia makinakina ki uta,  
Kia mataratara ki tai.

E hi ake ana te atakura  
he tio, he huka, he hauhu.

Haumi e, Hui e, Taiki e!

# The Reform of the Resource Management Act 1991

Te whakahoutanga i te  
Ture Whakahaere Rawa





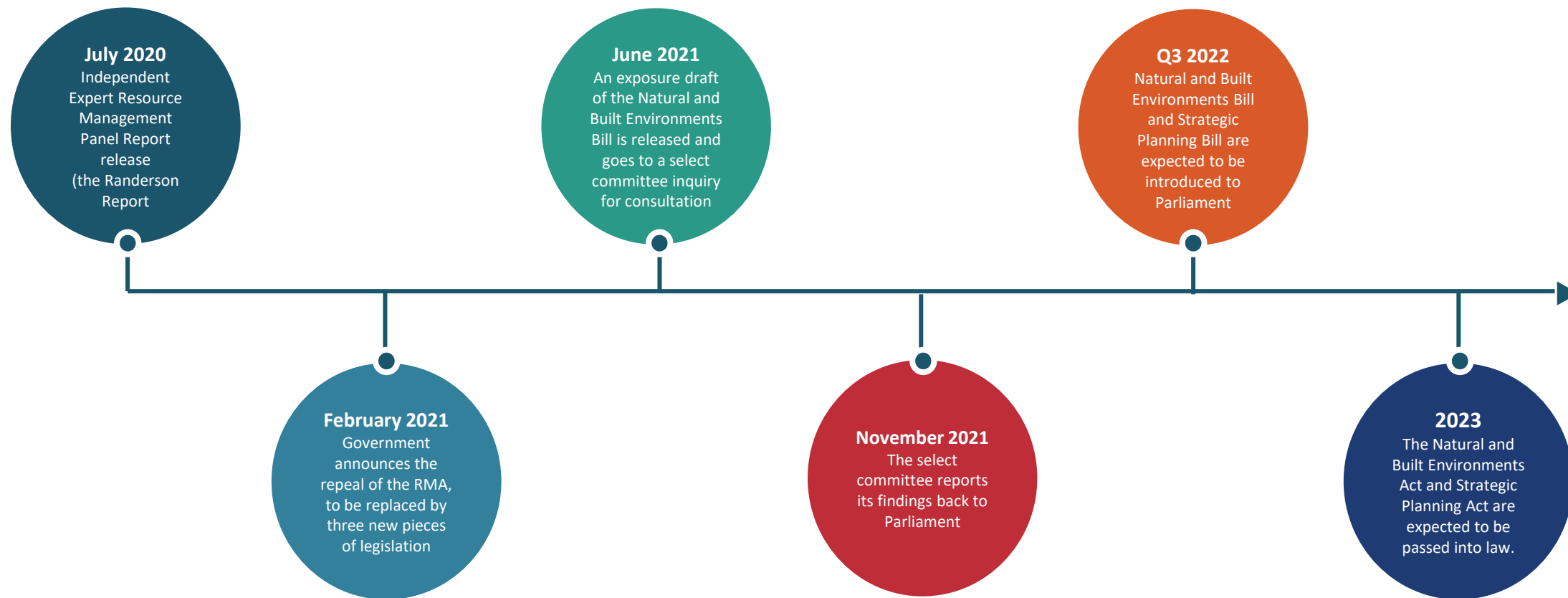
# Kaupapa Summary

- Overview of reform
- What are the benefits for Māori?
- Key proposed changes in the new system
- Whakawhiti kōrero - he aha ōu whakaaro?





# Reform programme to date



# Engagement with tangata whenua

- **Feb 20:** Randerson Panel Engagement hui
- **Mar 21:** Engagement hui
- **July 21:** Engagement hui



# Feedback from our previous hui

- Engagement fatigue and multi-agency engagement/consultation demands.
- Te Oranga o te Taiao and the Te Tiriti clause: appropriateness and interpretation of incorporating te reo and mātauranga. into the legislation and monitoring of system performance.
- Councils' future implementation of te ao Māori related concepts.
- Practical and positive outcomes for tangata whenua.
- Alleviating resource consent pressures.
- Elevating Hapū and Iwi Environmental Management Plans.
- Lack of resourcing to support capacity and capability to engage in the reform.

# Objectives of the reform

This new suite of legislation will:

- protect and restore the environment and its capacity to provide for the wellbeing of present and future generations
- better enable development within natural environmental limits
- give proper recognition to the principles of Te Tiriti of Waitangi and provide greater recognition of te ao Māori including mātauranga Māori
- better prepare for adapting to climate change and risks from natural hazards, and better mitigate emissions contributing to climate change
- improve system efficiency and effectiveness and reduce complexity while retaining appropriate local democratic input.

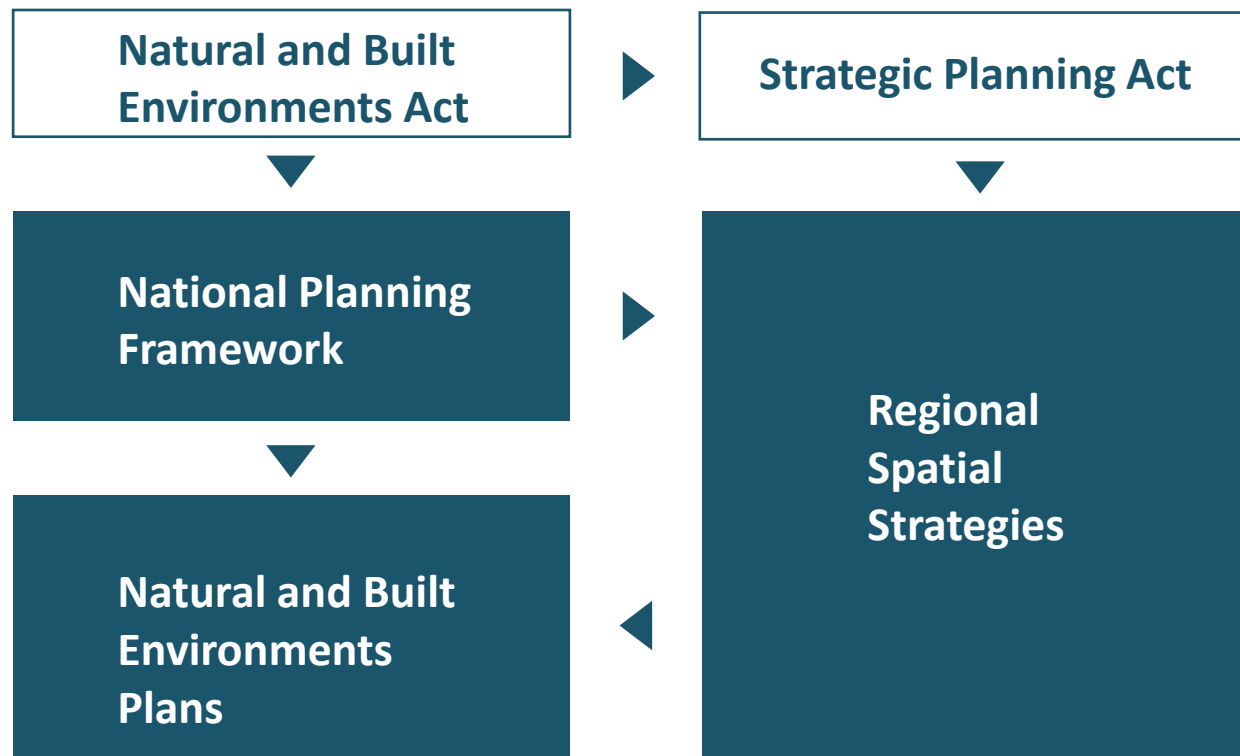


# Overview of RM Reform

The Resource Management Act (1991) will be replaced with three new acts:

- **Natural and Built Environments Act**
- **Strategic Planning Act**
- **Climate Adaptation Act**

# How the future system will work



# Natural and Built Environments Act





# Tiriti of Waitangi and te ao Māori in the system

- The Act will improve recognition of te ao Māori and Te Tiriti o Waitangi.
- This includes Te Oranga o te Taiao, a concept intended to encapsulate the intergenerational importance of the health and well-being of the natural environment.





# Achieving positive outcomes and strengthening limits

## The NBA will:

- Specify outcomes that decision-makers will be required to promote for natural and built environments.
- 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.





# 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.
- Ensure that measures to avoid, remedy or mitigate effects do not place unreasonable costs on development and resource use.





# Providing clear national direction

The National Planning Framework (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 well-being of present and future generations.



# NBA Plans



# NBA Plans

One NBA plan will be developed for each region and will be prepared by a joint committee comprising representatives from hapū, iwi and Māori groups, 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 National Planning Framework.





# 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.

The NBA includes an enhanced Mana Whakahono ā Rohe process that is integrated with transfers of powers and joint management agreements.

# Strategic Planning Act



# Strategic Planning Act (SPA)

The SPA will integrate with the NBA and other key legislation relevant to land, urban development, and the coastal marine area.

The SPA will provide strategic direction by requiring the creation of long-term regional spatial strategies (RSS).





# The SPA will identify areas that are:

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



# What are the benefits for Māori?

- **Governance roles in every region** across all resource management areas
- **Treaty clause** – requires giving effect to the principles of Te Tiriti o Waitangi
- A **te ao Māori concept at the heart** of legislation - **Te Oranga o te Taiao**
- **Proactive monitoring of Treaty performance** by a national entity, that doesn't require a claim to the Waitangi Tribunal
- **Enhancement of the current tools** within the RMA to create an integrated partnership process
- National Planning Framework that in process and substance gives effect to the **principles of Te Tiriti**, and **reflects te ao Māori**, including **mātauranga Māori**

**If we do it well, we can change the game.**

# Key changes for the proposed system





# 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

# Objectives and outcomes

<b>Te Oranga o te Taiao</b>	Must uphold for the natural environment: its health, its intrinsic relationship with iwi and hapū, the interconnectedness of all its parts, and its capacity sustain all life.
<b>Intergenerational well-being</b>	Use of the environment is enabled to support the well-being of current and future generations.
<b>Principles of Te Tiriti</b>	All persons performing functions and duties under the Act must give effect to the principles of Te Tiriti.
<b>Environmental limits</b>	Minimal acceptable state of an aspect of the environment/maximum amount of harm to protect the ecological integrity of the natural environment and human health.
<b>Environmental outcomes and targets</b>	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.

# National Entity

Proposed roles for the National Entity	Options for who participates
<ul style="list-style-type: none"> <li>• System oversight and monitoring, including monitoring of Tiriti performance</li> <li>• Input into NPF development</li> <li>• Appointments of any Māori members to the NPF Board of Inquiry</li> <li>• Not to usurp the mana of iwi and hapū and Māori at place</li> </ul>	<ol style="list-style-type: none"> <li>1. Should the entity have both Māori and Crown appointees or be solely a Māori entity?</li> <li>2. For Māori appointments – from national Māori organisations, an electoral college-type model or a self-determined process?</li> </ol>

# Joint Committees

Māori participation in RSS and NBA plans	Options for who participates
<ul style="list-style-type: none"> <li>• Details of governance and plan development worked through region by region, including mātauranga Māori input.</li> <li>• Upholding the integrity of existing arrangements (including Treaty settlements, takutai moana and other RM and non-statutory arrangements)</li> <li>• Engagement with iwi and hapū and Māori at various stages of the RSS and NBA plan development process</li> </ul>	<ol style="list-style-type: none"> <li>1. Should the composition of JCs in regional governance be worked through region by region?</li> <li>2. Should appointments processes be set in legislation or self-determined?</li> <li>3. Should we redefine the term in the legislation? ‘Iwi and hapū’ or ‘mana whakahaere’.</li> </ol>



<h2>Treaty Partnership Entities</h2>	<h2>Enhanced Mana Whakahono ā Rohe</h2>
<p>An enabling mechanism to support committees established through Treaty settlements and via other means, and takutai moana rights, to be upheld. Could also enable new arrangements without having to rely on settlements.</p>	<p>Enhanced Mana Whakahono ā Rohe arrangements that is integrated with transfer of power and joint management agreement provisions, with barriers removed. Should the name of the process change from Mana Whakahono ā Rohe?</p> <p>Enhanced Mana Whakahono ā Rohe arrangements can help to document how iwi / Māori participate in RSS and NBA plan development, consenting and CME.</p> <p>Enhanced Mana Whakahono ā Rohe arrangements provides opportunities to provide a more strategic role for Māori in the system and to strengthen the role of Māori in consenting and CME services.</p>

# Whakawhiti Kōrero



# He aha ōu whakaaro?

What do you think?

## National Entity

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



# National entity

- **Should a national entity be established to enable Māori participation at the national level?**
- **If an entity were to be established what functions should this national entity have?**
  - Should it have functions in relation to system oversight and monitoring? Should this be limited to monitoring Te Tiriti performance, or be wider? If wider, which system oversight and monitoring functions would the national entity be best placed to perform compared to other institutions?
  - Should it have functions in relation to inputting to the NPF? If so, should this involve active participation or be advisory? Is there specific content in the NPF that the national entity should/should not have input into? What role (if any) should the national entity have in relation to limits and targets?
  - Should the national entity have a role in dispute resolution for iwi/Māori appointments to joint committees, or should this be an explicit role for the Māori Land Court?
  - What mechanisms or restrictions should be placed on the functions of this entity to ensure that it does not inadvertently usurp the mana of iwi, hapū and rights holders at place?
  - Should the entity be strictly advisory/recommendatory, or should it have powers in relation to some functions?
- **If an entity were to be established, what should the membership and appointments process be for the entity?**
  - Should it be a partnership entity with both Māori and Crown appointees, or should it be a solely Māori entity?
  - How should Māori appointments be made to the national entity (e.g. through national organisations, an electoral college-type model, or a kaupapa Māori/self-determined approach)?
  - What expertise criteria should be required (if any), for membership of the entity? What technical/secretariat support would the entity require?
- **What could be effective options for involvement of iwi/Māori in the first iteration of the NPF?**

# He aha ōu whakaaro?

What do you think?

## 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?
- How do we best provide for existing arrangements (e.g. Treaty settlement or other RM arrangements)?

# He aha ōu whakaaro?

What do you think?

## Integrated partnerships process

*Enhanced Mana Whakahono ā rohe, 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 (JMAs)?
- What should be covered in the scope of an IPP and what should be mandatory matters?
- What are the barriers that need to be removed, or incentives added, to better enabled transfers of powers and joint management agreements?



# Joint committee composition

- Should the composition of joint committees be worked through region by region?
- If so, how should this be done? How could we effectively build on existing successes and learn from existing failures? How do we best provide for existing Treaty settlement and other RM arrangements?
- How should the joint committees be chaired (e.g. co-chairs or independent chairs)?
- What should be the process for committee decision making (e.g. consensus or majority)?
- What should be the selection/appointments processes for joint committee members?
- ‘Who’ should be acknowledged in different RM contexts?
- Should a committee structure be enabled to support joint committees to uphold Treaty settlement arrangements, Takutai Moana rights, and existing voluntary RM arrangements at the regional level?

# Plan development

- What should be the role for iwi, hapū and/or Māori in secretariats to joint committees?
- How should the members of secretariat be appointed/seconded?
- What engagement should be undertaken with iwi, hapū and/or Māori at the various stages of the plan development process?
- How should enhanced iwi/Māori involvement in plan development be implemented and funded?
- What level of prescription is required within the NBA and SPA legislation to enable a consistent approach to how iwi/Māori can inform the content of the NPF, NBA Plans and RSS documents?
- What be the best and appropriate weightings and considerations to be given to Māori technical inputs (eg, mātauranga Māori frameworks, iwi management plans, cultural values assessments or statements, cultural indicators etc)?
- What links are need to uphold Treaty settlement and other existing RM arrangements?

# He mihi – thank you





# Karakia Whakamutunga

Tuia i runga

Tuia i raro,

Tuia i roto,

Tuia i waho

Tuia i te here tangata

Ka rongo te po

Ka rongo te ao

Haumi e, Hui e, Taiki e!