

## RMA REFORM: UPHOLDING TREATY SETTLEMENTS

### NGATIKAHU KI WHANGAROA CLAIMS SETTLEMENT ACT 2017

These arrangements are provided for in the Ngatikahu ki Whangaroa Claims Settlement Act 2017

The analysis below is for the purposes of discussion and is subject to decision-making processes

| ELEMENT OF SETTLEMENT   | CURRENT STATUTORY LINK TO THE RMA   | CURRENT REFORM POLICY PROPOSAL   | POTENTIAL TRANSITION OPTION TO THE NEW SYSTEM   |
|---|---|--|---|
| <p><b>General</b></p>   |   |  | <ul style="list-style-type: none"> <li>The Treaty settlement legislation (and potentially the deed of settlement) will need to be amended as they currently link specifically to the RMA mechanisms.</li> </ul>   |
| <p><b>Statutory acknowledgements<sup>1</sup></b></p> <ul style="list-style-type: none"> <li>These are 'statutory acknowledgements' by the Crown of a 'statement of association' between the Iwi and an identified area.</li> <li>The statutory acknowledgements are recorded in the Treaty settlement deeds and legislation.</li> </ul> | <ul style="list-style-type: none"> <li>A Council must have regard to the statutory acknowledgement when deciding whether the Iwi is an 'affected person' for the purposes of notification decisions under the RMA. The same applies to the Environment Court when considering participation in hearings under s274 of the RMA.</li> </ul> | <ul style="list-style-type: none"> <li>There will continue to be statutory plans and resource consent processes (although the scale of consent processes may reduce).</li> </ul> | <p>The same obligations will be provided for in the new system:<sup>2</sup></p> <ul style="list-style-type: none"> <li>consent authorities (and the Minister in the case of nationally significant proposals) under the Natural and Built Environments Act (<b>NBA</b>) must have regard to the statutory acknowledgement when deciding whether the Iwi/PSGE is an 'affected person'</li> </ul> |

<sup>1</sup> Sections 27-40.

<sup>2</sup> Proposed to be provided through amendments to the Treaty settlement legislation.

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|-----------------------|--|--------------------------------|---|
|                       | <ul style="list-style-type: none"> <li>• A Council must attach information relating to the statutory acknowledgement to a regional policy statement, regional plan and district plan under the RMA.</li> <li>• A Council must send summaries of applications for resource consents to the Iwi (for a period of 20 years).</li> <li>• The PSGE (or any member of the Iwi) may, as evidence of the association with a statutory area, cite the statutory acknowledgement in submissions that are made to a consent authority, the Environment Court or the EPA.</li> </ul> |                                | <p>for the purposes of notification of resource consent applications;</p> <ul style="list-style-type: none"> <li>• the Environment Court must have regard to the statutory acknowledgement in deciding whether the Iwi/PSGE should be able to participate in Environment Court appeal hearings (under the equivalent to s274 of the RMA);</li> <li>• information relating to the statutory acknowledgement must be attached to regional spatial strategies (<b>RSS</b>) and NBA plans;</li> <li>• summaries of resource consents must be provided to the PSGE (on the same terms as currently provided for in the settlement legislation);</li> <li>• the ability to cite the statutory acknowledgement in submissions will be carried over to the new system.</li> </ul> |

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| <p><b>Additional provisions for statutory acknowledgements to be provided through the Spatial Planning Act/Natural and Built Environments Act</b></p> |                                   |                                | <p>These additional provisions will be provided through the Spatial Planning Act (<b>SPA</b>) and NBA:</p> <ul style="list-style-type: none"> <li>• statutory acknowledgments will be considered part of the RSS and NBA plan, regardless of whether they have been adopted by the RSS or NBA committee.</li> <li>• references to the attachment of planning documents being for 'public information only', and not part of the plan will be removed (so statutory acknowledgements will form part of the RSS/NBA plan).<sup>3</sup></li> <li>• RSS committees must have regard to statutory acknowledgements in preparing the RSS;</li> <li>• decision makers under the NBA must have regard to statutory acknowledgements when setting</li> </ul> |

<sup>3</sup> That will also require an amendment to the settlement legislation.

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|                                  |   |                                | <p>activity status and notification requirements in NBA plans;</p> <ul style="list-style-type: none"> <li>statutory acknowledgements will be identified in the NBA 'outcomes' clauses (as one of the outcomes that must be promoted through the new national planning framework);</li> <li>the current Schedule 11 of the RMA (which identifies Acts that include statutory acknowledgments) will be replicated as a schedule to the SPA and NBA.</li> </ul> |
| <b>Other matters<sup>4</sup></b> | There are more technical links to RMA provisions. |                                | These can be dealt with by consequential amendments.   |

<sup>4</sup> Sections 40, 82 and Schedule 3.