



He Pepa Whakataunga

(Decision Paper)

Nā: Rakihia Tau, Group Head Strategic Relationships

Ki a: Te Apārangi

Te Kaupapa: Resource Management Act Reforms

Te Kaituhi: Ronnie Cooper

Te rā: 3 September 2020

1. TE WHĀINGA (PURPOSE):

1.1 The purposes of this paper are:

- a) To provide information on the recent report of the Resource Management Review Panel (“**the Panel**”) to the Minister for the Environment Hon David Parker (“**the Minister**”), setting out recommendations for a suite of radical changes to the Resource Management Act 1991 (“**RMA**”); and
- b) To seek the agreement of Te Apārangi for a proactive initiative to the Crown, post the 17 October election, to:
 - i. Ensure the best possible opportunities for Ngāi Tahu to provide strategic input to influence the legislation and resource management systems that will be developed in response to the Panel’s report; and
 - ii. Maximise the benefits for the Papatipu Rūnanga and Ngāi Tahu Whānui from the new legislation and the systems that will be developed for environmental management.

2. HE KUPU WHAKATAI (BACKGROUND):

2.1 The RMA has been the source of repeated calls for change over its nearly 30 years of existence, and has undergone numerous legislative amendments, most recently with Bills in 2017 and 2019. Dissatisfaction with the RMA ranges across the spectrum from mana whenua, urban developers, the farming sector and local government. On 1 July 2019 Cabinet agreed to undertake a comprehensive review of the whole resource management system.

2.2 The Minister appointed Hon Tony Randerson QC, a retired Court of Appeal judge, as Chair of the Panel with five other members including Kevin Prime (Ngāti Hine) as the sole Māori member. The scope of the review includes the RMA and the Local Government Act 2002, Land Transport Management Act 2003 and Climate Change Response Act 2002 where the RMA intersects with these other Acts. While the Panel travelled around the country to attend regional hui with iwi and hapū, there was no engagement with Te Rūnanga. Some Papatipu Rūnanga members did attend public meetings in their rohe.

- 2.3 The objectives of the review included: “A system that provides greater recognition of Te Tiriti o Waitangi and Te Ao Māori throughout [with] Māori values incorporated in decision-making, more effective iwi partnerships, [and] iwi and hapū empowered to protect the environment and improve outcomes for people,”¹ as well as clarification of the meaning of “iwi authority” and “hapū”.
- 2.4 The Principles² that guided the Panel’s decision-making, objectives and outcomes included:
- a) Stewardship and kaitiakitanga: Protecting and enhancing the environment for its own intrinsic value, as well as for the wellbeing of current and future generations; and
 - b) Te Tiriti o Waitangi: The relationship between the Crown and Māori is given due recognition including through the principles of partnership and active protection.
- 2.5 In February 2020 Te Rūnanga made a formal submission to the review, responding to the Panel’s Issues and Options paper released in November 2019.³ Te Rūnanga also made a submission to the Environment Select Committee in November 2019 on the Resource Management Amendment Bill.⁴ Summaries of these submissions are attached as **Appendices One and Two**.

3. NGĀ KAUPAPA MATUA (POINTS OF INFORMATION):

- 3.1 The Panel’s report provides comprehensive analysis of the shortcomings of the current RMA and resource management systems, along with proposals for reform to achieve improved outcomes across both the natural and built environments.
- 3.2 The Panel’s assessment and recommendations align well with many of the points raised by Te Rūnanga in the two submissions noted above. On a number of other matters however the Panel has recommended changes which do not follow the stated position and expectations of Te Rūnanga, and indeed would establish law and systems that would not support Ngāi Tahu rangatiratanga nor protect Ngāi Tahu rights and interests in the takiwā. These are briefly summarised in **Appendix Three**.
- 3.3 Key areas where further influence and advocacy will be important include:
- a) The need for proper, meaningful mana to mana engagement with Ngāi Tahu, with adequate time for meaningful discussions with the Minister and Crown officials – a process that gives effect to the Treaty partnership;
 - b) Development of options that give effect to Ngāi Tahu rangatiratanga, and to Ngāi Tahu Iwi Management Plans and other tribal policies for environmental management for the taonga and resources in the takiwā, such as Te Tāhu ō te Whāriki, the Climate Change Strategy.
- 3.4 Some of the Panel’s proposals will be highly controversial and will generate fierce opposition amongst some conservative interest groups (e.g. Hobson’s Pledge). It will be important for the Crown to have strong support from major iwi leaders to ensure

¹ <https://www.mfe.govt.nz/rmreview>, p 9.

² <https://www.mfe.govt.nz/rmreview>, p 8.

³ <https://www.mfe.govt.nz/publications/rma/transforming-resource-management-system-opportunities-change-issues-and-options>

⁴ https://www.parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/BILL_91358/resource-management-amendment-bill. This Bill has now been passed and the RMA changed accordingly.

that such reactionary resistance does not derail positive measures for mana whenua. An example of this is the proposed change from the current RMA requirement that the Treaty principles must be “taken into account”, to a requirement to “give effect to” the Treaty principles (the same wording as section 4, Conservation Act).

4. TE TONO (PROPOSAL):

- 4.1 For some time now Te Apārangi and others have been advocating for a more proactive approach to our engagement with the Crown and with regional and local government. Rather than responding to the government’s initiatives and proposals, there is a desire to be more assertively focused on Ngāi Tahu goals, aspirations and desired outcomes, and for these to be the basis for initiating mana to mana dialogue, as Treaty partners, with the Crown and other agencies such as regional and local authorities.
- 4.2 The Review Panel’s report and recommendations are a strong opportunity to engage proactively with the Crown post-election, and to drive a change agenda that focuses clearly on the needs, priorities, rights and interests of Ngāi Tahu for the management of the natural resources and landscapes in the takiwā. This should be signalled in the Ngāi Tahu *Briefing to Incoming Ministers* (BIM) currently in preparation and integrated with the political engagement programme associated with the BIM.
- 4.3 This would be more consistent with a genuine partnership approach, where each partner brings its thinking, values and aims to the table. It would also be more efficient, and provide for more creativity and innovation, than continually being in “react mode” to proposals which Ngāi Tahu has had no part in developing, where the direction, aims and options have already been set, and where the ability to influence is limited.
- 4.4 The significance of the changes proposed by the Review Panel, and the long-term implications for environmental management in the takiwā, cannot be overstated. These reforms will be hugely influential and will shape the structures and processes of resource management for decades to come. It is imperative that Ngāi Tahu rangatiratanga, values, goals, rights and interests are front and centre in relation to the Ngāi Tahu takiwā and its rich, abundant natural resources (over 50% of the land area in Aotearoa, at least 62% of the country’s surface water resources, and 81% of the total groundwater volume). The risks of having new legislation and systems imposed that do not respect Ngāi Tahu rangatiratanga and values, and do not provide acceptable means for Ngāi Tahu partnership with the Crown in the management of the natural resources and taonga in the takiwā, are too great to let this opportunity go by.
- 4.5 Liaison with the regional councils and the larger district and city councils in the takiwā would be useful, to canvass what responses they are making to the Review Panel’s report, and to signal clearly the Ngāi Tahu approach and priorities. There could be opportunities for mutual support with some of the councils (for example, Environment Canterbury).

5. TE MAHERE MAHI (FURTHER WORK PLANNED):

- 5.1 The Ministry for the Environment signals that the next step in the reform process will be consultation to develop government policy and the form of future legislation. It is possible that this could get under way before Christmas but is more likely to fully gain momentum after the summer break in early 2021.

5.2 If Te Apārangi agrees to progress with the recommended proactive engagement with the Crown on the future of resource management in the takiwā, further detailed analysis of the Panel's report and recommendations will be required. The preliminary assessment provided in **Appendix Three** is merely an initial scan for the key points of relevance to Ngāi Tahu rangatiratanga, rights and interests.

6. NGĀ WHAKATAUNGA (IMPLICATIONS):

- 6.1 Consistency with Ngāi Tahu 2025 - Yes
- 6.2 Consistency with Previous Policy Decisions – Yes – the alignment (or not) with the two previous submissions on this kaupapa is presented in **Appendix Three**.
- 6.3 Consistency with Ngāi Tahu Values - Yes
- 6.4 Financial Implications – Resourcing will need to be considered by the Office.
- 6.5 Legal Implications – Legal will need to be involved in the analysis, and potentially external legal advice could be required.
- 6.6 Information Technology Implications - None

7. NGĀ TŪTOHUTANGA (RECOMMENDATIONS):

That Te Apārangi:

- a) **Receives** the paper;
- b) **Discusses** the opportunity to initiate proactive engagement with the Crown post-election to advance Ngāi Tahu rangatiratanga, rights and interests, values and goals for environmental management in the takiwā; and
- c) **Agrees** to the development of proactive engagement with the Crown on this kaupapa.

8. HE ĀPITIHINGA (APPENDICES):

Appendix One – Summary: Te Rūnanga o Ngāi Tahu submission to the RMA Review Panel (13 February 2020)

Appendix Two – Summary: Te Rūnanga o Ngāi Tahu submission to the Environment Select Committee on the Resource Management Amendment Bill (7 November 2019)

Appendix Three – Preliminary Summary: Alignment of the report and recommendations of the Review Panel with the stated position and expectations of Ngāi Tahu as set out in the submissions summarised in Appendices One and Two.



Author

Date: 3 September 2020



Chief Executive Officer

Date: 16 September 2020

Te Apārangi - September 2020

Resource Management Act reforms

SUMMARY:

Te Rūnanga o Ngāi Tahu submission to the RMA Review Panel (13 February 2020)

Ngāi Tahu rangatiratanga and te Tiriti:

The submission is grounded on the three core documents: the Treaty of Waitangi, the Ngāi Tahu Deed of Settlement 1997 and the Ngāi Tahu Claims Settlement Act 1998, noting that:

- These documents form a binding legal relationship between Ngāi Tahu and the Crown and entrench the Treaty partnership;
- The Crown Apology acknowledges that Ngāi Tahu hold rangatiratanga within the Ngāi Tahu takiwā;
- The Crown's right to provide a regulatory regime for the management of natural resources cannot override Ngāi Tahu property rights;
- To progress with the proposed RMA reform the Crown first needs to recognise and renew their relationship commitments to Ngāi Tahu as Treaty partners;
- Ngāi Tahu is not represented by the Freshwater Iwi Leaders Group, NZ Māori Council, Kahui Wai Māori Forum or any other pan-Māori group, and any Crown engagement with such groups does not amount to meaningful or appropriate engagement with Ngāi Tahu; and
- The primary concern of Te Rūnanga is to establish property rights and assert rangatiratanga.

Failures of the RMA:

Te Rūnanga agreed that there is a need to undertake a comprehensive review of resource management in New Zealand, and that:

- The RMA has failed to adequately protect the environment, and has fallen substantively short of Ngāi Tahu expectations, overseeing ongoing environmental degradation in the takiwā;
- The RMA provides insufficient recognition of the Treaty and Treaty settlements;
- There are currently inadequate provisions for Māori participation or decision-making in resource management processes; and
- There had been no use at the time this submission was made, of section 33 of the RMA (transfer of a council's powers to iwi)¹, and inadequate regard to Iwi Management Plans.

Failures of the process for the review:

Te Rūnanga raised concerns with the Review Panel's *Issues and Options Paper*:

¹ However more recently an agreement has been negotiated between Ngāti Tuwharetoa and the Waikato Regional Council for transfer of the council's water monitoring functions.

- The Paper fails to recognise Ngāi Tahu rangatiratanga and mana;
- The reforms proposed in the Paper are inadequate and will be ineffectual;
- The process is premature as it is essential that Ngāi Tahu rangatiratanga and property rights over resources, particularly in relation to freshwater and the WAI2358 findings, are addressed before substantive reforms to the RMA are progressed;
- The Crown has not entered into negotiations or meaningful dialogue on these matters with Te Rūnanga as Treaty partners, and there has been no substantive engagement with MFE or the Review Panel on the review process and proposed reforms.

Key points:

The submission focused on **freshwater** as a key example of the issues that plague the RMA, but noted that there are a number of other taonga and resources of great importance to Ngāi Tahu that may be affected by RMA changes.

The submission stated clearly that Te Rūnanga does not support a **national pan-Māori approach** to resource management reform in the Ngāi Tahu takiwā, such as the advisory board proposed by the Minister to deal with Māori issues. The position of Te Rūnanga is that such a body would undermine Ngāi Tahu rangatiratanga and kaitiakitanga. Te Rūnanga insisted that management of resources within the Ngāi Tahu takiwā must be designed in partnership with Ngāi Tahu and founded on the principles of Ki Uta Ki Tai – holistic resource management that recognises that the natural environment is an integrated whole from the mountains to the sea.

The submission did not support a legislative division of environmental management from land use planning, in **different statutes** as suggested by the Review Panel.

Te Rūnanga insisted that any **legislation must be consistent with the Treaty** and should reflect and provide for the exercise of rangatiratanga. Māori values and interests must not be able to be overridden in a balancing exercise. Part 2 of the RMA (the Purposes and Principles section) must:

- Elevate the relevance of Māori values and interests such that they are not subservient to other considerations in Part 2;
- Place a positive obligation on all those undertaking functions under the Act to give effect to Treaty principles, including direction on how that is to occur; and
- Recognise the Treaty guarantee of rangatiratanga.

The submission included the expectation of Te Rūnanga that the RMA must enable and provide a pathway to an active and **shared decision-making** partnership, including co-governance, co-management, the co-design of planning documents, and partnership in plan-making processes. This must be adequately resourced by local authorities.

Plans must protect **wāhi tapu and wāhi taonga**, as well as provide for development on reserves and **papakainga**.

The submission supported **spatial planning** but stressed that this must be centred on and sensitive to Māori values.

An appropriate and proactive framework for **climate change**, taking an inter-generational perspective, must be incorporated into environmental management.

The submission did not support greater use of **national direction** under the RMA (National Policy Statements or National Environmental Standards) as these disregard the unique and diverse nature of the Ngāi Tahu takiwā. Any NPS must be developed in partnership with iwi and be capable of adapting to local circumstances as directed by mana whenua.

Oversight of plan implementation from central government must be shared with iwi. **Monitoring** systems must provide for Ngāi Tahu rangatiratanga and enable iwi to have a leading role with mātauranga and tikanga approaches.

Te Rūnanga supports **economic instruments** provided that they recognise and give effect to rangatiratanga.

Ngāi Tahu must have a decision-making role in **allocation** of all resources in the takiwā.

Recommendations:

The submission made three **overall recommendations**:

- That the Panel suspend its work programme for legislative reform of the RMA until issues of Māori ownership and management of freshwater are resolved;
- That the Panel notifies the Crown regarding the concerns of Te Rūnanga outlined in the submission, and that the Crown is obligated to engage directly with Te Rūnanga as a Treaty partner at every stage of the legislative planning process; and
- That the Panel meets and works with Te Rūnanga to discuss the proposals for reform.

Te Apārangi - September 2020

Resource Management Act reforms

SUMMARY:

Te Rūnanga o Ngāi Tahu submission to the Environment Select Committee on the Resource Management Amendment Bill (7 November 2019)

(This Bill has now been passed and changes made to the RMA in early 2020)

Ngāi Tahu rangatiratanga and te Tiriti:

The submission is grounded on the three core documents: the Treaty of Waitangi, the Ngāi Tahu Deed of Settlement 1997 and the Ngāi Tahu Claims Settlement Act 1998, noting that:

- These documents form an important legal relationship between Ngāi Tahu and the Crown and entrench the Treaty partnership;
- The Crown Apology acknowledges that Ngāi Tahu hold rangatiratanga within the Ngāi Tahu takiwā;
- However, Te Rūnanga has had no engagement with the Ministry for the Environment on the development or substance of the Bill. The submission raised serious concerns about the lack of engagement and the processes followed by the Ministry:
 - The failure to appropriately engage with iwi has been driven by Government timeframes, although Te Arawhiti and Te Puni Kokiri raised concerns about the lack of early engagement with iwi as Treaty partners and strongly recommended the Crown engage more widely with iwi.
 - The submission notes that the Minister for the Environment referred to the Select Committee process as an avenue for iwi and public feedback. The submission asserts that this suggestion is both:
 - Negligent, as it reduces Te Rūnanga to the role of any other stakeholder and the general public; and
 - A breach of the Crown's obligations under the Treaty, as it fails to recognise Ngāi Tahu as the Treaty partner and fails to recognise or uphold Ngāi Tahu rangatiratanga.
 - The submission notes that the lack of engagement has been compounded by the Government running concurrent submission and consultation processes on other environmental legislation and policy (including Action for Healthy Waterways, Zero Carbon Bill) in very short timeframes in late 2019.

Resource Management Framework and Freshwater Planning Processes:

The submission based its arguments in the findings and recommendations of the Waitangi Tribunal on Māori customary interests in freshwater and the broader resource management system:

- Stage 2 of the National Freshwater and Geothermal Inquiry (WAI 2358) found that the RMA is **not Treaty compliant** in respect of freshwater management, and that specific reforms are required to ensure the RMA gives effect to the Treaty and the Treaty principles.

- It is the view of the Tribunal and of Te Rūnanga that **rangatiratanga over taonga** must not be diminished by the RMA.
- The Crown's right to provide a regulatory regime for the management of natural resources cannot override the **proprietary interests** of Ngāi Tahu.

The submission pointed out that the Bill as drafted did not address or consider the matters raised by the Tribunal, and would perpetuate those issues by introducing further provisions that fail to uphold the Treaty and have not been designed in partnership.

Te Rūnanga strongly opposed the proposed freshwater planning process. The submission stated clearly that in principle **Te Rūnanga will not support a pan-Māori approach** to freshwater management:

- Vesting of authority or control over freshwater in anyone other than Ngāi Tahu, and without the consent of Ngāi Tahu, is inconsistent with the Treaty and its promise of rangatiratanga.
- Te Rūnanga proposed instead a process to work with the Crown to design in partnership a takiwā-specific approach that upholds Ngāi Tahu rangatiratanga. Any framework to manage freshwater must be developed hand-in-hand with Ngāi Tahu and with the resolution of iwi rights and interests.

The submission emphasised that any planning process under the RMA must provide for:

- **Dual decision-making** powers;
- Appropriate **representation** that reflects the Treaty partnership; and
- All decision-making is **in accordance with the Treaty** and the principles on which it was founded.

Recommendation:

Te Rūnanga recommended that the proposed freshwater planning process and associated amendments in the Bill be deleted, and that the Crown undertake substantive engagement with Te Rūnanga to design in partnership an **appropriate takiwā-specific process**.

Specific technical matters:

Subject to the substantive matters raised, the submission also made comments on a number of specific areas and **technical and procedural matters**, including Ministerial intervention, public notification and appeals processes, the use of financial contributions for positive environmental outcomes such as waterway restoration, review of resource consent conditions, and the role of the Environmental Protection Authority in compliance oversight and enforcement.

Te Apārangi - September 2020

Resource Management Act reforms

PRELIMINARY SUMMARY:

Alignment of the report and recommendations of the Review Panel with the stated position and expectations of Ngāi Tahu as set out in the submissions summarised in Appendices One and Two:

Key areas where the Panel’s report aligns with and supports the position and expectations of Te Rūnanga include:

- Recognition of the **failures of the RMA** to deliver quality environmental outcomes, processes for effective participation of mana whenua, or compliance with te Tiriti;¹
- Proposed stronger wording for the section for te Tiriti in the new legislation, changing it to **“give effect to” the principles of te Tiriti** (as in section 4 Conservation Act);²
- The future resource management system must provide **an enhanced role for Māori** in decision-making and in the design of measures and processes to give effect to the principles of te Tiriti – this includes recommendations for a greater role for Māori early in processes and at the “strategic end of the system”;
- Recognition of **mana whenua as Tiriti partners** not stakeholders;
- Opportunities for **power-sharing mechanisms** including transfer of council’s powers and functions to mana whenua, joint management agreements and better processes for recognising and utilising iwi management plans;
- The need for improved **funding and resourcing** of iwi / hapū and regional and local authorities to build capacities and capabilities;
- The need for improved **monitoring and oversight** of councils’ and agencies’ Tiriti performance and environmental outcomes.

Key areas where the Panel’s recommendations diverge from the stated position and expectations of Te Rūnanga include:

- The Panel does not address issues of the **rights and interests of Māori in freshwater**, as a matter specified as out of scope of their inquiry,³ although it does make some recommendations about the allocation and use of freshwater. The Panel suggests that the Crown and Māori should address and resolve these issues sooner rather than later, and considers that without such a resolution, the allocation and use of water rights will continue to pose significant difficulties;
- Proposals for “integrated partnership arrangements” between mana whenua and councils are based on the existing Mana Whakahono a Rohe provisions in the RMA, and are intended to give effect to Tiriti settlement obligations and commitments. But they do not go so far as

¹ The Panel outlines its consideration of the Treaty, and explains its decision to use the te reo name “Te Tiriti” throughout the report, <https://www.mfe.govt.nz/rmreview>, pp 99-103.

² This is qualified by the caveat that: “giving effect to Te Tiriti is not intended to create a priority right for Māori to the allocation of resources, other than in respect of land or resources they own or as recognised by legislation or Tiriti settlements.” <https://www.mfe.govt.nz/rmreview>, p 103.

³ <https://www.mfe.govt.nz/rmreview>, p 10.

to include provisions for **co-management**, **co-design** of processes or plans, or **shared decision-making**. The Panel refers instead to iwi plans being “taken into account”, mana whenua representation on council committees, mana whenua being “engaged” in resource management and consenting processes, and mātauranga experts being involved in setting environmental limits and targets;⁴

- Proposed **national pan-Māori Advisory Board** to provide advice to government and oversight of the resource management system from the perspective of mana whenua;
- Splitting the RMA into two new **separate Acts** – the Natural and Built Environments Act (“**NBEA**”) which would focus on environmental quality, and the Strategic Planning Act (“**SPA**”) which would focus on integrated land use planning, provision of infrastructure and associated funding and investment;
- Proposed greater use of **mandatory national direction** (National Policy Statements (“**NPS**”) or National Environmental Standards), which would cut across Ngāi Tahu rangatiratanga in the takiwā and prevent specificity and local relevance for resource management solutions that are tailored to Ngāi Tahu values and the distinctiveness of each part of the takiwā. The increased reliance on national direction would include a proposed new NPS on how the principles of te Tiriti will be given effect through functions and powers under the NBEA.⁵ The Panel proposes that this NPS be developed “through an appropriate process with Māori” but then jumps ahead of any co-design process to prescribe what the NPS would enable including:
 - Genuine partnership between Crown and Māori in resource management;
 - Consistency and explicit identification of the key principles of Te Tiriti relevant to resource management issues;
 - Linking Tiriti settlements to the resource management system;
 - Māori housing initiatives, papakainga, and “Māori design values”;
 - Adoption of mātauranga Māori; and
 - An integrated approach to climate change adaptation issues of relevance to Māori.

Other matters advanced by the Panel that were not envisaged at the time of the earlier submissions include:

- Proposed inclusion of the concept “**Te Mana o te Taiao**” as a requirement in the purpose statement of the new NBEA, with the intent that this cannot be undermined or outweighed by other considerations.⁶ The Panel explains that this is intended “to ensure Māori views about the environment are reflected at the heart of the future system and align with the overall purpose of the Act.”⁷ (This concept has been developed from Te Mana o te Wai, now given stronger status as a requirement to be “given effect” in the new 2020 National Policy Statement for Freshwater Management.)⁸ The two submissions from Te Runanga both stress the need for appropriately strong provisions to ensure that Māori values and interests are not subservient to or balanced against other considerations, and that the legislation

⁴ <https://www.mfe.govt.nz/rmreview>, pp 103-107.

⁵ <https://www.mfe.govt.nz/rmreview>, pp 102-103.

⁶ This is defined as: “Te Mana o te Taiao refers to the importance of maintaining the health of air, water, soil and ecosystems and the essential relationship between the health of those resources and their capacity to sustain all life.” (<https://www.mfe.govt.nz/rmreview>, p 99).

⁷ <https://www.mfe.govt.nz/rmreview>, p 23.

⁸ <https://www.mfe.govt.nz/fresh-water/freshwater-acts-and-regulations/national-policy-statement-freshwater-management>

cannot override or diminish rangatiratanga over taonga, but the proposed requirement for Te Mana o te Taiao is new;

- A shift from the effects-based approach of the RMA to a more proactive **outcomes focus**, where desired environmental outcomes, qualities and standards are specified in council plans with limits and targets to be achieved;
- A requirement for regional councils and territorial local authorities to work together to produce **one combined regulatory plan for each region**;⁹
- Inclusion of a new category “**cultural landscapes**” in the outcomes to be achieved under the NBEA, defined as: “a defined area of place with strong significance for mana whenua arising from cultural or historical associations and includes connected natural, physical or metaphysical markers or features”;
- The creation of further new legislation to be called the Managed Retreat and Climate Change Adaptation Act, to help manage the effects of **climate change** and communities’ responses – the need for an appropriate and proactive framework for climate change was noted in the February 2020 submission, but the idea of separate legislation is new;
- The implications of the proposed changes to the RMA for **regional and local councils**, with the Panel concluding that the resource management system would be much more effective if local government were to be reformed, and that this is an issue warranting early attention. The Panel recommends that much could be achieved by rationalisation along regional lines. This will have major significance for small rural district councils in the Ngāi Tahu takiwā, and for their relationships with Papatipu Rūnanga and whānau.

The Panel also discussed and made recommendations about the problems where local authorities and consent applicants find it difficult to know which mana whenua groups to engage with. This is an issue only in Te Ika a Maui and Te Tau Ihu. Within the Ngāi Tahu takiwā it is clear to all regional and local councils that under the Ngāi Tahu Claims Settlement Act 1998 Te Rūnanga and the Papatipu Rūnanga are mana whenua with rangatiratanga.

The Panel also provided analysis and recommendations for the detail of resource management processes including:

- Strategic integration and spatial planning;
- Climate change and natural hazards;
- National direction;
- Policy and planning framework;
- Consents and approvals;
- Designations, heritage and water conservation orders;
- Allocation of resources and economic instruments;
- Compliance, monitoring and enforcement
- Reducing complexity; and
- Transition to the new system.

⁹ This has already been undertaken in Te Tai Poutini with the four councils collaborating and working with the Papatipu Rūnanga on a single regional plan.