Hon Chris Bishop

Attorney-General
Minister of Housing
Minister for Infrastructure
Minister Responsible for RMA Reform
Minister of Transport
Associate Minister of Finance

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CB-COR3111

Tēnā koe

Planning Bill and Natural Environment Bill: proposed changes to Mana Whakahono ā Rohe provisions

I am writing to regarding changes the Government intends to make to the Planning Bill and Natural Environment Bill currently before Parliament. Local authorities will continue to lead the delivery of the resource management system under the new legislation, and I wanted to let you know about this intended change that will impact you directly.

The Government intends to amend the Planning Bill and Natural Environment Bill to remove the provisions that would have saved existing and initiated Mana Whakahono ā Rohe in the new planning system.

The Bills as introduced provided that existing Mana Whakahono ā Rohe, and ones initiated before the Bills are enacted, would transfer into the new system, subject to modifications to reflect the scope of the new legislation. The Government has reconsidered that approach.

The Government now intends to progress amendments so that existing and initiated Mana Whakahono ā Rohe will not transfer into the new planning system. Instead, the Bills will provide for a new instrument scoped to the new system that will be known as ‘iwi participation agreements’.

Iwi participation agreements will enable iwi authorities and local authorities to record how iwi authorities will participate in the iwi participation processes provided for in the Natural Environment Bill and Planning Bill where those processes are the responsibility of local authorities. They may also record processes for engagement where required to give effect to relevant Treaty settlement redress.

This proposed approach will ensure that participation arrangements in the new system are aligned with the scope and design of the Planning Bill and Natural Environment Bill. Local authorities will have the discretion to enter into these agreements if requested to by an iwi authority – in contrast to Mana Whakahono ā Rohe that must be entered into if iwi authorities initiate them.

I acknowledge that some iwi authorities, hapū, and local authorities have invested significant time and resource in negotiating or implementing Mana Whakahono ā Rohe. I also acknowledge that this proposed change may be disappointing for parties who expected existing or initiated arrangements to transition into the new system. The Government’s intention for the change is to provide a clearer and more consistent framework for iwi participation under the new legislation.

My officials at the Ministry for Cities, Environment, Regions and Transport are available to discuss with you how the new participation agreements are likely to work. For further information, please contact Clare Maihi *(clare.maihi@mcert.govt.nz)*

Ngā mihi nui

Hon Chris Bishop
Minister Responsible for RMA Reform

Cc: Simon Court, Parliamentary Under-Secretary to the Minister Responsible for RMA Reform

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