Taituarā

Regional Spatial Planning Roadshow

Briefing Note 3: Treaty Redress and Iwi/Māori Partnering and Participation in Regional Spatial Planning – What Council Managers Need to Know

July - August 2026

3. Treaty Redress and Iwi/Māori Partnering and Participation in Regional Spatial Planning – What Council Managers Need to Know

This Briefing Note supports a RSP Roadshow presentation to chief executives, tier-two leaders, planning managers, reform leads, programme managers, and prospective RSP secretariat or committee support staff. Issues of organisational design, establishment choices, and key points for council managers, taking account of Head Start scenarios are covered.

This note draws on papers prepared to support Workshop presentations that are synthesised in this series of eight Briefing Notes on topics relevant to organisational readiness for regional spatial planning. It includes information and advice based on official sources prepared for Taituarā by Simon Markham Consulting Ltd as an advisory Briefing Note.

Its statutory framing is Planning Bill 235-3, as reported from the Committee of the whole House, on regional spatial plans, national instruments, process agreements, iwi consultation, spatial plan committees, public notification, hearings, adoption, implementation, and review. It considers what the current Bill and subsequent legal commentary mean for council managers, in light of existing spatial-planning collaborations and wider regional collaboration experience.

This Note is current to 14 September 2026. It integrates the July 2026 report-back changes into the substantive text and adds subsequent Committee-stage changes reflected in Planning Bill 235-3, together with relevant interpretation from the Regional Spatial Planning Legal Commentary Paper as at 14 September 2026 that accompanies this series of Briefing Notes The Bill has completed Committee of the whole House consideration but has not yet received third reading or Royal assent. All update material is fully integrated into the main text.

1. Executive Summary

A clear conclusion is that Iwi/Māori partnering and participation in Regional Spatial Planning is not an engagement workstream to be added after the RSP machinery is created. It is a structural governance requirement that needs to shape the process agreement, secretariat design, RSP Committee arrangements, evidence base, and any Head Start transition work from the outset.

This Briefing Note uses ‘partnering’ and ‘participation’ deliberately. ‘Participation’ captures the statutory consultation and involvement duties. ‘Partnering’ captures the wider relationship-design task for councils: carrying existing iwi/Māori participation arrangements, Treaty settlement commitments, and other relationship commitments into regional spatial planning without compressing them into a late consultation step. These concepts should be distinguished from ‘Treaty settlement redress continuity’, which is a related but separate equivalent-effect obligation. The following are all relevant:

- Treaty settlement arrangements and redress including joint-management arrangements and statutory acknowledgements
- Mana Whakahono ā Rohe/Iwi participation arrangements

- Māori land interests
- iwi planning documents
- Other non-statutory relationship based commitments

Section 9 of the Planning Bill provides for the Crown to seek to enter agreements to uphold Treaty settlement redress or arrangements to the same or equivalent effect as under the RMA. And Section 10 requires that Treaty redress or arrangements are to be given the same or equivalent effect by all persons acting under the Act. This means the Crown may need to engage with PSGEs to enter agreements to uphold Treaty settlement redress or arrangements. MCERT is the current central-government contact/coordination point for Treaty-settlement continuity discussions, subject to any final government operating model. MCERT have advised they are available to discuss this with local authorities as they prepare for implementation.

Planning Bill 235-3 retains the equivalent-effect architecture in sections 9 and 10. It also adds a specific section 10A for Te Ture Whaimana: for the Waikato and Waipā Rivers and affected catchments, Te Ture Whaimana is deemed part of relevant RSPs/LUPs, prevails over inconsistent national instruments and plans, and the other plan provisions must give effect to it. Waikato/Waipā RSP governance, evidence and conflict-resolution arrangements should therefore build this in from the outset rather than treating it as a later consultation issue.

Planning Bill 235-3 is now the consolidated pre-third-reading baseline. The report-back RSP machinery remains, with later Committee-stage changes layered onto it. The separate Climate Change Response Amendment Bill remains a separate source stream; importantly, Planning Bill 235-3 itself now requires RSPs to identify priority areas for planning adaptation to the effects of climate change. The Bill has not yet been enacted.

The recent Government proposal to restrict voting rights on Local Government Act council committees to elected members does not apply automatically to RSP Committees, but it makes committee design more consequential. Councils should distinguish membership, voting rights, advisory participation and Treaty-settlement or other statutory appointment pathways from the outset. They should not assume that appointed iwi/Māori members of an LGA-based RSP Committee will have voting rights unless the final legislation, regulations, Treaty settlement arrangements, the Planning Bill mechanism, or the committee establishment instrument under the LGA or another Act clearly provides for that outcome.

The Planning Bill currently provides that a spatial plan committee may be appointed in accordance with the Local Government Act 2002 or may be an existing committee established under legislation. It also allows Ministerial appointments with voting rights unless the Minister directs otherwise. The proposed LGA voting-rights change therefore creates a design distinction between an LGA-appointed committee, an existing statutory committee, Ministerial appointments under the Planning Bill, and any Treaty-settlement-based statutory appointment pathway. That distinction should be carried consistently through the process agreement, committee terms of reference and secretariat servicing model.

Section 71 makes the legal routes to a spatial plan committee clearer and requires the committee to include at least one member with knowledge, skill and experience relating to te ao Māori and Māori development. This is a statutory capability minimum; it is not a requirement for iwi representation and should not be treated as a substitute for wider mana whenua, iwi, hapū, PSGE, Māori-land and Treaty-redress participation arrangements.

The Planning Bill requires the RSP process agreement to address how existing participation arrangements and commitments will be upheld, and how the spatial plan committee will consult iwi authorities, PSGEs and groups who have specific arrangements. It also notes that RSP Committees must consult iwi authorities during preparation of the draft RSP, consult customary marine title groups on relevant coastal matters, and treat Māori interests, iwi planning documents, statutory acknowledgements, and Māori land matters as part of the formal evidence base.

The current Bill also strengthens pre-notification participation directly through Schedule 2: the committee must consult tangata whenua through iwi authorities and relevant customary marine title interests, provide the draft to specified Māori/customary groups, and have regard to their advice before notification. Identified Māori land duties apply when future infrastructure or corridors are considered. These obligations operate whether or not an iwi participation agreement exists.

Schedule 2 clause 4 makes the process agreement binding. In 235-3 it must include processes for applicable iwi participation legislation (and agreements under it) and existing joint-management agreements, alongside the committee's direct statutory consultation architecture. The RSP content/procedure also expressly addresses statutory acknowledgements, sites of significance to Māori, customary marine title/protected customary rights, identified Māori land and relevant iwi planning documents.

2. What councils need to know now

2.1 Process agreements are the main practical vehicle

For councils, the process agreement should not just allocate tasks between councils. It should set out the participation architecture for the RSP. At minimum, it should record:

Matter	What councils should build into the process agreement
Existing legal obligations	How existing iwi participation obligations, Mana Whakahono ā Rohe, joint management agreements, and settlement-linked arrangements will be recognised. Under 235-3, remove MWAR from the list of continuing new-system mechanisms: it ceases after Royal assent. Keep Treaty-settlement redress, iwi participation legislation, existing JMAs and direct RSP duties distinct, and record any later iwi participation agreement separately.
Consultation duties	How and when iwi authorities will be consulted during RSP preparation, including at options, draft, and decision stages. The Committee must also consider the rights and interests of identified Māori land (IML) owners when determining infrastructure locations or corridors for a draft plan. Schedule 2 requires pre-notification consultation with tangata whenua through iwi authorities and relevant customary marine title interests, provision of the draft, and regard to advice; an iwi participation agreement may organise the process but does not replace the duty.
Customary marine title interests	How customary marine title groups will be identified and consulted where coastal matters are relevant.

Iwi planning documents	How iwi management plans / iwi planning documents will be obtained, interpreted, used, and recorded in the evidence base. That base also includes IML and sites of significance to Māori.
Escalation and change control	What happens if iwi/Māori participation arrangements are affected by Head Start boundary proposals, committee changes, or delays.
Resourcing	What council support, funding, technical support, and administrative support will be provided to enable effective participation.
Identified Māori land and Te Ture Whaimana	Build the identified-Māori-land duties into infrastructure/corridor option testing; in Waikato/Waipā, treat Te Ture Whaimana as a primary direction-setting constraint embedded in the RSP itself.

Briefing Note No. 2 relating to Head Start implications recommends that councils map the participation landscape before finalising committee and secretariat arrangements and use the RSP process agreement as the central legal and operational vehicle for preserving participation obligations through transition.

2.2 Secretariats need a dedicated Māori partnering and participation capability

A council-hosted or shared regional RSP secretariat should not be designed only as a planning/project office. It should have the capability to maintain relationships, coordinate participation, manage data and cultural information, support governance-level engagement and ensure that Māori evidence is included and given appropriate consideration early and meaningfully in decision making. By agreement this may include bringing Māori technical staff in-house.

The secretariat will also need to distinguish four legal/relationship layers in its registers and advice: Treaty-settlement/equivalent-effect duties; applicable iwi participation legislation and existing joint-management agreements; direct RSP consultation and identified-Māori-land duties; and any iwi participation agreements requested and entered under sections 198A-198E. Treating these as one generic "engagement" category would create legal and relationship risk.

Key secretariat functions should include:

Secretariat responsibility	Council management implication
Participation mapping	Maintain a live register of iwi authorities, PSGEs, hapū/marae and Māori Land Trust contacts where appropriate, customary marine title groups, settlement entities, Mana Whakahono ā Rohe, joint-management agreements and iwi planning documents and other groups with significant interests in the region. Do not assume all PSGEs are iwi authorities; some hapū groups may be PSGEs and require separate mapping. Maintain a clear status field showing MWAR cessation, any requested/negotiated iwi participation agreement, and the separate legal source for each continuing participation duty.
Programme integration	Ensure iwi/Māori participation is built into relevant phases of RSP preparation, not confined to a single consultation round.
Evidence management	Ensure Māori interests and aspirations (including for iwi/hapū primary areas of interest), sites of significance to Māori, participation arrangements and commitments including statutory acknowledgements, iwi planning

	documents, Māori land, and cultural landscapes are visible in the evidence base.
Resourcing support	Coordinate technical briefings, mapping support, meeting support, and capacity funding arrangements where councils choose to provide them.
Head Start monitoring	Track whether proposed future unitary-authority boundaries would cut across iwi rohe, PSGE geographies, settlement arrangements, or existing participation structures and consider the resourcing implications of this for Māori participation.
Treaty / participation legal register	Maintain the section 9-10 equivalent-effect work, Te Ture Whaimana where relevant, iwi participation legislation/JMAs, direct RSP consultation duties and any section 198A-198E agreement as separate but coordinated records.

2.3 RSP Committee design should decide explicitly whether there is governance-level Māori involvement

The Planning Bill does not expressly require iwi/Māori membership on RSP Committees, but the Local Government Act committee framework leaves room for councils to choose governance-level involvement.

The Planning Bill does however state:

- Treaty settlement arrangements will be given the same or equivalent effect in the new system (Section 10), and
- Māori rights and interests are to be provided for through Māori participation in the development of spatial planning (Section 11(1)(i)(i))

RSP Committee membership by appointment and then the determination of voting rights requires explicit consideration. On 2 June 2026, the Minister of Local Government announced proposed amendments to the Local Government Act 2002 so that only elected members hold voting rights at council committee meetings; non-elected appointees may still advise or represent communities but would not vote or count for quorum. It is indicated that RSP Committees will be exempt from this constraint, but the proposed amendment emphasises the need to be deliberative on membership and voting rights as distinct matters.

The announcement also indicates that statutory committees and appointments, including Treaty-settlement appointments, and appointments under Acts not covered by the LGA, will be excluded. The proposed mechanism for implementing this policy was by further amendment to the Local Government (System Improvements) Bill that passed its second reading on 30 June 2026 and is at the Committee of the whole House stage. The voting restriction is not yet law, and it does not appear to yet be incorporated in the published Bill or linked amendment papers.

Planning Bill clause 71(6) expressly gives ministerial appointees the same voting rights as council appointees unless the Minister limits those rights in writing. Clause 71. The announced exemption for statutory committees appears intended to cover spatial plan committees. The final local government amendment wording still needs checking once published.

Councils should however not drift into a default position. They need an explicit regional decision on the preferred model, for example:

Possible model	Strength	Risk / issue
No formal Māori membership, but strong consultation process	Simple statutory design; avoids unresolved appointment questions.	May be seen as insufficient for a structural governance role; risks reducing participation to consultation.
Mana Whenua advisory group to the RSP Committee	Provides structured advice and relationship continuity.	Advisory status may lack influence unless well integrated into decision points.
Appointed iwi/Māori members on the RSP Committee	Embeds participation at governance level; supports partnership-oriented design.	Requires clarity on appointment pathway, mandate, voting status, remuneration, conflict management, and accountability.
Parallel governance forum with joint workshops / recommendations	Can respect multiple iwi/PSGE relationships and avoid overloading a single representative model.	Needs strong process rules so advice is not bypassed.

The appropriateness of the above model will also be dependent on current settlement arrangements and what equivalency requires. The practical management issue is that committee design, terms of reference, remuneration, servicing, meeting scheduling, and information flows all depend on which model is chosen.

2.4 Proposed LGA Amendment: Further implications for RSP Committee design

Councils should separate four questions that were previously easier to bundle together: who is formally a committee member; who has voting rights; who advises or participates through a parallel forum; and which appointments are protected or authorised by a statute or Treaty settlement arrangement.

Design question	Why it now matters	Managerial response
Is the RSP Committee appointed under the LGA or established under another Act?	The Ministerial announcement distinguishes ordinary LGA council committees from statutory committees and appointments under other Acts.	Take legal advice on the establishment route before settling ToR, membership, voting, and quorum rules.
Are iwi/Māori members intended to have voting rights?	An LGA-based committee is able to confer voting rights on non-elected appointees , but this is a deliberative decision	Identify whether voting membership requires explicit Planning Bill/regulatory authority, an existing statutory committee, Treaty-settlement provision, or a different governance model.
How will iwi/Māori influence be maintained if voting rights are unavailable?	Advisory or non-voting status can still be meaningful if integrated into agenda-setting, options design, evidence, and escalation points.	Design clear advisory, co-design, joint workshop, parallel governance, and reporting pathways rather than relying on attendance alone.
How are Treaty settlement and existing participation arrangements protected?	The Ministerial announcement says statutory and Treaty settlement appointments need to be upheld;	Map settlement redress, Mana Whakahono ā Rohe, joint management, and other

	existing settlement obligations remain a separate continuity issue.	commitments separately from general committee membership. Do not rely on a former MWAR as the continuity mechanism after Royal assent. Map the underlying settlement/JMA/statutory duties and consider whether an iwi authority wishes to request an iwi participation agreement.
What should be said in the process agreement?	Uncertainty over voting rights can become a legitimacy risk if not addressed early.	Record the chosen participation model, legal assumptions, review triggers, and how changes to the LGA or Planning Bill will be dealt with. In 235-3 the statutory cl 4 requirement is framed around iwi participation legislation and existing joint-management agreements; direct RSP consultation and any separate iwi participation agreement should be cross-referenced operationally.

A practical conclusion is that councils should seek iwi/Māori design preferences early, but frame the discussion around legally durable influence pathways rather than assuming that voting membership will be available in every committee model.

3. Why Head Start makes this more urgent

Head Start introduces the possibility that future local-government geography will not match current regional-council boundaries. A new unitary-authority footprint may cut across iwi rohe, PSGE geographies, statutory acknowledgements, customary marine title interests, or existing settlement-linked participation structures. Head Start materials expect councils to engage relevant PSGEs and demonstrate how Treaty settlement arrangements could transfer to new UAs with equivalent effect.

Fragmentation of existing iwi/Māori, PSGE and Treaty settlement arrangements can lead to loss of equivalent effect, duplicated engagement, and relationship disruption. It is recommended that any Regional Function Continuity Schedule (see Briefing Note 2) identify settlement redress, partnership arrangements, joint-management agreements and participation arrangements requiring transfer or preservation.

For councils, this means RSP partnering and participation and Head Start participation cannot be treated as separate workstreams. They need to be considered together. Briefing Note No. 2, reflecting DIA's May 2026 outline-proposal guidance, clarifies that current Bill-introduction regional boundaries remain the immediate RSP starting point for outline-proposal purposes. Head Start proposals should therefore not be used as a reason to pause current-boundary RSP establishment. Instead, any proposal should explain how reorganisation would avoid or minimise disruption to current-region RSP work for governance, evidence and engagement design, and Treaty settlement redress continuity for the equivalent-effect transfer or preservation task.

For iwi/Māori matters, the Head Start update also sharpens the need to distinguish general iwi/Māori partnership/participation from Treaty settlement redress continuity. Both must be mapped, but they are not the same task: one concerns how iwi/Māori participate in RSP governance, evidence, and engagement; the other concerns how statutory settlement arrangements, redress, and equivalent-effect obligations survive any institutional or boundary change.

4. Matters that remain uncertain

Planning Bill 235-3 now contains the Committee-stage position: all existing and initiated Mana Whakahono ā Rohe cease to have legal effect on the day after Royal assent. Sections 198A-198E create a different iwi participation agreement mechanism: one or more iwi authorities may request agreements with one or more relevant local authorities, hapū may join as parties, and agreements may address participation in statutory processes (including RSP consultation) and engagement needed to implement Treaty settlement redress. These agreements do not replace the separate direct RSP duties or Treaty-settlement obligations.

Uncertain matter	Why it matters for councils
Final form of the Planning Bill	Participation duties may be amended before enactment. Councils should build flexible arrangements rather than overly narrow compliance models. 235-3 is now the best current Committee-stage baseline. The remaining legal uncertainty is enactment/final national instruments, not the July report-back wording alone.
Whether iwi/Māori will be formal RSP Committee members	The current analysis suggests this is not expressly mandated, but may be possible. Councils need a policy choice, not a passive default.
Appointment pathway and mandate	If governance-level Māori involvement is adopted, councils need clarity on who appoints, who is represented, and how the role relates to iwi authorities, PSGEs, hapū and Māori land interests.
Effect of Head Start boundaries	Future UAs may split or cross iwi rohe, PSGE areas, settlement geographies, or existing regional participation arrangements and carry with them partnering and participation resourcing implications.
Transfer of Treaty settlement and participation arrangements	It may not be clear which obligations transfer automatically, and which require bespoke legislation, agreements, or statutory deeming. Treaty-settlement equivalent-effect duties remain, but MWAR do not transfer under 235-3. New iwi participation agreements are request-based and differently scoped.
Resourcing expectations	The papers identify the need to support participation, but the level and source of capacity funding, technical support and secretariat support will need regional agreement.
Relationship between consultation and partnership	Councils need to distinguish statutory consultation duties from broader governance-level participation and partnership expectations.
Multi-iwi regions	Some regions will need arrangements that recognise overlapping rohe, multiple PSGEs, customary marine title interests and different iwi capacity/preferences and different levels of interest.
Proposed LGA voting-rights restriction	If enacted as announced, ordinary LGA-based committees may be limited to voting by elected members. This does not limit iwi/Māori

	appointment to and voting membership of a RSP Committee as an exception applies, but highlights the need to be deliberative about membership and voting rights.
Interaction between Planning Bill committee provisions and LGA amendments	The Planning Bill allows RSP Committees to be appointed in accordance with the LGA or to be existing committees established under legislation. Councils need legal clarity on whether the RSP Committee route chosen affects non-elected member voting rights.
Current-boundary RSP continuity under DIA Head Start guidance	The Briefing Note No. 2 treats current Bill-introduction regions as the immediate planning-system starting point. This reduces one ambiguity but leaves future succession, residual-region, and reconstitution questions for detailed design.
Distinguishing participation from Treaty settlement redress continuity	General iwi/Māori partnering and participation arrangements and Treaty settlement equivalent-effect obligations should be mapped separately so neither is lost or diluted during Head Start or RSP establishment. Add a fourth distinction: section 198A-198E iwi participation agreements are neither Treaty redress themselves nor a substitute for direct RSP consultation; they are an optional/request-based mechanism for organising participation and engagement.
Te Ture Whaimana (Waikato/Waipā)	Section 10A gives Te Ture Whaimana direct and prevailing effect within relevant RSP/LUP planning. Governance and evidence processes in affected regions must recognise this from the start.

5. Council management implications

Planning Bill 235-3 itself now requires the RSP to identify priority areas for planning adaptation to climate-change effects. That should be treated as a Treaty-aware spatial evidence and participation workstream involving information governance, cultural knowledge, statutory acknowledgements, Māori land, and coastal/customary interests. The separate Climate Change Response Amendment Bill remains a related but distinct legislative stream.

A further 235-3 action is to prepare an MWAR transition schedule before Royal assent: identify every existing or initiated arrangement, the underlying relationships, and statutory obligations it currently organises, what continues independently, whether an iwi authority may wish to request a new iwi participation agreement, and what must be reflected in the process agreement/secretariat without waiting for that agreement.

Councils should now treat Māori partnering and participation as a core establishment workstream alongside committee formation, process agreement drafting, evidence-base design and secretariat resourcing. The immediate council management tasks are:

1. **Prepare a regional Māori participation map before finalising RSP governance**. Include iwi authorities, PSGEs, groups with other legislative arrangements related to the management of natural resources, Mana Whakahono ā Rohe, joint-management agreements, customary marine title groups, Māori land interests, other mana whenua groups with primary interests in the region as appropriate and iwi planning documents.
2. **Build Māori partnering/participation into the process agreement.** The process agreement should state how obligations are upheld, how consultation occurs, how advice is incorporated, how disputes or concerns are escalated, and how arrangements survive Head Start change.

3. **Design the secretariat to support tikangā aware partnering/participation.** Secretariat functions should include Māori relationship and technical capability, coordination, participation scheduling, data and evidence management, technical support, records management, and transition monitoring.
4. **Make an explicit decision on governance-level involvement.** Councils should not simply assume that statutory consultation is enough. They should consider whether iwi/Māori membership, advisory structures or parallel governance arrangements are needed. Have regard to leveraging off of engagement structures and processes for spatial planning where they already exist, e.g., SmartGrowth and Future Proof partnerships.
5. **Integrate RSP and Head Start workstreams.** Any Head Start proposal affecting regional geography should include an RSP/Māori participation continuity statement explaining how existing Māori partnering and participation, Treaty settlement and consultation arrangements will continue with equivalent effectiveness.
6. **Document uncertainty and review triggers.** Because the statutory and structural settings are still moving, the process agreement should include triggers for review if the Bill changes, Head Start proposals progress, committee membership changes, or new settlement/participation issues arise.
7. **Review RSP Committee governance options against the proposed LGA voting-rights change.** Test whether the region's preferred model provides for non-elected appointed members having voting rights and, if so, whether a statutory or Treaty-settlement pathway is available.
8. **Seek iwi/Māori preferences on governance design early.** The discussion should cover voting membership, non-voting membership, advisory bodies, parallel governance forums, joint workshops, escalation rights, resourcing, and evidence pathways. This would be of particular significance in regard to multi Iwi regions.
9. **Prepare a current-boundary RSP continuity note.** For any Head Start outline proposal, explain how RSP establishment continues while future institutional succession is tested.
10. **Separate iwi/Māori partnering and participation mapping from Treaty settlement redress continuity mapping**. Ensuring both are built into the process agreement and secretariat responsibilities.
11. **Recognise that any major change to governance-level Māori involvement will take time to co-design, mandate, and resource**. It should not be left to the final stages of committee terms of reference drafting.

6. Key points for council managers to note

Suggested framing: "RSP Māori partnership/participation is not just consultation. It is part of the operating model for regional spatial planning."

No.	Briefing point	Talk-to note
1	**Start with the legal architecture.**	The process agreement must address existing iwi participation obligations, joint-management arrangements, Mana Whakahono ā Rohe and consultation with iwi authorities.
2	**Use partnership/participation language deliberately.**	Participation captures statutory involvement and consultation; partnership captures the relationship design needed to carry Treaty settlement arrangements and obligations, existing commitments, and Māori interests into the regional operating model.
3	**Do the partnering/participation map first.**	Councils should not finalise committee or secretariat design until they understand iwi authorities, PSGEs, settlement arrangements and obligations , customary marine title interests, , Māori land interests, iwi planning documents, and previous/current undertakings.

4	**Secretariat capability matters.**	The secretariat needs highly developed relationship, tikanga-aware partnering/engagement, programme management, evidence management, and transition-monitoring capability, not just planning administration.
5	**Committee design requires a conscious choice.**	The Bill may not mandate iwi/Māori membership on RSP Committees. Councils should decide whether governance-level involvement is appropriate and how it would work.
6	**The proposed LGA voting-rights change tightens the design question.**	If enacted as announced, appointed non-elected members on LGA-based committees may be unable to vote or count for quorum unless a statutory or Treaty-settlement exception applies. RSP Committee design should not assume voting rights are available.
7	**Separate voting rights from influence pathways.**	Councils may need to combine elected-member voting, non-voting iwi/Māori membership, advisory or parallel forums, joint workshops, agenda-setting rights, evidence co-design, and escalation processes.
8	**Head Start raises the risk profile, but current-region RSP work continues.**	Future boundaries may cut across iwi rohe, PSGE geographies or settlement-linked arrangements. The updated Head Start guidance points to current-boundary RSP continuity while reorganisation is tested.
9	**Partnership/participation arrangements need continuity provisions.**	Process agreements should include change-control clauses so Māori partnership/participation arrangements survive accepted, rejected, or modified Head Start proposals.
10	**Equivalent effect is the test to watch.**	If boundaries or institutions change, councils should be able to explain how existing Treaty settlement, , joint-management, and participation arrangements are preserved or re-expressed with equivalent effectiveness.
11	**Managers need a practical work programme.**	Establish a Māori participation register, agree resourcing principles, seek iwi/Māori design preferences, test governance options, draft process-agreement clauses, and prepare a Head Start/RSP continuity statement, recognising major change will take time to achieve.
12	**MWAR cessation is now in the Bill, not just a proposal.**	All existing and initiated Mana Whakahono ā Rohe cease after Royal assent under 235-3. Preserve the underlying relationships and legal obligations and discuss any new iwi participation agreement on its own statutory terms.
13	**Direct RSP Māori duties stand on their own.**	Pre-notification consultation, provision of the draft, regard to advice, identified-Māori-land duties and Treaty-settlement requirements apply independently of any iwi participation agreement.
14	**Waikato/Waipā has an additional statutory layer.**	Te Ture Whaimana is deemed part of relevant RSPs and prevails over inconsistent instruments; it must be embedded in governance and spatial choices from the outset.

8. Bottom line for managers

Councils should proceed with RSP establishment now, but design the process agreement, secretariat and committee model as transition-capable regional governance machinery that embeds Māori partnering and participation from the start and can adapt if Head Start changes future local-government geography.

The proposed LGA voting-rights change makes the governance design choice more urgent. They should seek iwi/Māori design preferences, identify any statutory or Treaty-settlement pathways that preserve voting rights, and design legally durable influence pathways if voting membership is unavailable.

Appendix: Practical checklist for council managers

Checklist area	Question for managers
Participation landscape	Have we identified iwi authorities, PSGEs, hapū/marae interfaces where relevant, customary marine title groups, iwi planning documents, Mana Whakahono ā Rohe, other relevant Māori interests and joint-management agreements?
Process agreement clauses	Does the draft agreement cover consultation timing, advice pathways, resourcing, escalation, dispute handling, and change control?
Secretariat capability	Does the secretariat have named responsibility for Māori participation coordination, evidence management, and transition monitoring?
Committee design	Have councils made a deliberate choice about formal membership, advisory structures, or parallel governance arrangements?
Head Start interface	Does any Head Start proposal include an RSP/Māori participation continuity statement?
Equivalent effectiveness	Can councils explain how settlement-linked and statutory participation arrangements will continue if boundaries or institutions change?
Review triggers	Are there clear triggers to revisit arrangements if the Bill changes, Head Start proposals progress or new settlement/participation issues arise?
Partnering and participation language	Have we agreed what we mean by statutory consultation, wider participation, governance-level partnership, or Treaty settlement equivalent-effect obligations?
LGA voting-rights change	Have we tested whether the preferred RSP Committee model depends on non-elected appointed members voting or counting for quorum?
Committee legal route	Have we compared the implications of an LGA-appointed committee, an existing statutory committee, Ministerial appointments, and Treaty-settlement appointment pathways?
Iwi/Māori design preferences	Have we sought iwi/Māori views on preferred governance, advisory, voting/non-voting, parallel forum, secretariat arrangements, resourcing, and evidence pathways?
Current-boundary RSP continuity	Does any Head Start proposal explicitly preserve current-region RSP establishment work until legislation or regulations provide otherwise?
Treaty settlement continuity	Have Treaty settlement redress been mapped separately from general iwi/Māori engagement arrangements?
MWAR transition	Have we mapped every existing/initiated MWAR, identified what underlying obligations/relationships continue independently, and prepared for its cessation after Royal assent?
Iwi participation agreements	Have iwi authorities been briefed on the section 198A-198E mechanism and have we kept any requested agreement distinct from direct RSP consultation and Treaty-settlement duties?
Te Ture Whaimana	For Waikato/Waipā, are RSP governance, evidence, options, and conflict-resolution processes designed around section 10A's prevailing status?

Source documents and official references

Primary source documents (prepared by SMConsulting)

1. Info Paper - Executive Summary - RSP and Head Start- RSP Establishment and Governance, 18 May 2026
2. Info Paper - Head Start and Regional Functions - Issues and Options, 19 May 2026
3. Briefing_Note_2_Head_Start_RSP_Readiness_3June2026

4. Regional Spatial Planning under the Planning Bill and Natural Environment Bill - Legal commentary and implementation implications, as at 14 September 2026: current synthesis used for the further interpretive and organisational edits in this Note.

Official references

5. Department of Internal Affairs, Guidance for Head Start outline proposals: Simplifying Local Government, May 2026. https://www.dia.govt.nz/diawebsite.nsf/Files/Local-Government-2026/$file/Guidance-for-Head-Start-outline-proposals.pdf
6. Beehive, Hon Simon Watts, "Council voting to be restricted to elected members", 2 June 2026.
7. 27 May 2026, Cabinet Paper: Policy decisions: local authority committees
8. New Zealand Legislation, Local Government (System Improvements) Amendment Bill 180-2, as reported from the Governance and Administration Committee on 24 November 2025. https://www.legislation.govt.nz/bill/government/2025/180/en/latest/
9. New Zealand Legislation, Planning Bill 235-3, as reported from the Committee of the whole House, 25 August 2026 - https://www.legislation.govt.nz/bill/government/2025/235/en/latest/

September 2026 legislative-update status and sources

10. Planning Bill 235-3, as reported from the Committee of the whole House, 25 August 2026: consolidated current pre-third-reading text incorporating the report-back and Committee-stage amendments - https://www.legislation.govt.nz/bill/government/2025/235/en/latest/
11. Climate Change Response Amendment Bill 2026 (Bill 334-1), introduced 15 July 2026, remains a separate legislative source stream. For this RSP briefing, Planning Bill 235-3 is now the primary statutory baseline and itself requires priority areas for planning adaptation to climate-change effects.
12. Planning Bill 235-3, Schedule 1 clause 21 and sections 198A-198E: all existing and initiated Mana Whakahono ā Rohe cease to have legal effect on the day after Royal assent; one or more iwi authorities may request one or more local authorities to enter iwi participation agreements, with hapū able to join as parties. Direct RSP consultation and Treaty-settlement duties remain separate.
13. MCERT, New Zealand's New Planning System - Testing the Approach to National Policy Direction, 25 August 2026: illustrative material, expressly not Government policy, used only as an implementation signal for likely RSP emphasis on growth/infrastructure sequencing, natural hazards, environmental/cultural values, and conflict resolution.