



17 February 2023

Hon Eugenie Sage
Committee Chair
Environment Committee
Parliament Buildings
Wellington

Tēnā koe Hon Sage

RE SPATIAL PLANNING BILL

Thank you for the opportunity to submit on Spatial Planning Bill (the Bill) currently before the Environment Committee.

Engineering New Zealand (formerly IPENZ) is New Zealand's professional home for engineers. We are New Zealand's strongest and most influential voice on engineering issues, with more than 23,000 members who want to help shape the public policy agenda and engineer better lives for New Zealanders.

Engineering New Zealand supports the need for reform and believes that change to our resource management system is needed. The Resource Management Act 1991 has been ineffective in preserving the natural environment and balancing environmental protection with development. It has also failed to effectively address the challenges posed by climate change.

General Comments

Overall, we support the Spatial Planning Bill and the details outlined in the Bill for the development of regional spatial strategies (RSS). It is our view that these plans will support more efficient long-term planning, preservation of the natural environment and adaptation to climate change. We support clause 16 of the Bill, which focuses on establishing a strategy for a region and then the priority actions within the region. This is a sensible approach to the RSS.

Our comments on the Bill are brief. In this submission we raise matters of the hierarchy of planning instruments (clause 29), issues with participation in Regional Planning Committees (RPCs), support for cross-regional planning committees (clauses 42 and 43) and opportunities to strengthen industry's response to Te Tiriti and Te Ao Māori. We also outline our concerns with the future funding of the RPCs and RSSs.

Hierarchy within planning instruments

It is our understanding that the National Planning Framework (NPF) is to inform both RSSs and Natural and Built Environment Plans (NBA plans). We also understand the RSSs are to inform the NBA plans (clause 29). We are uncertain of the hierarchy of plans and how each informs each other and how this process will work in practice. Further clarification in the Bill is requested.

By our understanding, crucial information required for developing RSSs, such as environmental limits and targets, can be set in the NBA plans, if directed by the NPF. This leads to a significant risk of misidentifying development corridors and planning the wrong projects in the wrong locations without taking into consideration important environmental factors in the RSSs.

This is further troubling as once these areas are designated for development and planned for under the Bill, it can be difficult to make changes to large infrastructure projects. Therefore, creating more complications and uncertainty in the new resource management system.

We recommend that the hierarchy within the planning instruments be re-examined with particular regard to the role of the NBA plans and RSSs.

Participation

We strongly support clause 32 of the Bill which states that Regional Planning Committees (RPC) must adopt a process that will “encourage participation by the public and all interested parties, particularly those who may be involved in implementing the RSS.” However, we are concerned that this is directly contradicted by clause 15(3) Schedule 7 of the Natural and Built Environment Bill, as it removes all requirements of the RPC to consult with anyone outside of central government, local government, iwi and customary marine title groups.

To provide clarity and certainty, we ask the Committee to clearly incorporate within the Natural and Built Environment Bill the requirement for the RPC to engage widely with those involved in the implementation of the RSS, including the infrastructure and engineering sector. It is imperative that all stakeholders, including both public and private organisations, involved in executing an RSS are fully involved in the development process so that potential problems and conflicts can be identified and addressed during early stages. Having this requirement mandated by the Natural and Built Environment Bill will ensure clarity for the sector and instil confidence in their involvement.

Cross-regional planning committees

We support clauses 42 and 43, which aim to create an RPC across different regions to address matters that are shared by two or more regions. This provision will be applicable to large-scale infrastructure projects or the development of network corridors that crosses over two regional planning committees and require from multiple regions. By providing statutory support, the inclusion of these provisions bridges an existing gap in the planning framework and allows for spatial planning to be carried out across multiple regions.

Strengthening Te Tiriti and Te Ao Māori recognition

We are pleased to see the increased efforts to uphold and recognise the principles of Te Tiriti o Waitangi and Te Ao Māori in this bill. The inclusion of Te Oranga o te Taiao firmly reiterates the Government's reform goals to give greater recognition to te ao Māori and to protect and restore the natural environment.

We seek further guidance from Government on the requirement to give effect to the principles of Te Tiriti o Waitangi and the requirement to uphold Te Oranga o te Taiao. Further clarification on these terms would support the interpretation and implementation of the Bill. We recommend that

the NPF, in collaboration with iwi, provide clarity with this requirement to prevent conflict and inconsistencies across regions.

Additional considerations - funding

Through this reform process we are concerned on the lack of information on how local Councils will implement the new planning system and secure funding for critical infrastructure and future plans. The Bill, as it is, currently provides no information regarding funding mechanisms. Calling into question on who/how the implementation plans will be funded.

We encourage Government to provide clearer direction regarding funding mechanisms.

Conclusion

The resource management system reform has significant implications for Aotearoa's natural environment and the well-being of New Zealanders. Engineering New Zealand appreciates the opportunity to provide comment on this Bill. We consider the proposed legislation to be an advancement from the Resource Management Act 1991. We look forward to further providing feedback on the Climate Change Adaptation Bill, later this year. If we can be of additional support, please do not hesitate to contact me by emailing richard.templer@engineeringnz.org or 021 22 000 50.

Ngā mihi

A handwritten signature in blue ink, appearing to read 'R. Templer'.

Dr Richard Templer
Chief Executive