

Spatial Planning Bill

Government Bill

Explanatory note

General policy statement

This Bill provides for the development and implementation of long-term, strategic spatial planning across New Zealand through the development of regional spatial strategies (**RSS**). RSS will set out a vision and objectives for a region's development and change over a 30-year-plus time span and integrate planning across different legislative frameworks associated with the management of the natural and built environment.

This Bill works in tandem with the Natural and Built Environment Bill (the **NBE Bill**) as a single integrated system. The NBE Bill aims to recognise and uphold te Oranga o te Taiao and to enable the use, development, and protection of the environment, within limits and targets. This Bill will assist in achieving the purpose of the NBE Bill by giving effect to or being consistent with the national planning framework. Natural and built environment plans under the NBE Bill must be consistent with RSS.

This Bill is an omnibus bill as it amends more than 1 Act. It is introduced under Standing Order 267(1)(a) as the amendments deal with an interrelated topic that can be regarded as implementing a single broad policy. That policy is to provide for the development and implementation of long-term regional spatial strategies across New Zealand. This Bill and the NBE Bill have shared definitions and outcomes, and shared functions and processes in relation to the operation of regional planning committees.

Proposals

Regional spatial strategies will identify big issues and opportunities facing regions and develop strategies and implementation plans to respond to them

A regional planning committee, comprising representatives from local government, central government, and iwi, hapū, and Māori will develop an RSS for a region. All persons exercising powers and performing functions and duties under this Bill must give effect to the principles of te Tiriti o Waitangi.

This Bill specifies matters the regional planning committee needs to consider, but the committee will focus on the matters of most strategic importance to the region. These matters include, but are not limited to,—

- areas that are appropriate for urban development and change and areas suitable for rural use:
- major existing, planned, or potential infrastructure or infrastructure corridors, networks, or sites:
- areas that may require protection, restoration, or enhancement:
- areas that may be suitable for developing, extracting, or using natural resources, including generating power:
- areas of the coastal marine area that are appropriate for development or significant change in use:
- areas of cultural heritage and areas with resources that are of significance to Māori:
- areas that are vulnerable to natural hazards or climate change and the need for protective infrastructure or change in land use:
- indicative locations of planned or potential business and residential activities.

This Bill allows cross-regional collaboration where an RSS addresses an issue that spans adjacent regions.

RSS will be accompanied by implementation plans that set out key actions that delivery partners will take to implement the RSS, along with an approach to monitor and report on delivery of these actions. Delivery partners may also decide to enter into optional implementation agreements to give effect to specific projects or actions identified in the implementation plan.

Implementation plans and agreements are not legally binding but will support a coordinated approach among partners and stakeholders to implementing an RSS.

Regional planning committees will devise their own engagement process for developing regional spatial strategies

This Bill does not include a single prescribed process for public engagement on RSS development. This allows regional planning committees to develop tailored and innovative approaches that will work for their region and will encourage participation by the public and all interested parties, particularly those who may be involved in imple-

menting the RSS. The regional planning process must comply with any relevant iwi and hapū participation legislation and there are requirements for the regional planning committees to develop engagement agreements with Māori. A regional planning committee will need to recognise and provide for the mana, responsibility, kawa, tikanga (including kaitiakitanga), and mātauranga of each iwi and hapū.

In preparing an RSS, a regional planning committee must have particular regard to relevant iwi and hapū management plans and the committee must also have regard to mātauranga Māori and any technical evidence and advice the committee considers appropriate.

The regional planning committee will be required to outline the thinking and information that informed the RSS through evaluation reports. These will be produced in 2 stages—when the RSS is publicly notified (in draft), and again when the RSS is approved. The evaluation reports will include a review of the effectiveness of the previous RSS.

This Bill requires an RSS to be reviewed every 9 years, using full engagement processes, but there is a process for allowing reviews, in either part or in full, sooner than 9 years if there is a significant change. A regional planning committee will develop a policy outlining what it deems to be a significant change.

While the regional planning committee will have primary responsibility for developing the regional spatial strategy, the Minister will have powers to intervene and assist. Most of the Ministerial powers are set out in the NBE Bill, but this Bill will allow the Minister to—

- direct a review of an RSS:
- obtain information needed for an RSS or its monitoring and oversight:
- investigate regional planning committees and local authorities:
- make grants and loans:
- direct regional planning committees and local authorities to take specific actions.

Central government will provide clarity to regional spatial strategies and participate in their development

The regional planning committee will include a central government representative appointed by the Minister. This member will need to communicate central government priorities for the region and will have the same voting powers as other committee members.

This Bill also requires regional planning committees to consider relevant national-level statutory documents and instruments when developing an RSS. The NBE Bill will create a national planning framework to provide national direction into the resource management system. RSS will need to be consistent with or give effect to the national planning framework. It is intended that the national planning framework will provide further detail on the form of RSS, which are expected to have a strong visual mapping component.

RSS must have particular regard to relevant Government policy statements and have regard to the Government's response to the New Zealand Infrastructure Strategy.

This Bill will integrate decision-making across several Acts

As part of their integrative role, RSS will inform plans made under other legislation. Regional natural and built environment plans, made under the NBE Bill, must be consistent with the relevant RSS. This Bill will amend the Land Transport Management Act 2003 to require regional land transport plans to be consistent with the relevant RSS. The Bill will also amend the Local Government Act 2002 to require councils' long-term plans to take steps towards the implementation of RSS and to require annual reporting of the steps taken.

Departmental disclosure statement

The Ministry for the Environment is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2022&no=187>

Regulatory impact statement

The Ministry for the Environment produced a regulatory impact statement on 21 September 2022 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of the regulatory impact statement can be found at—

- <https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/supplementary-analysis-report-nba-and-spa/>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides that the Bill comes into force on the day after the date on which it receives the Royal assent.

Part 1

Preliminary provisions

Purpose and related provision

Clause 3 provides that the purpose of the Bill is to provide for regional spatial strategies that—

- assist in achieving the purpose of the **Natural and Built Environment Act 2022**, including by recognising and upholding te Oranga o te Taiao, and the system outcomes set out in that Act; and
- promote integration in the performance of functions under the **Natural and Built Environment Act 2022**, the Land Transport Management Act 2003, and the Local Government Act 2002.

Clause 4 describes how regional spatial strategies promote the integration referred to in *clause 3*.

Tiriti o Waitangi and other matters

Clauses 5 to 7 require all persons exercising powers and performing functions and duties under the Bill to—

- give effect to the principles of te Tiriti o Waitangi; and
- recognise and provide for the protection and exercise of protected customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011; and
- recognise and provide for the responsibility and mana of each iwi and hapū to protect and sustain the health and well-being of te taiao.

Interpretation and other matters

Clause 8 defines terms used in the Bill.

Clause 9 provides that *Schedule 1* sets out general transitional, savings, and related provisions.

Clause 10 provides that *Schedule 2* sets out transitional, savings, and related provisions whose purpose is to uphold the integrity, intent, and effect of—

- provisions of Treaty of Waitangi settlements that relate to the exercise of a power or the performance of a function or duty under the Resource Management Act 1991 (the **RMA**);
- provisions of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 that relate to the exercise of a power or the performance of a function or duty under the RMA;
- joint management agreements and Mana Whakahono ā Rohe entered into under the RMA before the commencement of the **Natural and Built Environment Act 2022**.

Clause 11 provides that the Bill binds the Crown.

Part 2

Regional spatial strategies

Subpart 1—Requirement for regional spatial strategies

Clauses 12 and 13 provide that a regional spatial strategy is required for every region, except that—

- a single strategy is to cover both the region of the Nelson City Council and the region of the Tasman District Council; and
- a strategy is not required for the Chatham Islands Territory or any offshore island administered by the Minister of Conservation acting as a local authority.

Clause 14 requires the boundary of a regional spatial strategy to align with the relevant regional boundary.

Subpart 2—Scope and contents of regional spatial strategies

Clause 15 sets out the scope of regional spatial strategies, which includes setting the strategic direction for the use, development, protection, restoration, and enhancement of the environment of a region for not less than 30 years.

Clauses 16 to 18 provide for the contents and form of regional spatial strategies. Generally, strategies must—

- set out a vision and objectives for the region’s development and change over the period covered by the strategy; and
- set out the actions that must be taken as a matter of priority to achieve that vision and those objectives (the **priority actions**); and
- provide strategic direction on certain matters to the extent that the regional planning committee considers they are of strategic importance.

Strategies must be in the form prescribed by the national planning framework and regulations (if any) made under the Bill.

Clause 19 sets out requirements for the level of detail in a regional spatial strategy. The requirements relate to the extent to which information is available, the need to allow sufficient flexibility, and the need to give reasonable certainty.

Clause 20 requires statutory acknowledgements under Treaty settlement legislation to be attached to, and treated as part of, regional spatial strategies.

Clause 21 addresses the status of Te Ture Whaimana in relation to regional spatial strategies. Te Ture Whaimana is the vision and strategy for the Waikato River and the Upper Waipā River, as set out in the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, and the Nga Wai o Maniapoto (Waipa River) Act 2012.

Subpart 3—Preparation and review of regional spatial strategies

Adoption and amendment of regional spatial strategies

Clauses 22 and 23 provide for how and when a regional planning committee may prepare, adopt, and amend a regional spatial strategy.

Considerations, etc, when preparing regional spatial strategies

Clauses 24 and 25 set out what regional planning committees must have regard to (or particular regard to) when preparing a regional spatial strategy.

Clause 26 provides for planning documents that are prepared by customary marine title groups to be recognised and provided for, or taken into account, in the preparation of regional spatial strategies.

Clause 27 provides for the recognition of protected Māori land in the preparation of regional spatial strategies that include the potential location of infrastructure or infrastructure corridors, networks, or sites that may require a designation under the **Natural and Built Environment Act 2022**. Protected Māori land includes Māori customary land and Māori freehold land.

Clause 28 sets out requirements for quality of evidence and other information used in the preparation of regional spatial strategies.

Clause 29 enables a regional spatial strategy to incorporate certain information from the region's natural and built environment plan without—

- complying with the requirements of *clauses 24 to 28*; or
- having regard or responding to any submission or other comment received on the information during the process for preparing the strategy.

Process for preparing regional spatial strategies

Clause 30 requires regional planning committees to adopt a process (the **process**) for preparing a regional spatial strategy each time they intend to prepare a strategy.

Clauses 31 to 33 require the process to—

- be designed in a way that supports quality decision-making that is based on reliable evidence and a robust consideration of the options; and
- be designed to encourage participation generally; and
- comply with arrangements that provide for participation by Māori.

Clause 34 requires the process to contain at least the key steps set out in *Schedule 4*. Briefly, the key steps are to—

- prepare a draft regional spatial strategy; and
- provide, on request, an opportunity for appointing bodies to review the draft strategy; and
- publicly notify the draft strategy; and

- in certain cases, provide an opportunity for further comment on the draft strategy; and
- publicly notify the adoption of the strategy.

Clause 35 enables the process to include hearings.

Clause 36 requires regional planning committees to notify the Minister responsible for the administration of the Maori Commercial Aquaculture Claims Settlement Act 2004 of the opportunities for the Minister to participate in the process.

Engagement agreements

Clauses 37 to 41 provide for engagement agreements between regional planning committees and Māori groups. The purpose of an engagement agreement is to provide a mechanism for a committee and Māori groups with interests in the region to—

- agree and record how the Māori groups are to participate in preparing the regional spatial strategy; and
- agree how the groups' combined participation is to be funded by the regional planning committee.

Cross-regional issues

Clauses 42 and 43 provide for specific cross-regional issues to be dealt with in cross-regional spatial strategies, which are prepared by cross-regional planning committees. Once a cross-regional spatial strategy is adopted, its content is incorporated into the regional spatial strategies of the relevant regions and the cross-regional planning committee ceases to exist.

Minor, technical, and directed amendments to regional spatial strategies

Clause 44 enables regional planning committees to correct minor errors in or make technical alterations to regional spatial strategies without using a process adopted under *clause 30*.

Clause 45 requires regional planning committees to amend their regional spatial strategies without using a process adopted under *clause 30* if directed to do so by the national planning framework.

Renewal and review of regional spatial strategies

Clause 46 requires regional planning committees to renew their regional spatial strategies every 9 years.

Clauses 47 to 49 provide for regional planning committees to review their regional spatial strategies if—

- the national planning framework is amended or replaced; or
- a committee decides that there has been a significant change in its region.

Clause 50 provides for the review of provisions of a regional spatial strategy that have been incorporated from a cross-regional spatial strategy.

Clause 51 provides for public notification of reviews and publication of the resulting reports.

Subpart 4—Implementation of regional spatial strategies

Implementation plans

Clauses 52 to 56 provide for implementation plans. Each regional planning committee must prepare and adopt an implementation plan for its regional spatial strategy. For every priority action in a strategy, an implementation plan must set out—

- a summary of the key steps that will be taken to deliver the priority action and who will be responsible for taking them; and
- how progress on the priority action will be monitored and reported on and who will be responsible for it; and
- any interdependencies between the priority action and other priority actions.

Implementation agreements

Clause 57 provides for implementation agreements. These are optional, non-binding agreements that may be entered into by 2 or more persons who have a role in the delivery or regulation of a priority action.

Part 3

General powers, duties, and other matters

Subpart 1—Powers and duties

Ministerial powers to intervene and assist

Clauses 58 to 63 empower—

- the Minister who is responsible for the administration of the Bill (the **Minister**) to require information to be provided by regional planning committees, local authorities, and network utility operators that are approved as requiring authorities:
- the Minister to investigate, and make recommendations in relation to, the exercise or performance of powers, functions, or duties under the Bill by regional planning committees and local authorities:
- the Minister to direct regional planning committees to make amendments that the Minister considers necessary or desirable to ensure that a regional spatial strategy complies with certain provisions of the Bill:
- the Minister to direct regional planning committees to review their regional spatial strategies to the extent that they relate to areas other than the coastal marine area:

- the Minister of Conservation to direct regional planning committees to review their regional spatial strategies to the extent that they relate to the coastal marine area:
- the Minister to direct regional planning committees and local authorities to take other actions:
- the Minister to make grants and loans to assist in achieving the purpose of the Bill.

Duty of others to assist

Clause 64 requires government departments, Crown entities, local authorities, iwi authorities, groups that represent hapū, and network utility operators that are approved as requiring authorities to provide information and technical support to regional planning committees on request.

Subpart 2—Protection of rights or interests in freshwater and geothermal resources

Clause 65 provides that the Bill and legislation made under it do not—

- create or transfer any proprietary right or interest in freshwater or geothermal resources:
- extinguish or determine any customary right or interest (for example, one founded on, or arising from, aboriginal title or customary law) that may exist in freshwater or geothermal resources.

Nothing in *clause 65* affects, or affects the lawfulness or validity of the performance or exercise by any person of, any duty, function, or power under the Bill.

Subpart 3—Miscellaneous provisions

Clause 66 provides that interests in land are not taken or injuriously affected by regional spatial strategies.

Clause 67 refers to sections in the **Natural and Built Environment Act 2022** that provide for monitoring and reporting on the performance of the system under that Act and this Bill.

Secondary legislation

Clause 68 empowers the making of regulations—

- prescribing how information in an implementation plan must be set out, including the level of detail that must be contained in that information:
- prescribing requirements for the methodology that is used to prepare evaluation reports and the form of those reports:
- providing for anything the Bill says may or must be provided for by regulations:

- providing for anything incidental that is necessary for carrying out, or giving full effect to, the Bill.

Clause 69 enables Government policy statements to be added to or removed from the list in *Schedule 3*. Regional planning committees must have particular regard to the statements listed in that schedule when preparing regional spatial strategies.

Amendments to other Acts

Clause 70 provides for the amendments to other Acts that are set out in *Schedule 5*.

Schedules

Schedule 1 sets out general transitional, savings, and related provisions.

Schedule 2 sets out transitional, savings, and related provisions that are intended to ensure that the integrity, intent, and effect of Treaty settlements, the Ngā Rohe Moana o Ngā Hapū of Ngāti Porou Act 2019, and other arrangements made under the RMA are upheld in relation to the Bill.

Schedule 3 lists Government policy statements that regional planning committees must have particular regard to when preparing regional spatial strategies.

Schedule 4 sets out the key steps for the process that regional planning committees must adopt for preparing regional spatial strategies.

Schedule 5 sets out amendments to other Acts.

Hon David Parker

Spatial Planning Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Spatial Planning Act **2022**.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent. 5

Part 1
Preliminary provisions

Purpose and related provision

- 3 Purpose** 10
The purpose of this Act is to provide for regional spatial strategies that—
 - (a) assist in achieving—
 - (i) the purpose of the **Natural and Built Environment Act 2022**, including by recognising and upholding te Oranga o te Taiao; and

- (ii) the system outcomes set out in that Act; and
- (b) promote integration in the performance of functions under the **Natural and Built Environment Act 2022**, the Land Transport Management Act 2003, and the Local Government Act 2002.
- 4 How regional spatial strategies promote integration** 5
- (1) A regional spatial strategy achieves the purpose described in **section 3(b)** by having effect under the following legislation, as follows and to the extent provided for in that legislation:
- Natural and Built Environment Act 2022***
- (a) a natural and built environment plan under the **Natural and Built Environment Act 2022** must be consistent with the relevant regional spatial strategy (*see section 97(b)* of that Act): 10
Land Transport Management Act 2003
- (b) a regional transport committee under the Land Transport Management Act 2003 (the **LTMA**) must be satisfied that its regional land transport plan is consistent with the relevant regional spatial strategy (*see section 14(a)(iii)* of the LTMA): 15
- (c) the Minister under the LTMA must take into account any relevant regional spatial strategy when preparing or reviewing a Government policy statement on land transport (*see section 67(1)(b)(iii)* of the LTMA): 20
Local Government Act 2002
- (d) a long-term plan under the Local Government Act 2002 (the **LGA**) must set out steps to implement the priority actions for which the local authority is responsible under the relevant regional spatial strategy (*see clause 1A of Schedule 10* of the LGA): 25
- (e) an annual report under the LGA must include a statement on the local authority's progress in implementing those priority actions (*see clause 26A of Schedule 10* of the LGA).
- (2) This section is a guide only to the general scheme and effect of other legislation that provides for the effect of regional spatial strategies. 30
- Tiriti o Waitangi and other matters*
- 5 Tiriti o Waitangi**
- All persons exercising powers and performing functions and duties under this Act must give effect to the principles of te Tiriti o Waitangi. 35
- 6 Protected customary rights in common marine and coastal area**
- All persons exercising powers and performing functions and duties under this Act must recognise and provide for the protection and exercise of protected

customary rights (as defined in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011).

7 Iwi and hapū responsibilities in relation to te taiao

To assist in achieving the purpose of the Act, all persons exercising powers and performing duties and functions under it must recognise and provide for the responsibility and mana of each iwi and hapū to protect and sustain the health and well-being of te taiao in accordance with the kawa, tikanga (including kai-tiakitanga), and mātauranga in their area of interest. 5

Interpretation and other matters

8 Interpretation 10

In this Act, unless the context otherwise requires,—

appointing body has the meaning given in **clause 1 of Schedule 8 of the Natural and Built Environment Act 2022**

coastal marine area has the meaning given in **section 7 of the Natural and Built Environment Act 2022** 15

cross-regional planning committee means a cross-regional planning committee established under **section 42**

cross-regional spatial strategy means a cross-regional spatial strategy adopted under **section 43**

Crown entity has the meaning given in section 7 of the Crown Entities Act 2004 20

cultural heritage has the meaning given in **section 7 of the Natural and Built Environment Act 2022**

department has the meaning given in section 5 of the Public Service Act 2020

effect has the meaning given in **section 7 of the Natural and Built Environment Act 2022** 25

engagement agreement means an engagement agreement entered into under **section 39**

environment has the meaning given in **section 7 of the Natural and Built Environment Act 2022** 30

evaluation report means a draft or final evaluation report prepared under **clause 2 or 6 of Schedule 4**

implementation plan means an implementation plan adopted under **section 52(1)**

infrastructure has the meaning given in **section 7 of the Natural and Built Environment Act 2022** 35

- iwi and hapū participation legislation** means legislation (other than this Act), including any legislation listed in Schedule 3 of the Treaty of Waitangi Act 1975, that provides a role for iwi or hapū in processes under this Act
- iwi authority** has the meaning given in **section 7 of the Natural and Built Environment Act 2022** 5
- land** has the meaning given in **section 7 of the Natural and Built Environment Act 2022**
- local authority** has the meaning given in section 5(1) of the Local Government Act 2002
- Mana Whakahono ā Rohe** has the meaning given in **section 7 of the Natural and Built Environment Act 2022** 10
- Minister** means the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of this Act
- Minister of Conservation** means the Minister who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of the Conservation Act 1987 15
- national planning framework** has the meaning given in **section 7 of the Natural and Built Environment Act 2022**
- natural and built environment plan** means plan as defined in **section 7 of the Natural and Built Environment Act 2022** 20
- natural hazard** has the meaning given in **section 7 of the Natural and Built Environment Act 2022**
- network utility operator** has the meaning given in **section 7 of the Natural and Built Environment Act 2022** 25
- parent committee** has the meaning given in **section 42(2)(a)**
- priority action** has the meaning given in **section 16(1)(b)**
- protected Māori land** has the meaning given in **section 497 of the Natural and Built Environment Act 2022**
- public notice**— 30
- (a) has the meaning given in **section 8 of the Natural and Built Environment Act 2022**; and
- (b) includes any requirements for the manner in which public notice is given that are prescribed by the regulations
- publicly available**, in relation to a document, means published— 35
- (a) in a readily accessible format on an Internet site that—
- (i) is administered by or on behalf of the regional planning committee or other person who is required to make the document publicly available; and

- (ii) is publicly available as far as practicable and free of charge; and
- (b) in any other manner required by the regulations
- region** has the meaning given in section 5(1) of the Local Government Act 2002
- regional council** has the meaning given in section 5(1) of the Local Government Act 2002 5
- regional planning committee** has the meaning given in **section 7 of the Natural and Built Environment Act 2022**
- regional spatial strategy** means a strategy prepared and adopted by a regional planning committee under **Part 2** 10
- regulations** means regulations made under **section 68**
- statutory acknowledgement** has the meaning given by **section 7 of the Natural and Built Environment Act 2022**
- te Tiriti o Waitangi** means the Treaty as defined in section 2 of the Treaty of Waitangi Act 1975 15
- water** has the meaning given in **section 7 of the Natural and Built Environment Act 2022**
- well-being** has the meaning given in **section 7 of the Natural and Built Environment Act 2022.**
- 9 General transitional, savings, and related provisions** 20
- The transitional, savings, and related provisions set out in **Schedule 1** have effect according to their terms.
- 10 Transitional, savings, and related provisions for upholding Treaty settlements, NHNP Act, and other arrangements**
- The transitional, savings, and related provisions set out in **Schedule 2**, for the purpose of upholding the integrity, intent, and effect of Treaty settlements, the NHNP Act, and other arrangements, have effect according to their terms. 25
- 11 Act binds the Crown**
- This Act binds the Crown.
- Part 2** 30
- Regional spatial strategies**
- Subpart 1—Requirement for regional spatial strategies
- 12 Every region must have regional spatial strategy**
- (1) There must at all times be a regional spatial strategy for each region.
- (2) However,— 35

- (a) there must be 1 regional spatial strategy that applies to both the region of the Nelson City Council and the region of the Tasman District Council; and
- (b) this Act applies to those regions as if they were a single region.
- 13 Where regional spatial strategies are not required** 5
- A regional spatial strategy is not required for—
- (a) the Chatham Islands Territory, as defined by section 5 of the Chatham Islands Council Act 1995; or
- (b) any offshore island administered by the Minister of Conservation acting as a local authority. 10
- 14 Geographical boundaries of regional spatial strategies**
- The boundary of the area where a regional spatial strategy applies must align with the boundary of the region to which the strategy relates.
- Subpart 2—Scope and contents of regional spatial strategies
- 15 Scope of regional spatial strategies** 15
- (1) A regional spatial strategy must—
- (a) set the strategic direction for the use, development, protection, restoration, and enhancement of the environment of the region for a time-span of not less than 30 years; and
- (b) provide for the integrated management of the environment, including by providing strategic direction for the instruments in the planning system that are referred to in **section 4**; and 20
- (c) support the efficient and effective management of the environment; and
- (d) give effect to the national planning framework to the extent that the framework directs; and 25
- (e) otherwise be consistent with the national planning framework.
- (2) In meeting the requirements of this section and **section 16**, a regional spatial strategy must support a co-ordinated approach to infrastructure funding and investment by central government, local authorities, and other infrastructure providers. 30
- 16 General contents and form of regional spatial strategies**
- (1) A regional spatial strategy must—
- (a) set out a vision and objectives for the region’s development and change over the period covered by the strategy; and
- (b) set out the actions that must be taken as a matter of priority to achieve that vision and those objectives (the **priority actions**); and 35

- (c) provide strategic direction on the following, to the extent that the regional planning committee considers they are of strategic importance to the region:
- (i) the key matters listed in **section 17**; and
 - (ii) any other matters that the regional planning committee considers are of sufficient significance in terms of **section 18**. 5
- (2) A regional spatial strategy must be in the form prescribed by the national planning framework and the regulations.
- 17 Contents of regional spatial strategies: key matters**
- (1) The key matters referred to in **section 16(1)(c)(i)** are as follows: 10
- (a) areas that may require protection, restoration, or enhancement:
 - (b) areas of cultural heritage and areas with resources that are of significance to Māori:
 - (c) areas that are appropriate for urban development and change, including existing, planned, or potential urban centres of scale: 15
 - (d) areas that are appropriate for developing, using, or extracting natural resources, including generating power:
 - (e) areas that are appropriate to be reserved for rural use or where there is expected to be significant change in the type of rural use:
 - (f) areas of the coastal marine area that are appropriate for development or significant change in use: 20
 - (g) major existing, planned, or potential infrastructure or major infrastructure corridors, networks, or sites (including existing designations) that are required to meet current and future needs:
 - (h) other infrastructure matters, including— 25
 - (i) opportunities to make better use of existing infrastructure; and
 - (ii) the need for other small-to-medium-sized infrastructure required to meet future needs or enable development:
 - (i) areas that are vulnerable to significant risks arising from natural hazards, and measures for reducing those risks and increasing resilience: 30
 - (j) areas that are vulnerable to the effects of climate change both now and in the future, and measures for addressing those effects and increasing resilience in the region, including indicative locations for—
 - (i) major new infrastructure that would help to address the effects of climate change in the region; and 35
 - (ii) areas that are suitable for land use changes that would promote climate change mitigation and adaptation:

- (k) areas where any development or significant change in use needs to be carefully managed because the areas are subject to constraints (other than those described in **paragraphs (i) and (j)**):
- (l) the indicative location of planned or potential business and residential activities and the likely general scale and intensity of those activities, if that information is necessary to inform the consideration of any other matters listed in this subsection. 5
- (2) In this section, **urban centre of scale** means an urban area that is used mainly for a range of commercial, community, recreational, and residential activities that service a region, district, city, town, or a group of suburbs or neighbourhoods. 10
- 18 Contents of regional spatial strategies: other matters of sufficient significance**
- (1) A matter is of **sufficient significance** for the purposes of **section 16(1)(c)(ii)** if the regional planning committee considers that the matter meets 1 or more of the following criteria: 15
- (a) the matter is likely to do either or both of the following at a level of regional significance:
- (i) increase or reduce the use of land or water, or change the way that it is used: 20
- (ii) increase, reduce, or change transport patterns (being patterns relating to location, frequency, or modes of travel):
- (b) the matter relates to environmental effects that are best managed at a regional level (such as effects on water catchments or effects caused by greenhouse gas emissions): 25
- (c) the matter is of a scale or significance that requires planning for, or investment in, infrastructure to be done or arranged at a regional level:
- (d) the matter is critical to the development or functioning of the region or any of its cities:
- (e) the matter is critical to the national or regional economy: 30
- (f) the matter relates to a nationally significant feature or activity:
- (g) the matter requires collaboration—
- (i) between 2 or more infrastructure providers; or
- (ii) between 2 or more local authorities; or
- (iii) between 1 or more local authorities and the central government. 35
- (2) For the purposes of **subsection (1)**, something may be of regional or national significance regardless of whether it directly affects the entire region or country.

19 Level of detail in regional spatial strategies

A regional spatial strategy must be at a level of detail that—

- (a) reflects the level of certainty provided by the evidence and other information available, including the extent of work or planning already undertaken on a relevant activity or proposal; and 5
- (b) gives sufficient flexibility to enable the persons who have a role in implementing the strategy to implement the strategy in the most appropriate and efficient way; and
- (c) subject to **paragraphs (a) and (b)**, is sufficient to give reasonable certainty to those persons about the matters provided for in the strategy. 10

20 Statutory acknowledgements attached to regional spatial strategies

- (1) Every statutory acknowledgement that applies in a region must be attached to, and treated as part of, the regional spatial strategy for that region.
- (2) The provisions of the legislation that provides for the statutory acknowledgement apply. 15
- (3) However, a statutory acknowledgement attached to a regional spatial strategy is not subject to the processes applying under this Act for the preparation of a strategy that provide for a strategy to be amended, reviewed, or renewed.

21 Te Ture Whaimana

- (1) Te Ture Whaimana is intended by Parliament to be the primary direction-setting document for the Waikato and Waipā Rivers and activities within their catchments affecting the rivers (*see* the legislation referred to in **subsection (3)**). 20
- (2) Te Ture Whaimana in its entirety is deemed to be part of any regional spatial strategy that affects the Waikato or Waipā River or activities within the catchment of the river, and the remainder of the strategy must give effect to Te Ture Whaimana. 25
- (3) In this section, **Te Ture Whaimana** means the vision and strategy set out in—
 - (a) Schedule 2 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; and 30
 - (b) Schedule 1 of the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010; and
 - (c) Schedule 1 of the Nga Wai o Maniapoto (Waipa River) Act 2012.

Subpart 3—Preparation and review of regional spatial strategies

Adoption and amendment of regional spatial strategies 35**22 How regional spatial strategies are prepared and adopted**

- (1) A regional spatial strategy, and any amendments to it, must be adopted—

- (a) by that region's planning committee; and
 - (b) following a process adopted under **section 30**.
- (2) **Subsection (1)(b)** does not limit the ability of a regional planning committee to consult, or otherwise seek the views of, the public generally or any person or class of person at any time and in any way during the preparation of a regional spatial strategy or amendment. 5

23 When regional spatial strategies may be adopted or amended

- (1) A regional planning committee may adopt a regional spatial strategy if the strategy is—
- (a) the first regional spatial strategy for the region; or 10
 - (b) a regional spatial strategy adopted as the result of a renewal in accordance with **section 46**.
- (2) A regional planning committee may amend its regional spatial strategy—
- (a) to correct minor errors or make technical alterations (*see section 44*); or 15
 - (b) to comply with a direction in the national planning framework (*see section 45*); or
 - (c) following a review (*see sections 47 and 48*).

Considerations, etc, when preparing regional spatial strategies

24 General considerations: instruments 20

- (1) A regional planning committee must comply with this section in preparing a regional spatial strategy.

Matters to which regional planning committee must have particular regard

- (2) The regional planning committee must have particular regard to the following, to the extent relevant to the regional spatial strategy: 25
- (a) the Government policy statements listed in **Schedule 3**; and
 - (b) any statement of regional environmental outcomes or statement of community outcomes that is provided to the secretariat of the regional planning committee not later than 30 working days after the committee gives public notice of the process for preparing its regional spatial strategy 30 (*see section 30*); and
 - (c) any planning document recognised by an iwi authority or 1 or more groups that represent hapū.

Matters to which regional planning committee must have regard

- (3) The regional planning committee must have regard to the following, to the extent relevant to the regional spatial strategy: 35

- (a) any strategies, plans, or other instruments made under other legislation (other than those referred to in **subsection (2)**), including—
- (i) statutory acknowledgements; and
 - (ii) a plan prepared under section 14 of the Maori Commercial Aquaculture Claims Settlement Act 2004; and 5
- (b) any other strategies, plans, or other instruments made for the purpose of complying with New Zealand’s international obligations, including any strategy or plan published by the Government in response to the requirements of article 6 of the Convention on Biological Diversity or a direction from the Conference of the Parties of the Convention; and 10
- (c) any statements of the Government’s response to strategy reports provided under subpart 3 of Part 2 of the New Zealand Infrastructure Commission/Te Waihanga Act 2019.
- (4) In this section,—
- statement of community outcomes** means a statement made under **section 645(1)(b) of the Natural and Built Environment Act 2022** 15
- statement of regional environmental outcomes** means a statement made under **section 643(1)(b) of the Natural and Built Environment Act 2022**.
- 25 General considerations: other matters** 20
- (1) A regional planning committee must comply with this section in preparing a regional spatial strategy.
- Matters to which regional planning committee must have regard*
- (2) The regional planning committee must have regard to—
- (a) any cumulative effects of the use and development of the environment; and 25
 - (b) mātauranga Māori and any technical evidence and advice that the committee considers appropriate; and
 - (c) whether the implementation of the regional spatial strategy could have effects on the natural environment that have, or are known to have, significant or irreversible adverse consequences. 30
- Matters that regional planning committee must disregard*
- (3) The regional planning committee must not have regard to—
- (a) effects on scenic views from private properties or land transport assets that are not stopping places; or 35
 - (b) effects on the visibility of commercial signage or advertising.

26 Planning documents prepared by customary marine title groups

- (1) This section applies if a planning document under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 has been lodged with—
- (a) the host local authority of a regional planning committee; or
 - (b) if different, the regional council for the committee's region. 5
- (2) In preparing a regional spatial strategy, the regional planning committee must, in accordance with section 93 of that Act,—
- (a) recognise and provide for the matters in the planning document, to the extent that they relate to the relevant customary marine title area; and
 - (b) take into account the matters in the document, to the extent that they relate to a part of the common marine and coastal area outside the customary marine title area. 10

27 Protected Māori land

- (1) This section applies if a regional spatial strategy identifies—
- (a) the need for potential infrastructure or infrastructure corridors, networks, or sites that may require a designation under the **Natural and Built Environment Act 2022**; and 15
 - (b) the potential location of the infrastructure or infrastructure corridors, networks, or sites (whether that is done by identifying a specific location or a wider area in which the infrastructure or infrastructure corridors, networks, or sites may be located). 20
- (2) In identifying the potential location, the regional planning committee must—
- (a) act in a manner that recognises that protected Māori land is a taonga tuku iho for the owners of the land and the hapū associated with the land; and 25
 - (b) consider the rights and interests of owners of protected Māori land to retain, control, utilise, and occupy the land for the benefit of present and future generations.
- (3) **Subsection (2)** does not prohibit a regional spatial strategy from identifying protected Māori land as a potential location. 30

28 Quality of evidence and other information

In preparing a regional spatial strategy, a regional planning committee must ensure that the strategy is—

- (a) based on robust and reliable evidence and other information, including mātauranga Māori, that is proportionate to the level of detail required in the particular context; and 35
- (b) prepared in accordance with any requirements in the regulations about the methodology and data or other information that must be used.

29 Incorporation of information from natural and built environment plans

- (1) A regional spatial strategy may incorporate the following from the region's operative natural and built environment plan:
 - (a) information on the state and characteristics of the environment:
 - (b) decisions on whether areas or features of the environment have particular characteristics, should be classified in a particular way, or meet related criteria that are set out in legislation. 5
- (2) Before incorporating the information, a regional planning committee must consider whether, in the period since the natural and built environment plan became operative,— 10
 - (a) there has been a significant change in the relevant environment:
 - (b) any significant new information about the relevant environment has become available.
- (3) The regional planning committee may incorporate the information when adopting or amending a regional spatial strategy under **section 23**. 15
- (4) In doing so, the regional planning committee need not—
 - (a) comply with **sections 24 to 28**; or
 - (b) have regard or respond to any submission or other comment received on the information during the process for preparing the strategy.

Process for preparing regional spatial strategies 20**30 Regional planning committees must adopt process**

- (1) A regional planning committee must adopt a process for preparing its regional spatial strategy each time it intends to prepare a strategy.
- (2) The regional planning committee must ensure that the process complies with **sections 31 to 34**. 25
- (3) The regional planning committee must—
 - (a) make the document setting out an adopted process publicly available; and
 - (b) give public notice of—
 - (i) the adoption of the process; and 30
 - (ii) where the document setting out the process is available.

31 Process must support quality decision-making

The process required by **section 30** must be designed to support the preparation of a regional spatial strategy that is based on—

- (a) robust and reliable evidence and other information of the kind referred to in **section 28**; and 35

- (b) a robust consideration of options; and
- (c) sound reasons for choosing the preferred options.

32 Process must encourage participation

The process required by **section 30** must be designed to encourage participation by the public and all interested parties, particularly those who may be involved in implementing the regional spatial strategy. 5

33 Process must comply with Māori participation arrangements

- (1) The process required by **section 30** must comply with—
 - (a) any applicable Mana Whakahono ā Rohe; and
 - (b) any relevant engagement agreement; and 10
 - (c) any relevant iwi and hapū participation legislation or agreement under that legislation.
- (2) The process may depart from the requirements under **section 34** to the extent (if any) necessary to comply with **subsection (1)**.

34 Process must contain key steps 15

The process required by **section 30** must at least contain the steps set out in **Schedule 4**.

35 Process may include hearings

- (1) The process required by **section 30** may include hearings.
- (2) If the process includes hearings, **subpart 3 of Part 2 of Schedule 7 of the Natural and Built Environment Act 2022** applies to those hearings with the necessary modifications. 20

36 Minister responsible for Maori Commercial Aquaculture Claims Settlement Act 2004 must be notified

A regional planning committee must notify the Minister responsible for the administration of the Maori Commercial Aquaculture Claims Settlement Act 2004 of the opportunities for the Minister to participate in a process adopted under **section 30**. 25

Engagement agreements

37 Purpose of engagement agreements 30

The purpose of an engagement agreement is to provide a mechanism for a regional planning committee and 1 or more Māori groups with interests in the region to—

- (a) agree and record how the groups are to participate in preparing a regional spatial strategy for the region; and 35

- (b) agree how the groups' combined participation is to be funded by the committee.

38 When engagement agreements must be initiated

A regional planning committee must initiate engagement agreements under **section 39**,—

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- (a) for its first regional spatial strategy, as soon as practicable after the committee is established:
- (b) in any other case, before—
 - (i) renewing its strategy under **section 46**; or
 - (ii) amending its strategy following a review under **section 47 or 48**.

10

39 Initiation and formation of engagement agreements

(1) A regional planning committee must initiate engagement agreements by inviting the following groups (**Māori groups**) to enter into 1 or more agreements:

- (a) iwi authorities, and groups that represent hapū, whose area of interest includes any part of the region:
- (b) customary marine title groups whose customary marine title area under the Marine and Coastal Area (Takutai Moana) Act 2011 includes any part of the region:
- (c) other Māori groups with interests in the region, if the committee considers that entering into engagement agreements with those groups is desirable to ensure that the views of all Māori groups with interests in the region are properly considered in preparing the region's regional spatial strategy.

15

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(2) In initiating and developing an engagement agreement, the regional planning committee must use its best endeavours to—

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- (a) achieve the purpose of an engagement agreement; and
- (b) negotiate the terms of the agreement in good faith to achieve harmonious participation in preparing a regional spatial strategy for the region.

(3) However, no Māori group invited to enter into an engagement agreement is required to respond to an invitation under **subsection (1)**.

30

(4) Despite **subsection (1)**, a regional planning committee is not required to initiate an engagement agreement with an iwi authority or group that represents hapū if the committee and the authority or group—

- (a) are party to a Mana Whakahono ā Rohe; and
- (b) agree that the Mana Whakahono ā Rohe achieves the purpose of an engagement agreement.

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(5) A single engagement agreement may—

- (a) be entered into with 1 or more Māori groups:
- (b) deal both with the preparation of a regional spatial strategy and a natural and built environment plan.

40 Form and contents of engagement agreements

If an engagement agreement is reached, the agreement must— 5

- (a) be in writing; and
- (b) identify the parties to the agreement; and
- (c) record the agreement of the parties as to—
 - (i) how the parties will participate in preparing or amending the regional spatial strategy; and 10
 - (ii) how each party will be resourced to participate.

41 When engagement agreements end

An engagement agreement ceases to apply to the preparation of a regional spatial strategy once a draft of the strategy is made publicly available under **clause 4 of Schedule 4**. 15

Cross-regional issues

42 Establishment of cross-regional planning committees

- (1) A cross-regional planning committee may be established to prepare a cross-regional spatial strategy for issues that are common to 2 or more regions.
- (2) A cross-regional planning committee may be established— 20
 - (a) by agreement between the regional planning committees with jurisdiction in those regions (the **parent committees**) and the Minister; or
 - (b) at the Minister's direction.
- (3) Before the Minister gives their agreement or a direction under **subsection (2)**, they must— 25
 - (a) be satisfied that the use of a cross-regional planning committee is the most appropriate mechanism to address the issues in a co-ordinated way; and
 - (b) consult—
 - (i) other Ministers who have an interest in the area or in the issues; 30
 - and
 - (ii) the parent committees.
- (4) The parent committees may agree on the membership, procedure, funding, and other matters required for the operation of the cross-regional planning committee. 35

- (5) If the cross-regional planning committee is established at the Minister's direction and the parent committees are unable to agree on the matters referred to in **subsection (4)**, the Minister may give directions on those matters after consulting with the parent committees.
- (6) A cross-regional planning committee is disestablished once it completes the preparation and adoption of the cross-regional spatial strategy under **section 43**. 5

43 Cross-regional spatial strategies

Preparation, adoption, and incorporation of cross-regional spatial strategies

- (1) A cross-regional planning committee must prepare and adopt a cross-regional spatial strategy for the issues that it was established to address. 10
- (2) The cross-regional planning committee must prepare and adopt the cross-regional spatial strategy using a process adopted under **section 30** (which applies with the necessary modifications).
- (3) After the cross-regional planning committee adopts the cross-regional spatial strategy, each parent committee must directly incorporate the cross-regional spatial strategy into its regional spatial strategy. 15

Reconsideration of proposed cross-regional spatial strategies

- (4) However, before a cross-regional planning committee adopts a cross-regional spatial strategy, a parent committee may direct the cross-regional planning committee to reconsider a proposed cross-regional spatial strategy if the parent committee considers it is inconsistent with the parent committee's regional spatial strategy. 20
- (5) If directed under **subsection (4)**, a cross-regional planning committee—
- (a) must reconsider the proposed cross-regional spatial strategy in light of any submissions received from the parent committees; and 25
- (b) may revise the cross-regional strategy if the cross-regional planning committee considers there is an appropriate way to resolve the inconsistency while addressing the issues that it was established to address.

Review of provisions incorporated from cross-regional spatial strategies 30

- (6) See **section 50** (which relates to the review of provisions of a regional spatial strategy that have been incorporated under this section).

Minor, technical, and directed amendments to regional spatial strategies

44 Minor or technical amendments

- (1) A regional planning committee may amend its regional spatial strategy without following a process adopted under **section 30** if the amendment only corrects minor errors or makes technical alterations. 35
- (2) The regional planning committee must—

- (a) make the amendment publicly available; and
- (b) give public notice of the date on which the amendment was adopted and where it is available.
- (3) This section also applies to cross-regional spatial strategies.
- 45 Amendments directed by national planning framework** 5
- (1) This section applies if the national planning framework directs regional planning committees under **section 69(2) of the Natural and Built Environment Act 2022** to amend their regional spatial strategies without using a process adopted under **section 30** of this Act.
- (2) After making the amendment in accordance with **section 69(3)** of that Act, 10 each regional planning committee must—
- (a) make the amendment publicly available; and
- (b) give public notice of the date on which the amendment was adopted and where it is available.
- Renewal and review of regional spatial strategies* 15
- 46 Regional spatial strategies must be renewed every 9 years**
- (1) Not later than 9 years after a regional spatial strategy is adopted, the regional planning committee must start the process to renew its strategy.
- (2) The regional planning committee must review its regional spatial strategy before starting the process to renew the strategy. 20
- (3) For the purposes of this section, the process to renew a regional spatial strategy starts when the regional planning committee gives public notice under **section 30(3)** of the process to prepare the new strategy.
- 47 Regional spatial strategies must be reviewed if national planning framework amended or replaced** 25
- (1) If the national planning framework is amended or replaced, every regional planning committee must review its regional spatial strategy to assess whether the strategy needs to be amended to maintain compliance with **section 15(1)(d) and (e)**.
- (2) If, following the review, the regional planning committee decides that the regional spatial strategy does need to be amended, the committee must amend the strategy— 30
- (a) using a process adopted under **section 30** (or using the power under **section 44** if applicable); and
- (b) as soon as practicable within the time, if any, specified in the national planning framework. 35

- (3) If an amendment to the national planning framework is relevant only to a part of the regional spatial strategy, the regional planning committee—
- (a) need review only that part of the strategy; but
 - (b) must record its reasons for reviewing only that part of the strategy.
- 48 Regional spatial strategies must be reviewed if there is significant change in region** 5
- (1) A regional planning committee—
- (a) must consider whether there has been a significant change in its region if a new natural and built environment plan for the region is inconsistent with the regional spatial strategy for a reason specified in **section 104 of the Natural and Built Environment Act 2022**; and 10
 - (b) may consider whether there has been a significant change in its region at any other time the committee considers appropriate.
- (2) If the regional planning committee decides that there has been a significant change, the committee must review its regional spatial strategy. 15
- (3) If, following the review, the regional planning committee decides that an amendment to the regional spatial strategy is needed to respond to the significant change, the committee must amend the strategy using a process adopted under **section 30**.
- (4) If the significant change relates only to a part of the regional spatial strategy, the regional planning committee— 20
- (a) need review only that part of the strategy; but
 - (b) must record its reasons for reviewing only that part of the strategy.
- 49 Policy for determining if there is significant change**
- (1) A regional planning committee must adopt a policy that sets out the criteria to be applied when determining whether the test for significant change is met, for the purposes of undertaking a review under **section 48(2)**. 25
- (2) The regional planning committee must make the policy publicly available.
- 50 Review of provisions incorporated from cross-regional spatial strategies**
- (1) This section applies to the review of provisions in a regional spatial strategy that were incorporated from a cross-regional spatial strategy. 30
- (2) The regional planning committee—
- (a) must consult the 1 or more other parent committees when reviewing the provisions; and
 - (b) may amend those provisions by using— 35

- (i) a cross-regional planning committee to prepare a new cross-regional spatial strategy for the relevant issues, in accordance with **sections 42 and 43**; or
- (ii) the committee's own process adopted under **section 30**.
- 51 Public notice of reviews** 5
- A regional planning committee must—
- (a) give public notice of the start and completion of a review of its regional spatial strategy; and
- (b) make its review report publicly available.
- Subpart 4—Implementation of regional spatial strategies 10
- Implementation plans*
- 52 Implementation plans must be prepared and adopted**
- (1) A regional planning committee must prepare and adopt an implementation plan for its regional spatial strategy.
- (2) A regional planning committee must prepare and adopt a new implementation plan within 6 months after adopting a new regional spatial strategy. 15
- (3) A regional planning committee must make its current implementation plan publicly available.
- 53 Consultation on implementation plans and agreement of responsible persons** 20
- (1) Before adopting or amending an implementation plan, a regional planning committee must—
- (a) consult each person who is to have responsibility under the plan for delivering all or part of a priority action; and
- (b) obtain agreement from each of those persons to having the responsibility assigned to them; and 25
- (c) consult iwi authorities, groups that represent hapū, and other Māori groups with interests that relate to or are affected by the priority actions.
- (2) However, a regional planning committee may amend an implementation plan without complying with **subsection (1)** if the amendment only corrects a minor error or makes technical alterations. 30
- 54 Contents of implementation plans**
- (1) An implementation plan must set out the following for each priority action that is identified in a regional spatial strategy:
- (a) a summary of the key steps that will be taken to deliver the priority action and who will be responsible for taking them: 35

- (b) how progress on the priority action will be monitored and reported on and who will be responsible for it;
 - (c) the interdependencies (if any) between the priority action and other priority actions.
- (2) An implementation plan must also set out the relative priority of the priority actions and their sequencing. 5
- (3) The information in the implementation plan must be set out as prescribed by the regulations.

55 Review of implementation plans

- (1) A regional planning committee must review its implementation plan not later than 3 years after the plan was adopted or last reviewed (whichever occurred later). 10
- (2) A regional planning committee must also review its implementation plan if—
- (a) the committee amends its regional spatial strategy; and
 - (b) the amendment includes changes that may be relevant to the content of the plan. 15

56 Reporting on implementation plans

- (1) A regional planning committee must monitor and report annually on the delivery of its implementation plan.
- (2) The regional planning committee must adopt that report and make it publicly available on or before the date on which the committee makes its annual report publicly available (*see clause 39 of Schedule 8 of the Natural and Built Environment Act 2022*). 20
- (3) A report on the delivery of the implementation plan must include an assessment of the extent to which the activities being carried out under the plan give effect to the principles of te Tiriti o Waitangi. 25

Implementation agreements

57 Implementation agreements

- (1) Two or more persons who have a role in the delivery or regulation of a priority action set out in a regional spatial strategy may enter into an implementation agreement. 30
- (2) An implementation agreement must—
- (a) set out a programme of the activities that the parties intend to carry out to deliver or regulate the priority action, including the sequencing of those activities; and 35
 - (b) identify the sources of funding for those activities, including any legal requirements that must be met to access the funding.

- (3) An implementation agreement is not enforceable.
- (4) This section does not limit the ability of the persons referred to in **subsection (1)** to enter into any other kind of agreement or contract between each other.
- (5) Regional planning committees must make information about implementation agreements publicly available as prescribed by the regulations. 5

Part 3

General powers, duties, and other matters

Subpart 1—Powers and duties

Ministerial powers to intervene and assist

- 58 Minister may require information** 10
- (1) The Minister may give written and dated notice requiring information to be supplied by the following bodies:
 - (a) a regional planning committee:
 - (b) a local authority:
 - (c) a network utility operator approved as a requiring authority. 15
 - (2) The information that may be required is information that—
 - (a) is about,—
 - (i) in the case of a regional planning committee, the committee’s exercise or performance of any of its powers, functions, or duties under this Act or its responsibilities under an implementation plan; or 20
 - (ii) in the case of a local authority, the authority’s compliance with any of the requirements described in **section 4(1)(d) and (e)** or its responsibilities under an implementation plan; or
 - (iii) in the case of a network utility operator, the performance of the operator’s responsibilities under an implementation plan; and 25
 - (b) is held by the body or can reasonably be produced by the body; and
 - (c) may reasonably be required by the Minister.
 - (3) The body must supply the information to the Minister within—
 - (a) 20 working days of the date of the notice; or 30
 - (b) a longer time set by the Minister.
 - (4) The body must not charge the Minister for supplying the information.

Compare: 1991 No 69 s 27

59 Minister may investigate and recommend

- (1) The Minister may—
- (a) investigate the exercise or performance by a regional planning committee or local authority of any of its powers, functions, or duties under this Act; and 5
 - (b) make recommendations to the committee or local authority on its exercise or performance of those powers, functions, or duties; and
 - (c) investigate the failure or omission by a regional planning committee or local authority to exercise or perform any of its powers, functions, or duties under this Act; and 10
 - (d) make recommendations to the committee or local authority on its failure or omission to exercise or perform those powers, functions, or duties.
- (2) The Minister may require a regional planning committee or local authority to—
- (a) set out how the committee or local authority is responding to the Minister's recommendations; and 15
 - (b) make that information publicly available.

Compare: 1991 No 69 s 24A

60 Minister may direct amendment to regional spatial strategies

- (1) The Minister may direct a regional planning committee to amend its regional spatial strategy if the Minister is satisfied that the amendment is necessary or desirable for the strategy to comply with— 20
- (a) **section 15(1)(d) or (e)** (which relates to giving effect to and being consistent with the national planning framework):
 - (b) **section 16** (which relates to the general contents and form of regional spatial strategies): 25
 - (c) **section 17** (which relates to the key contents of regional spatial strategies):
 - (d) **section 18** (which relates to other matters that regional spatial strategies may deal with).
- (2) In giving a direction, the Minister— 30
- (a) may direct the committee to make an amendment that deals with the whole or a specified part of the committee's region; and
 - (b) must specify a reasonable period within which the committee must give public notice of the draft amendment as part of a process adopted under **section 30**. 35
- (3) The Minister must—
- (a) provide reasons for giving the direction and make their reasons publicly available; and

- (b) prepare a statement of expectations that sets out the objectives expected to be achieved, which the regional planning committee must have regard to; and
- (c) consult any relevant Minister or other person the Minister considers appropriate to consult on the content in the statement of expectations. 5
- (4) The regional planning committee must—
- (a) report to the Minister on how the amendment meets the statement of expectations; and
- (b) make the report publicly available. 10
- Compare: 1991 No 69 s 25A
- 61 Ministers may direct review of regional spatial strategies**
- (1) The Minister may direct a regional planning committee to commence a review of the whole or any part of a regional spatial strategy (except in relation to the coastal marine area) and, if the Minister does so, must specify a reasonable period within which the review must commence. 15
- (2) The Minister of Conservation may direct a regional planning committee to commence a review of the whole or any part of a regional spatial strategy so far as it relates to the coastal marine area and, if the Minister does so, must specify a reasonable period within which the review must commence.
- (3) The Minister or the Minister of Conservation, as the case may be, must— 20
- (a) provide reasons for giving the direction and make their reasons publicly available; and
- (b) prepare a statement of expectations that sets out the objectives expected to be achieved, which the regional planning committee must have regard to; and 25
- (c) consult any relevant Ministers or any other person the responsible Minister considers appropriate to consult on the content in the statement of expectations.
- (4) The regional planning committee must—
- (a) report to the Minister or the Minister of Conservation, as the case may be, on how the review meets the statement of expectations; and 30
- (b) make the report publicly available.
- (5) If, following the review, the regional planning committee decides that an amendment to the regional spatial strategy is needed, the committee must amend the strategy using a process adopted under **section 30**. 35
- Compare: 1991 No 69 s 25B
- 62 Minister may direct that other action be taken**
- (1) This section applies to powers, functions, or duties under this Act other than those for which a direction may be made under **section 60 or 61**.

- (2) The Minister may direct a regional planning committee or local authority to exercise or perform a power, function, or duty if the Minister is satisfied that—
- (a) the committee or local authority is not exercising or performing the power, function, or duty to the extent that the Minister considers necessary to achieve the purpose of the Act; and 5
 - (b) reasonable steps have been taken to assist the committee or local authority to exercise or perform the power, function, or duty to that extent.
- (3) The Minister must—
- (a) provide reasons for giving the direction and make their reasons publicly available; and 10
 - (b) identify the power, function, or duty that must be exercised or performed.
- (4) The regional planning committee or local authority must, within 20 working days of receiving the direction,—
- (a) set out for the Minister how the committee or local authority will carry out the direction, including any associated milestones, time frames, or monitoring; and 15
 - (b) make that information publicly available.

63 Minister may make grants and loans

- (1) The Minister may make grants or loans to any person to assist in achieving the purpose of this Act. 20
- (2) The Minister may impose terms and conditions on a grant or loan as the Minister thinks fit.
- (3) Money spent or advanced by the Minister under this section must be paid out of money appropriated by Parliament for the purpose. 25
- (4) Money received by the Minister under this Act must be paid into a Crown Bank Account or other account approved by the Minister of Finance.

Compare: 1991 No 69 s 26

Duty of others to assist

- ### **64 Duty to assist regional planning committees** 30
- (1) This section applies to the following bodies:
 - (a) departments;
 - (b) Crown entities;
 - (c) local authorities;
 - (d) iwi authorities and groups that represent hapū: 35
 - (e) network utility operators approved as requiring authorities.

- (2) A body must provide information or technical support to a regional planning committee if—
- (a) the committee requests the information or support to assist the committee in performing or exercising its powers, functions, or duties under this Act; and 5
 - (b) it is practical and reasonable for the body to provide the information or support.

Subpart 2—Protection of rights or interests in freshwater and geothermal resources

65 Rights or interests in freshwater and geothermal resources preserved 10

Purpose

- (1) The purpose of this section is to achieve both of the following outcomes:
- (a) any rights or interests in freshwater or geothermal resources are preserved, consistent with assurances given by the Crown to the High Court in 2012, and recorded in *New Zealand Māori Council v Attorney-General* [2013] NZSC 6, [2013] 3 NZLR 31 at [145]: 15
 - (b) this Act, and duties, functions, and powers under this Act, operate effectively.

Act does not create, transfer, extinguish, or determine rights or interests

- (2) This Act and legislation made under it do not— 20
- (a) create or transfer any proprietary right or interest in freshwater or geothermal resources:
 - (b) extinguish or determine any customary right or interest (for example, one founded on, or arising from, aboriginal title or customary law) that may exist in freshwater or geothermal resources. 25

Nothing in section affects duties, functions, and powers under Act

- (3) Nothing in this section affects, or affects the lawfulness or validity of the performance or exercise by any person of, any duty, function, or power under this Act.

Compare: 2010 No 24 s 90(1)(a); 2014 No 74 s 15(5)(a); 2017 No 7 s 46(1), (2)(b)

30

Subpart 3—Miscellaneous provisions

66 Interests in land are not taken or injuriously affected by regional spatial strategies

An interest in land must be treated as not being taken or injuriously affected by any provision in a regional spatial strategy unless this Act provides otherwise. 35

Compare: 1991 No 69 s 85(1)

67 System performance

See sections 836 to 839 of the Natural and Built Environment Act 2022, which relate to requirements for—

- (a) the chief executives of the responsible departments to prepare an integrated monitoring, reporting, and evaluation framework for the operation and effectiveness of this Act and the **Natural and Built Environment Act 2022** (the **relevant Acts**): 5
- (b) those chief executives to report on the monitoring, operation, and effectiveness of the relevant Acts:
- (c) local authorities to prepare an annual report on the costs, drivers, and funding associated with discharging their functions, duties, and powers under the relevant Acts. 10

*Secondary legislation***68 Regulations**

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations— 15
 - (a) prescribing how information in an implementation plan must be set out, including the level of detail that must be contained in that information; and
 - (b) prescribing requirements for— 20
 - (i) the methodology that is used to prepare evaluation reports; and
 - (ii) the form of those reports; and
 - (c) providing for anything this Act says may or must be provided for by regulations; and
 - (d) providing for anything incidental that is necessary for carrying out, or giving full effect to, this Act. 25
- (2) Before making a recommendation under **subsection (1)**, the Minister must consult any regional planning committee that the Minister considers is likely to be affected by the regulations.
- (3) Regulations made under this section may apply generally throughout New Zealand or within any specified part or parts of New Zealand. 30
- (4) Regulations made under this section may incorporate material by reference under **section 85 of the Natural and Built Environment Act 2022** (which applies as if references to the national planning framework were references to regulations under this section). 35
- (5) In the event of an inconsistency between regulations made under this section and the national planning framework, the national planning framework prevails.

-
- (6) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

69 Order in Council to amend Schedule 3

- (1) The Governor-General may, by Order in Council, amend **Schedule 3** to add or remove a Government policy statement that a regional planning committee must have particular regard to under **section 24(2)(a)**. 5
- (2) The Minister must not recommend the making of an order under **subsection (1)** unless satisfied that adding or removing the Government policy statement is consistent with the purpose of this Act.
- (3) An order made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 10

Amendments to other Acts

70 Amendments to other Acts

Amend the Acts specified in **Schedule 5** as set out in that schedule.

Schedule 1

Transitional, savings, and related provisions

s 9

Part 1

Provisions relating to this Act as enacted 5

- 1 When first regional spatial strategies must be notified**
- (1) A regional planning committee must publicly notify the draft of its first regional spatial strategy on or before the earlier of the following:
- (a) the date set for the committee under **subclause (2)**:
 - (b) the seventh anniversary of the date of Royal assent to this Act. 10
- (2) The Governor-General may, by Order in Council made on the recommendation of the Minister, set the date by which a regional planning committee must publicly notify a draft of its first regional spatial strategy.
- (3) Before making the recommendation, the Minister must consult—
- (a) the regional planning committee for the region (or its appointing bodies if the committee is yet to be appointed); and 15
 - (b) any local authority within the region that the Minister considers is likely to be affected.
- (4) In this clause, **publicly notify** means to notify a draft regional spatial strategy in accordance with **clause 4 of Schedule 4**. 20
- (5) An order made under this clause is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- 2 Incorporation of information from RMA planning documents into regional spatial strategies**
- (1) A regional spatial strategy may incorporate the following from an operative RMA planning document that applies within the region: 25
- (a) information on the state and characteristics of the environment:
 - (b) decisions on whether areas or features of the environment have particular characteristics, should be classified in a particular way, or meet related criteria that are set out in legislation. 30
- (2) Before incorporating the information, a regional planning committee must consider whether, in the period since the RMA planning document became operative,—
- (a) there has been a significant change in the relevant environment:
 - (b) any significant new information about the relevant environment has become available. 35

-
- (3) The regional planning committee may incorporate the information when adopting or amending a regional spatial strategy under **section 23**.
- (4) In doing so, the regional planning committee need not—
- (a) comply with **sections 24 to 28**; or
 - (b) have regard or respond to any submission or other comment received on the information during the process for preparing the strategy. 5
- (5) In this clause, **RMA planning document** means a regional policy statement, regional plan, or district plan as those terms are defined in section 2(1) of the Resource Management Act 1991.
- 3 Consulting on proposed regulations if no regional planning committee appointed** 10
- (1) This clause applies if the Minister considers that a regional planning committee that is yet to be appointed is likely to be affected by proposed regulations.
- (2) For the purposes of **section 68(2)**, the Minister must consult the appointing bodies for that regional planning committee. 15

Schedule 2

Transitional, savings, and related provisions for upholding Treaty settlements, NHNP Act, and other arrangements

s 10

- 1 Purpose of this schedule** 5
- The purpose of this schedule is to ensure that the integrity, intent, and effect of Treaty settlements, the NHNP Act, and other arrangements made under the Resource Management Act 1991 are upheld in relation to this Act.
- 2 Interpretation** 10
- In this schedule,—
- claimant group** means a group of Māori with Treaty of Waitangi claims against the Crown, whether or not those claims have been lodged with, or heard by, the Waitangi Tribunal under the Treaty of Waitangi Act 1975
- joint management agreement** means a joint management agreement, as defined in section 2(1) of the Resource Management Act 1991, that is entered into under that Act before **sections 656 to 658 of the Natural and Built Environment Act 2022** come into force 15
- Mana Whakahono ā Rohe** means an iwi participation arrangement entered into under subpart 2 of Part 5 of the Resource Management Act 1991 before **subpart 6 of Part 10 of the Natural and Built Environment Act 2022** comes into force 20
- ngā hapū o Ngāti Porou** has the meaning given in section 10 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019
- NHNP Act** means provisions of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 that relate to the exercise of a power or the performance of a function or duty under the Resource Management Act 1991 25
- other arrangements** means Mana Whakahono ā Rohe and joint management agreements
- post-settlement governance entity**—
- (a) means a body corporate or the trustees of a trust established by a claimant group for the purposes of receiving redress or participating in arrangements established under a Treaty settlement Act; and 30
- (b) includes an entity established to represent a collective or combination of claimant groups
- Treaty of Waitangi claim** means a claim within the meaning of section 6 of the Treaty of Waitangi Act 1975, whether that claim was submitted or not to the Waitangi Tribunal 35

Treaty settlement means provisions of a Treaty settlement Act or Treaty settlement deed that relate to the exercise of a power or the performance of a function or duty under the Resource Management Act 1991

Treaty settlement Act means—

- (a) an Act whose title is listed in Schedule 3 of the Treaty of Waitangi Act 1975 by an Act that was enacted before the commencement of this clause; and 5
- (b) any other Act that was enacted before the commencement of this clause and that provides redress for Treaty of Waitangi claims, including an Act that provides collective redress or participation arrangements for claimant groups whose claims are, or are to be, settled by another Act 10

Treaty settlement deed—

- (a) means a deed or other agreement that—
 - (i) is signed, before the commencement of this clause, for and on behalf of the Crown by 1 or more Ministers of the Crown and by representatives of a claimant group; and 15
 - (ii) is in settlement of the Treaty of Waitangi claims of the members of that group, or in express anticipation, or on account, of that settlement; but
- (b) does not include an agreement in principle or any document that is preliminary to a signed and ratified deed. 20

3 Treaty settlements, NHNP Act, and other arrangements to be given same or equivalent effect

- (1) A person exercising a power or performing a function or duty under this Act must give a Treaty settlement, the NHNP Act, or other arrangement an effect that is the same or equivalent as it has in relation to the Resource Management Act 1991. 25
- (2) **Subclause (1)** applies to the extent that the power, function, or duty being exercised or performed under this Act is generally the same or equivalent to a power, function, or duty under the Resource Management Act 1991 that is affected by the Treaty settlement, NHNP Act, or other arrangement. 30
- (3) For the purpose of complying with **subclause (1)**, a person or regional planning committee may act in accordance with any applicable regulations made under **clause 6**, despite any other provision of this Act.
- (4) This clause ceases to apply to a Treaty settlement, the NHNP Act, or other arrangement when,— 35
 - (a) in the case of Treaty settlements and the NHNP Act, the relevant Treaty settlement Act or Treaty settlement deed or the NHNP Act is amended in accordance with **clause 4**:

- (b) in the case of other arrangements, they have been given effect to in accordance with regulations made under **clause 5**.
- 4 Process for upholding Treaty settlements, NHNP Act, and other arrangements**
- (1) The Crown must uphold the integrity, intent, and effect of Treaty settlements, the NHNP Act, and other arrangements in accordance with this clause. 5
- (2) The Crown must, unless otherwise agreed with the relevant party,—
- (a) discuss with each relevant party, for the purpose of agreeing, how the integrity, intent, and effect of the Treaty settlement, the NHNP Act, or the other arrangement will be upheld in relation to this Act; and 10
- (b) support the capacity of the relevant party to participate effectively in those discussions, including by providing appropriate resources; and
- (c) enter into any agreements with the relevant party that are necessary to uphold the Treaty settlement, the NHNP Act, or the other arrangement, including by entering into a deed to amend the entity’s Treaty settlement deed. 15
- (3) If necessary to give effect to an agreement relating to a Treaty settlement or the NHNP Act, the Crown must—
- (a) take all necessary steps within the Crown’s authority to introduce a Bill to the House of Representatives that— 20
- (i) amends the relevant party’s Treaty settlement Act or the NHNP Act; and
- (ii) is in a form that has been agreed by the relevant party; and
- (b) use the Crown’s best endeavours to promote the enactment of the Bill no later than 18 months after the enactment of this Act. 25
- (4) The Crown must also—
- (a) monitor progress of the matters set out in **subclauses (2) and (3)**; and
- (b) every 3 months, make a report on the progress available to the relevant party.
- (5) In this clause, **relevant party** means,— 30
- (a) in relation to a Treaty settlement, the post-settlement governance entity for the Treaty settlement;
- (b) in relation to the NHNP Act, ngā hapū o Ngāti Porou;
- (c) in relation to other arrangements, each iwi authority or group that represents hapū that is party to that arrangement. 35
- 5 Regulations to uphold other arrangements**
- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations providing for a process for giving effect to

-
- Mana Whakahono ā Rohe and joint management agreements in relation to this Act.
- (2) The regulations may (without limitation) provide for terms of Mana Whakahono ā Rohe and joint management agreements to be modified, but only with the agreement of every iwi authority or group that represents hapū that is party to the Mana Whakahono ā Rohe or joint management agreement. 5
- (3) The Minister must not recommend the making of regulations under this clause unless the Minister is satisfied that the regulations are consistent with the purpose of this schedule.
- (4) Regulations made under this clause are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 10
- 6 Regulations to modify regional planning committee processes**
- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations that modify how any provisions of **Schedule 8 of the Natural and Built Environment Act 2022** apply to a regional planning committee or a class of regional planning committees. 15
- (2) The Minister must not recommend the making of regulations under this clause unless the Minister is satisfied that the regulations are consistent with the purpose of this schedule.
- (3) Regulations made under this clause are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 20

Schedule 3

Government policy statements

s 24

Name or topic of Government policy statement	Empowering legislation
Government policy statement on health	Pae Ora (Healthy Futures) Act 2022, s 34
Government policy statement on housing and urban development	Kāinga Ora–Homes and Communities Act 2019, s 22
Government policy statement on land transport	Land Transport Management Act 2003, s 66
Government policy statement on water services	Water Services Entities Act 2022, s 129

Schedule 4

Preparation of regional spatial strategies: key process steps

s 34

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6	Step 5: public notification of adopted regional spatial strategy	42
7	Failure to carry out evaluation	42
1	Meaning of interested parties	
	In this schedule, interested parties , in relation to the preparation of a regional spatial strategy, includes—	5
	(a) departments, Crown entities, and statutory bodies with functions that are affected by any of the instruments in the planning system that are referred to in section 4 ; and	
	(b) the appointing bodies for the regional planning committee; and	10
	(c) iwi authorities, and groups that represent hapū, whose area of interest is within or adjacent to the region; and	
	(d) groups holding rights and interests in the region that are recognised under the Marine and Coastal Area (Takutai Moana) Act 2011; and	
	(e) other Māori groups with interests in the region; and	15
	(f) local authorities whose region or district is adjacent to the region; and	
	(g) council-controlled organisations of those local authorities with functions that are affected by any of the instruments in the planning system that are referred to in section 4 ; and	
	(h) relevant non-government organisations, including organisations that represent the interests of relevant industry sectors, and other groups with an interest greater than that of the public generally; and	20
	(i) relevant private infrastructure providers and operators.	
2	Step 1: preparation of draft regional spatial strategy	
(1)	A regional planning committee must prepare a draft regional spatial strategy.	25

- (2) The regional planning committee must provide an opportunity for interested parties and the public to participate in determining the matters to be included in the draft strategy and their relative importance.
- (3) While preparing the draft strategy, the regional planning committee must also prepare— 5
- (a) scenarios that—
- (i) are relevant to the matters referred to in **section 16(1)(c)**; and
- (ii) deal with how the region may grow, adapt, or otherwise change over the period covered by the draft strategy, including what may occur if there is higher-than-expected population growth and associated effects on land use; and 10
- (b) a draft evaluation report.
- (4) A draft evaluation report must contain—
- (a) a reference to, and short summary of, each piece of key evidence considered by the regional planning committee in preparing the draft regional spatial strategy; and 15
- (b) a summary of the scenarios and key options considered by the regional planning committee; and
- (c) a statement about whether the regional planning committee has a preferred scenario or key option (or both) and, if so, what it is; and 20
- (d) the reasons for the regional planning committee's decisions on the content of the draft strategy generally; and
- (e) if the draft strategy has been prepared to renew an existing regional spatial strategy in accordance with **section 46**, a review of the effectiveness of the existing strategy (including its effectiveness in giving effect to the principles of te Tiriti o Waitangi). 25
- (5) A draft evaluation report must also comply with any requirements prescribed by the regulations.
- (6) **Subclause (3)(a)** does not apply if—
- (a) the regional planning committee is carrying out the process required by this clause for the purposes of amending its regional spatial strategy; and 30
- (b) the scenarios required by **subclause (3)(a)** would not be relevant to the amendment.

3 Step 2: review by appointing bodies

- (1) A regional planning committee must, at the request of an appointing body, provide the body with an opportunity to review a draft regional spatial strategy. 35
- (2) The purpose of a review is to allow the appointing body to—
- (a) familiarise itself with the content of the draft strategy; and

-
- (b) identify any errors; and
 - (c) identify any risks in the implementation or operation of the draft strategy.
- (3) The regional planning committee must specify the time frame for a review.
- (4) An appointing body must— 5
- (a) request an opportunity to review the draft strategy at least 3 months before the date on which the draft is to be notified under **clause 4**; and
 - (b) provide any comments on the draft strategy within the time frame for the review.
- (5) The regional planning committee— 10
- (a) may amend the draft strategy in response to any comments received under **subclause (4)(b)**; and
 - (b) must provide the appointing body with the committee's reasons for amending or not amending the draft strategy.
- 4 Step 3: public notification of draft regional spatial strategy** 15
- A regional planning committee must—
- (a) make the following documents publicly available:
 - (i) the draft regional spatial strategy; and
 - (ii) the associated scenarios and draft evaluation report; and
 - (b) give public notice of where the documents are available; and 20
 - (c) give interested parties and the public a reasonable opportunity to provide written submissions on the draft strategy.
- 5 Step 4: opportunity for further comment on draft regional spatial strategy in certain cases**
- (1) This clause applies if— 25
- (a) a regional planning committee proposes to adopt a regional spatial strategy that is materially different from the draft notified under **clause 4**; and
 - (b) the difference results from information that was not referred to in the draft evaluation report. 30
- (2) The regional planning committee must—
- (a) consider whether it is appropriate to give any persons, or the public generally, an opportunity to comment on the difference; and
 - (b) if so, give those persons, or the public generally, that opportunity in a way that the committee considers is proportionate to the significance of the difference. 35

-
- 6 Step 5: public notification of adopted regional spatial strategy**
- (1) If a regional planning committee adopts a regional spatial strategy, the committee must—
- (a) make the following documents publicly available:
 - (i) the strategy; and 5
 - (ii) the associated final evaluation report; and
 - (b) give public notice of the date on which the strategy was adopted and where it and the final evaluation report are published.
- (2) The final evaluation report must—
- (a) include a summary of any material changes made to the proposed regional spatial strategy since the draft was notified under **clause 4**; and 10
 - (b) include a summary of the submissions received on the draft strategy and the regional planning committee’s responses to them; and
 - (c) comply with any requirements prescribed by the regulations.
- 7 Failure to carry out evaluation** 15
- (1) A challenge to a provision of a regional spatial strategy on the ground that an evaluation report required under this schedule has not been prepared may be made only in a submission under **clause 4 or 5**.
- (2) **Subclause (1)** does not prevent a person who is hearing a submission on a draft regional spatial strategy from having regard to the matters stated in **clause 2(4) or 6(2)**. 20
- Compare: 1991 No 69 s 32A

Schedule 5 Amendments to other Acts

s 70

Conservation Act 1987 (1987 No 65)

After section 6X(2)(c), insert:

5

- (d) to participate in the process under the Spatial Planning Act **2022** for preparing the regional spatial strategy that relates to Lakes Manapouri, Monowai, and Te Anau in a manner that is consistent with the functions of the Guardians.

Environment Act 1986 (1986 No 127)

10

Replace section 31(c)(i) with:

- (i) the application, operation, and effectiveness of the following Acts in relation to the achievement of the objectives of this Act:
- (A) the Acts specified in the Schedule:
- (B) the Spatial Planning Act **2022**:

15

Environmental Protection Authority Act 2011 (2011 No 14)In section 5, definition of **environmental Act**, after paragraph (e), insert:

- (f) the Spatial Planning Act **2022**

Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72)

20

In section 7(1), replace “and policies” with “policies, and regional spatial strategies”.

After section 7(2)(l), insert:

- (la) Spatial Planning Act **2022**:

After section 7(2), insert:

- (3) In subsection (1), **regional spatial strategy** has the same meaning as in **section 8** of the Spatial Planning Act **2022**.

25

Fisheries Act 1996 (1996 No 88)

After section 11(2)(a), insert:

- (aa) any regional spatial strategy under the Spatial Planning Act **2022**; and

Lake Wanaka Preservation Act 1973 (1973 No 107)

30

After section 5(2)(iii), insert:

- (iv) to participate in the process under the Spatial Planning Act **2022** for preparing the regional spatial strategy that relates to Lake Wanaka in a manner that is consistent with the functions of the Guardians.

35

Land Transport Management Act 2003 (2003 No 118)

After section 14(a)(ii), insert:

- (iii) is consistent with the regional spatial strategy that is in force for the region under the Spatial Planning Act **2022** to the extent that—
 - (A) the regional spatial strategy is relevant to the content of the regional land transport plan; and
 - (B) consistency with the regional spatial strategy does not prevent compliance with subparagraph (i) or (ii); and

5

After section 67(1)(b)(ii), insert:

- (iii) any relevant regional spatial strategy that is in force under the Spatial Planning Act **2022**; and

10

Local Government Act 2002 (2002 No 84)

In section 5(1), insert in its appropriate alphabetical order:

regional spatial strategy has the same meaning as in **section 8** of the Spatial Planning Act **2022**

15

After section 76AA(5), insert:

- (5A) Despite what may be set out in a policy adopted under this section, public engagement on matters provided for in a regional spatial strategy must be limited to options for dealing with those matters in a way that is consistent with the strategy.

20

In Schedule 10, after clause 1, insert:

1A Implementation of regional spatial strategy

- (1) A long-term plan must set out steps to implement the priority actions for which the local authority is responsible under the relevant regional spatial strategy.
- (2) The steps must provide for the local authority to implement the priority actions in a way that the local authority considers appropriate, having regard to competing demands and any other relevant circumstances.
- (3) The steps must only provide for the local authority to implement the priority actions to the extent that the local authority is reasonably able to implement the actions—
 - (a) in the period covered by the long-term plan; and
 - (b) consistently with the local authority's role, functions, duties, and powers under this Act and any other legislation.

25

30

In Schedule 10, after clause 26, insert:

35

26A Statement on implementation of regional spatial strategy

An annual report must include a statement that sets out—

Local Government Act 2002 (2002 No 84)—continued

- (a) the steps that the local authority has taken to implement the priority actions for which the local authority is responsible under the relevant regional spatial strategy; and
- (b) the steps that the local authority intended to take (but has not taken) to implement the priority actions and an explanation of why the local authority has not taken them.

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Local Government (Auckland Council) Act 2009 (2009 No 32)

Repeal section 3(e).

Repeal Part 6.

In Schedule 1AA, before the first clause, insert:

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Part 1
Provision relating to Local Government (Auckland Council)
Amendment Act 2016

In Schedule 1AA, after the first clause, insert:

Part 2
Provision relating to Spatial Planning Act 2022

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2 Application of provisions relating to spatial plan for Auckland

Despite the repeal of section 3(e) and Part 6 by the Spatial Planning Act **2022**, those provisions continue to apply until a regional spatial strategy for Auckland is adopted under the Spatial Planning Act **2022**.

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Urban Development Act 2020 (2020 No 42)

Repeal section 68(1)(b)(iv).

In Schedule 1, insert as the last Part:

Part 3
Provision relating to Spatial Planning Act 2022

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2 Application of provision relating to spatial plan for Auckland

Despite the repeal of section 68(1)(b)(iv) by the Spatial Planning Act **2022**, that section continues to apply until a regional spatial strategy for Auckland is adopted under the Spatial Planning Act **2022**.

Waitakere Ranges Heritage Area Act 2008 (2008 No 1 (L))

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Replace section 18 with:

Waitakere Ranges Heritage Area Act 2008 (2008 No 1 (L))—continued**18 Auckland regional spatial strategy**

- (1) To the extent of any inconsistency, this Act prevails over the regional spatial strategy prepared for Auckland under the Spatial Planning Act **2022**.
- (2) When adopting or amending that regional spatial strategy, the regional planning committee must ensure that its provisions are not inconsistent with the purpose of this Act or the objectives. 5