

# **Spatial Planning Bill**

Government Bill

As reported from the committee of the whole House



**Spatial Planning Bill**

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**Key to symbols used in reprinted bill**

**As reported from the committee of the whole House**

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*Hon David Parker*

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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** 5
- 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** (which is to uphold 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, the Local Government Act 2002, and the Water Services Entities Act 2022. 10
- 4 How regional spatial strategies promote integration**
- (1) A regional spatial strategy has effect under the following legislation, as follows and to the extent provided for in that legislation: 15
- 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 96(2)(c)* of that Act): 20  
*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): 25
  - (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):  
*Local Government Act 2002* 30
  - (d) a long-term plan under the Local Government Act 2002 (the **LGA**) must set out steps to implement or progress the key actions for which the local authority is a lead under this Act (*see clause 1A of Schedule 10* of the LGA):
  - (e) an annual report under the LGA must include a statement on the local authority's progress in implementing or progressing those key actions (*see clause 26A of Schedule 10* of the LGA): 35

*Water Services Entities Act 2022*

- (f) the board of a water services entity under the Water Services Entities Act 2022 (the **WSEA**) must take into account the relevant regional spatial strategies and implementation plans when preparing the board's statement of intent (*see* **section 148(7)** of the WSEA): 5
- (g) an asset management plan under the WSEA must not be inconsistent with the relevant regional spatial strategies (*see* **section 152(2)** of the WSEA):
- (h) the board of a water services entity under the WSEA must take into account the relevant regional spatial strategies when preparing the financial strategy for a funding and pricing plan (*see* **section 154(3)** of the WSEA): 10
- (i) an infrastructure strategy under the WSEA must not be inconsistent with the relevant regional spatial strategies (*see* **section 158(9)** of the WSEA). 15
- (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.

*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. 20

**7 Iwi and hapū responsibilities in relation to te taiao**

All persons exercising powers and performing duties and functions under this Act 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 Māori (including kaitiakitanga), and mātauranga Māori in their rohe or takiwā. 25

**7A 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. 30

*Interpretation and other matters***8 Interpretation**

- (1) In this Act, unless the context otherwise requires,—  
**cross-regional planning committee** means a cross-regional planning committee established under **section 42** 35

- 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
- engagement agreement** means an engagement agreement entered into under **section 39** 5
- 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)** 10
- interested party**, in relation to a regional spatial strategy, means a person who is identified by the regional planning committee under **clause 1(1)(c) of Schedule 4** as being interested in participating in the preparation of the strategy
- key action** has the meaning given in **section 16(1)(c)** 15
- lead**, in relation to a key action, means a person who is identified in an implementation plan as being responsible for implementing or progressing all or part of the key action
- 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 20
- natural and built environment plan** means plan as defined in **section 7 of the Natural and Built Environment Act 2022**
- parent committee** has the meaning given in **section 42(2)(a)**
- public notice** means to give notice in accordance with— 25
- (a) **section 8 of the Natural and Built Environment Act 2022**; and
  - (b) any requirements for the manner in which public notice is given that are prescribed by the regulations
- publicly available**, in relation to a document or other information, means published— 30
- (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 or other information publicly available; and
    - (ii) is available to the public as far as practicable and free of charge; 35
  - (b) in any other manner required by the regulations
- regional spatial strategy** means a strategy prepared and adopted by a regional planning committee under **Part 2**

- regulations** means regulations made under **section 68**
- review**, in relation to a regional spatial strategy, means a review of the strategy under any of **sections 46A to 49B, 51A(3), and 61**
- water services entity** has the meaning given in section 6 of the Water Services Entities Act 2022. 5
- (2) A term or an expression that is defined in the **Natural and Built Environment Act 2022** and is used, but not defined, in this Act has the meaning given in the **Natural and Built Environment Act 2022**.
- 9 General transitional, savings, and related provisions**
- The transitional, savings, and related provisions set out in **Schedule 1** have effect according to their terms. 10
- 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. 15
- 11 Act binds the Crown**
- This Act binds the Crown.

## Part 2

### Regional spatial strategies 20

#### Subpart 1—Requirement for regional spatial strategies

- 12 Every region must have regional spatial strategy**
- There must at all times be a regional spatial strategy for each region.
- 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. 25
- 14A Special provision for certain regions and other areas**
- Nelson and Tasman*
- (1) 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 this Act applies to those regions as if they were a single region). 30
- Chatham Islands*
- (2) The regional planning committee for the Chatham Islands Territory—
- (a) is not required to have a regional spatial strategy for the territory; and

- (b) if the committee starts to prepare a strategy, may stop the preparation process at any time.
- (3) In **subsection (2), Chatham Islands Territory** means the district constituted by section 5 of the Chatham Islands Council Act 1995.  
*Offshore islands administered by Minister of Conservation* 5
- (4) A regional spatial strategy must not apply to an offshore island that is administered by the Minister of Conservation acting as a local authority.
- (5) This section applies despite any other provision of this Act.
- Subpart 2—Scope and contents of regional spatial strategies
- 15 Scope of regional spatial strategies** 10
- (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 15
- (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 20
- (e) otherwise be consistent with the national planning framework; and
- (f) be consistent with any environmental limit or mandatory target that is set in the region’s natural and built environment plan; and
- (g) be consistent with any water conservation order that applies in the region. 25
- (2) In complying with 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.
- (3) In this section, **mandatory target** means a target that is required by **section 49(1) of the Natural and Built Environment Act 2022**. 30
- 16 General contents and form of regional spatial strategies**
- (1) A regional spatial strategy must—
- (a) set out a vision and objectives for how to use, develop, protect, restore, and enhance the region’s environment in a way that achieves the purpose of this Act; and 35
- (b) support the vision and objectives by identifying and otherwise providing for—

- (i) the key matters listed in **section 17**; and
    - (ii) any other matters that the regional planning committee considers are of regional or national importance in terms of **section 18**; and
  - (c) set out the actions that the committee considers are critical for making progress towards the vision and objectives (the **key actions**). 5
  - (2) A regional spatial strategy must—
    - (a) set the vision and objectives at a level that is consistent with the requirement under **section 15(1)(a) and (b)** to provide strategic direction; and 10
    - (b) provide for the matters referred to in **subsection (1)(b)** of this section only to the extent that the regional planning committee considers they are of strategic importance to the region or country.
  - (3) A regional spatial strategy (including any maps and other visual illustrations of spatial matters) must be in the form prescribed by the national planning framework and the regulations. 15
- 17 Contents of regional spatial strategies: key matters**
- (1) The key matters referred to in **section 16(1)(b)(i)** are as follows:
    - (a) areas that require or may require protection, restoration, or enhancement:
    - (b) areas of cultural heritage and areas with resources that are of significance to Māori: 20
    - (c) areas that are appropriate for urban development and change, including existing, planned, or potential urban centres of scale:
    - (d) areas that are appropriate for developing, using, or extracting natural resources, including generating energy: 25
    - (e) areas that are appropriate to be reserved for rural use (for example, because they contain highly productive land) or where there is expected to be change in the type of rural use:
    - (f) areas of the coastal marine area that are appropriate for development or change in use: 30
    - (h) matters relating to infrastructure, including—
      - (iaaa) existing, planned, or potential infrastructure that is or may be required to meet current and future needs:
      - (i) opportunities to make better use of existing infrastructure:
    - (ja) matters relating to climate change mitigation, including— 35
      - (i) indicative locations for infrastructure that is or may be required to support the production of renewable energy or other measures to reduce greenhouse gas emissions:

- (ii) areas that are suitable for land use change that would support reductions in greenhouse gas emissions:
- (jb) matters relating to risks arising from natural hazards and the effects of climate change, including—
  - (i) areas that are or will be vulnerable to those risks: 5
  - (ii) indicative locations for infrastructure that is or may be required to reduce those risks or increase resilience to them:
  - (iii) areas that are suitable for land use change that would reduce those risks or increase resilience to them:
  - (iv) other measures to reduce those risks or increase resilience to them: 10
- (k) areas where any development or change in use needs to be carefully managed because the areas are subject to constraints (other than those described in **paragraph (jb)(i)**):
- (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 described in this subsection. 15
- (2) In this section and **section 18**,—
  - infrastructure** means infrastructure as defined in **section 7 of the Natural and Built Environment Act 2022**, but also includes corridors and sites (including designations) for infrastructure 20
  - 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) a region, district, city, town, or rural community; or 25
    - (b) a group of suburbs or neighbourhoods.
- 18 Contents of regional spatial strategies: other matters of regional or national importance**
- (1) A matter is of **regional or national importance** for the purposes of **section 16(1)(b)(ii)** if the regional planning committee considers that the matter meets 1 or more of the following criteria: 30
  - (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 its use:
    - (ii) increase, reduce, or change transport patterns (being patterns relating to location, frequency, or modes of travel): 35
  - (b) the matter relates to environmental effects that are best managed at a regional level (such as effects on water catchments):

- (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:
- (da) providing for the matter would support the response to an issue in an adjacent region: 5
- (e) the matter is critical to the regional or national economy:
- (f) the matter relates to a regionally or nationally significant feature or activity (regardless of whether the feature is a place of national importance as defined in **section 427A of the Natural and Built Environment Act 2022**): 10
- (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. 15
- (2) For the purposes of **subsection (1)**, something may be of regional or national importance regardless of whether it directly affects the entire region or country.

## 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. 20
- (2) The provisions of the legislation that provides for the statutory acknowledgement apply.
- (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 replaced. 25

## 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)**). 30
- (2) Te Ture Whaimana in its entirety is deemed to be part of any regional spatial strategy that affects the Waikato River or the Waipā River or activities within ~~the catchment of the river~~ their catchments, and the remainder of the strategy must give effect to Te Ture Whaimana.
- (3) In this section, **Te Ture Whaimana** means the vision and strategy set out in— 35
  - (a) Schedule 2 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; and



- (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

#### *Preparation and adoption of regional spatial strategies* 5

#### **22 How and when regional spatial strategies are prepared and adopted**

- (1) The regional spatial strategy for a region, and any amendments to it, must be adopted—
  - (a) by the region’s regional planning committee; and
  - (b) using a process adopted under **section 30**. 10
- (2) A regional planning committee must not start a process to amend or replace its regional spatial strategy unless the committee has completed a review.
- (3) A regional planning committee may,—
  - (a) after completing a review, start the process to amend or replace its regional spatial strategy at any time the committee considers appropriate; and 15
  - (b) include proposals resulting from 1 or more reviews in a single process to amend or replace its strategy.
- (4) **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 persons at any time and in any way during the preparation of a regional spatial strategy. 20
- (5) This section is subject to—
  - (a) **sections 51B to 51D** (amendments not requiring review or **section 30** process); and 25
  - (b) **section 60** (Minister may direct amendments of regional spatial strategies).

#### *Considerations, etc, when preparing regional spatial strategies*

#### **23A General requirements: use and presentation of information**

##### *Quality and completeness of information* 30

- (1) A regional planning committee must ensure that its regional spatial strategy is,—
  - (a) as far as practicable, 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.
- (2) The regional planning committee must not use an uncertainty or inadequacy in the available information as a reason to omit content from its regional spatial strategy if the committee considers that including the content is necessary to achieve the purpose of this Act. 5
- (3) If the regional planning committee is using information that is uncertain or inadequate, the committee must have regard to—
- (a) the extent of the uncertainty or inadequacy; and
- (b) how content in its regional spatial strategy that is based on the information may become more detailed or otherwise be improved over time, including through— 10
- (i) key actions that support the development of more certain or complete information; and
- (ii) provision for the strategy to be reviewed under **section 49B** in circumstances where the committee expects more certain or complete information may be available. 15

*Scale and level of detail*

- (4) The regional planning committee must be satisfied that each matter covered in its regional spatial strategy is provided for at a spatial scale that is appropriate to the matter. 20
- (5) The regional planning committee must also be satisfied that its regional spatial strategy provides for each matter at a level of detail that—
- (a) reflects—
- (i) the evidence and other information available about the matter; and 25
- (ii) the extent of work or planning already undertaken on any relevant activity or proposal; and
- (b) gives sufficient flexibility to enable the persons who have a role in implementing or progressing the strategy to do so in the most appropriate and efficient way; and 30
- (c) subject to **paragraphs (a) and (b)**, is sufficient to give reasonable certainty to those persons about the matter.

*How information is set out*

- (6) The regional planning committee must consider how to set out its regional spatial strategy in a way that is easy for interested parties and other members of the public to use and understand, including through the appropriate use of maps and other visual illustrations of spatial matters. 35
- (7) **Subsections (4) to (6)** are subject to **section 16(3)**.

**24 General considerations: instruments**

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

*Instruments 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:
- (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 committee within the period specified in **subsection (2A)**; and
  - (c) any planning document that is—
    - (i) recognised by an iwi authority or a group that represents hapū; and
    - (ii) provided or available to the committee before the strategy is adopted; and
  - (d) any statement that is—
    - (i) prepared by an iwi authority or a group that represents hapū of a region to express their view on how te Oranga o te Taiao can be upheld at the regional and local levels; and
    - (ii) provided or available to the committee before the strategy is adopted.

- (2A) For the purposes of **subsection (2)(b)**, the period is 30 working days after the regional planning committee gives public notice of adopting the process to prepare the regional spatial strategy (*see* **section 30A(2)(a)**).

- (2B) For the purposes of **subsection (2)(c) and (d)**, a planning document or statement is **available** to the regional planning committee if either or both of the following apply:

- (a) in the case of a planning document or statement, the document or statement is published on an Internet site that can be accessed by the public free of charge;
- (b) in the case of a planning document, the document is recorded under **section 819 of the Natural and Built Environment Act 2022** by a local authority in the committee's region.

*Instruments 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:

- (a) any instrument made under other legislation (other than one referred to in **subsection (2)**), including any—
  - (i) statutory acknowledgement:

- (ii) plan prepared under section 14 of the Maori Commercial Aquaculture Claims Settlement Act 2004:
- (iii) statement of the Government’s response under section 18 of the New Zealand Infrastructure Commission/Te Waihanga Act 2019 to a strategy report provided under that Act; and 5
- (b) any instrument (other than one made under legislation) that is 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 1992 or a direction from the Conference of the Parties of the Convention; and 10
- (d) any instrument notified in the *Gazette* by the Minister.
- (3A) A notice under **subsection (3)(d)** may—
- (a) identify any published instrument that the Minister considers is relevant to a regional spatial strategy, a class of strategies, or all strategies; and 15
- (b) apply in relation to that strategy or those strategies.
- (3B) The Minister must make the notice publicly available.
- (4) In this section,—
- instrument** includes secondary legislation, a strategy, a plan, and any other type of document 20
- statement of community outcomes** means a statement made under **section 30Q(1)(b) of the Natural and Built Environment Act 2022**
- statement of regional environmental outcomes** means a statement made under **section 30O(1)(b) of the Natural and Built Environment Act 2022.** 25
- 25 General considerations: other matters**
- In preparing a regional spatial strategy, a regional planning committee must have regard to—
- (a) any cumulative effects of the use and development of the environment; and 30
- (c) whether implementation of the strategy could have effects on the natural environment that have, or are known to have, significant or irreversible adverse consequences; and
- (d) any technical evidence and advice, including advice on mātauranga Māori, that the committee considers relevant. 35
- 26 Customary marine title areas**
- (1) This section applies to a regional planning committee each time—
- (a) a regional spatial strategy is being prepared; and

- (b) the proposed strategy applies to a customary marine title area.
- (2) The regional planning committee must initiate the process required by **section 93(7)** of the Marine and Coastal Area (Takutai Moana) Act 2011 and, for that purpose, must—
- (a) recognise and provide for any matters in any planning document to the extent that they relate to a customary marine title area; and 5
- (b) have particular regard to any matters in any planning document to the extent that they relate to the common marine and coastal area outside the customary marine title area.
- (3) In this section, **planning document** means a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011. 10

## 27 Identified Māori land

- (1) This section applies if a regional planning committee is preparing a regional spatial strategy that identifies— 15
- (a) the need for potential infrastructure or infrastructure corridors or sites that may require a designation; and
- (b) the potential location of the infrastructure or infrastructure corridors or sites (whether that is done by identifying a specific location or a wider area in which the infrastructure or infrastructure corridors 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 identified 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 identified Māori land to retain, control, utilise, and occupy the land for the benefit of present and future generations of owners, their whānau, and their hapū.

## 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: 30
- (a) information about the state and characteristics of the environment, including information about infrastructure and other aspects of the built environment:
- (b) information that reflects decisions about— 35
- (i) 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:
- (ii) designations:

- (c) environmental limits and targets that are set in the plan.
- (2) Before incorporating the information, a regional planning committee must consider whether, in the period since the natural and built environment plan became operative,—
  - (a) there has been a significant change in the relevant environment: 5
  - (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 22**.
- (4) In doing so, the regional planning committee need not— 10
  - (a) comply with **sections 23A to 27**; or
  - (b) have regard or respond to any submission or other comment received on the information during the process for preparing the strategy, except to the extent that the submission or other comment relates to the matters described in **subsection (2)**. 15

*Process for preparing regional spatial strategies*

**30 Regional planning committees must adopt process**

- (1) A regional planning committee must—
  - (a) adopt a process for preparing its regional spatial strategy each time it intends to prepare a strategy; and 20
  - (b) comply with that process.
- (2) A process must include the procedure for the hearing required by **clause 4A of Schedule 4**.
- (3) A process may make different provision (for example, different steps or methods of seeking views) for preparing different aspects of a regional spatial strategy. 25
- (4) A regional planning committee may adopt detailed provisions for its process in stages, so long as—
  - (a) the committee adopts an outline for the overall process before any stage of the process begins; and 30
  - (b) the outline states when the detailed provisions for each stage are expected to be adopted.
- (5) A regional planning committee may amend its process only if—
  - (a) the committee considers that—
    - (i) circumstances have changed since the process was adopted; and 35
    - (ii) the amended process would better comply with **sections 32A to 34** in those circumstances; or

- (b) the amendment would provide only for additional opportunities to participate in the process.
- (6) Despite **subsection (1)(b) and section 22(1)(b)**, a regional planning committee may, with the agreement of an interested party, provide for that party's participation in a way that is different from the committee's adopted process. 5
- 30A Process must be made publicly available**
- (1) A regional planning committee must make publicly available—
- (a) a document setting out a process adopted under **section 30**; or
- (b) if detailed provisions are adopted in stages, documents setting out an outline of the overall process and the detailed provisions for each stage of the process, as the outline and detailed provisions are adopted. 10
- (2) The regional planning committee must also give public notice of—
- (a) a process under **section 30** being adopted; and
- (b) if detailed provisions are adopted in stages, each set of detailed provisions being adopted; and 15
- (c) where each document referred to in **subsection (1)** is publicly available.
- (3) The regional planning committee must ensure that the public has a reasonable period of notice under this section before the committee starts its process (or any stage for which detailed provisions have been adopted). 20
- 32A Process design: objectives and principles**
- (1) A regional planning committee must endeavour to design a process for the purposes of **section 30** that—
- (a) supports the preparation of a regional spatial strategy that—
- (i) complies with **section 23A** (general requirements: use and presentation of information); and 25
- (ii) is based on a robust consideration of the options and sound reasons for choosing preferred options; and
- (b) encourages and enables all persons who may be interested in participating in the preparation of the strategy to participate; and 30
- (c) provides interested parties who want to present their views orally with a reasonable opportunity to do so; and
- (d) provides for a level and type of participation that are proportionate to the matters under consideration in the process; and
- (e) supports the regional planning committee and interested parties to reach agreement on who will lead key actions (whether the agreement is reached before or after the strategy is adopted). 35

- (2) In complying with **subsection (1)**, a regional planning committee must have regard to the following principles:
- (a) reasonable efforts should be made to remove, reduce, or overcome barriers to participation that are faced by particular communities and are known to the committee; and 5
  - (b) interested parties should be provided with the following to the extent that the relevant preferences and needs are known to the committee:
    - (i) reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those parties; and 10
    - (ii) a reasonable opportunity to provide their views to the committee in a manner and format that is appropriate to the preferences and needs of those parties; and
  - (c) the views of interested parties should be sought in a way that is effective, having regard to the stage of the process and whose views are being sought; and 15
  - (d) collaboration between interested parties should be encouraged; and
  - (e) where appropriate, interested parties should be encouraged to lead key actions; and
  - (f) the process should be efficient and cost-effective, including for interested parties. 20
- 33 Process must comply with Māori participation arrangements**
- A regional planning committee must ensure that a process adopted under **section 30** complies with—
- (a) any applicable Mana Whakahono ā Rohe; and 25
  - (b) any relevant engagement agreement; and
  - (c) any relevant iwi and hapū participation legislation or agreement under that legislation.
- 34 Process must contain key steps**
- (1) A regional planning committee must ensure that a process adopted under **section 30** contains at least the steps set out in **Schedule 4**. 30
  - (2) However, the process may depart from the requirements of that schedule to the extent (if any) necessary to comply with **section 33**.
- 36 Minister responsible for Maori Commercial Aquaculture Claims Settlement Act 2004 must be notified** 35
- 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**.

### *Engagement agreements*

#### **37 Purpose of engagement agreements**

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— 5

- (a) agree and record how the groups are to participate in preparing a regional spatial strategy for the region or an amendment to the strategy; and 10
- (b) agree how the groups' combined participation is to be funded by the committee from the committee's budget as determined by its statement of intent (*see clause 38 of Schedule 8 of the Natural and Built Environment Act 2022*).

#### **38 When engagement agreements must be initiated** 15

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

- (a) for its first regional spatial strategy, as soon as practicable after the committee is established: 20
- (b) in any other case, before—
  - (i) replacing its strategy under **section 51A**; or
  - (ii) amending its strategy following a review.

(2) However, a regional planning committee does not need to initiate an engagement agreement for replacing or amending its regional spatial strategy if an existing engagement agreement has been reached that also applies to subsequent replacements and amendments. 25

#### **39 Initiation and formation of engagement agreements**

(1) A regional planning committee must initiate engagement agreements by inviting the following Māori groups with interests in the region to enter into 1 or more agreements: 30

- (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 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 35

- the region are properly considered in preparing the region's regional spatial strategy.
- (2) In initiating and developing an engagement agreement, the regional planning committee must use its best endeavours to—
- (a) achieve the purpose of an engagement agreement; and 5
  - (b) negotiate the terms of the agreement in good faith and in a timely manner to achieve 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)**. 10
- (4) Despite **subsection (1)**, a regional planning committee is not required to initiate an engagement agreement with a Māori group with interests in the region if the committee and the Māori 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. 15
- (5) A single engagement agreement may—
- (a) be entered into with 1 or more Māori groups with interests in the region:
  - (b) deal both with the preparation or amendment of a regional spatial strategy and a natural and built environment plan. 20
- 40 Form and contents of engagement agreements**
- (1) If an engagement agreement is reached, the agreement must—
- (a) be in writing; and
  - (b) identify the parties to the agreement; and
  - (c) record the agreement of the parties as to— 25
    - (i) how the parties will participate in preparing or amending the regional spatial strategy; and
    - (ii) how each party will be resourced to participate.
- (2) The process to reach an engagement agreement ceases if the parties cannot agree the content of the agreement at least 60 working days before the earliest date on which the draft regional spatial strategy or amendment may be notified under **clause 4 of Schedule 4** (according to the process notified under **section 30A(2)**). 30
- 41 When engagement agreements end**
- (1) An engagement agreement ceases to apply to the preparation of a regional spatial strategy or amendment once a draft of the strategy or amendment is notified under **clause 4 of Schedule 4**. 35

- (2) However, if the parties agree, even if the agreement no longer applies in accordance with **subclause (1)**, they may leave the engagement agreement in place, or amend it, for future use in processes relating to the regional spatial strategy.

*Issues affecting 2 or more regions* 5

**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—
- (a) by agreement between the regional planning committees with jurisdiction in those regions (the **parent committees**) and the Minister; or 10
- (b) at the Minister’s direction.
- (3) Before the Minister gives their agreement or a direction under **subsection (2)**, they must—
- (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 15
- (b) consult—
- (i) other Ministers who have an interest in the area or in the issues; and 20
- (ii) the parent committees.
- (4) Subject to **subsection (7)**, the parent committees may agree on the membership, procedure, funding, and other matters required for the operation of the cross-regional planning committee.
- (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 the parent committees. 25
- (6) A cross-regional planning committee is disestablished once it completes the preparation and adoption of the cross-regional spatial strategy under **section 43**. 30
- (7) **Part 2 of Schedule 8 of the Natural and Built Environment Act 2022 (other than clauses 27 and 32)** applies to a cross-regional planning committee with all necessary modifications, including that—
- (a) a reference to a regional planning committee must be read as a reference to a cross-regional planning committee: 35
- (b) a reference to an appointing body must be read as a reference to a parent committee:

- (c) a reference to a regional spatial strategy must be read as a reference to a cross-regional spatial strategy;
- (d) the powers of a cross-regional planning committee under **clauses 19 and 28** of that schedule are subject to what is agreed by the parent committees. 5
- 43 Cross-regional spatial strategies: preparation and adoption**
- (1) A cross-regional planning committee must prepare and adopt a cross-regional spatial strategy for the issues that it was established to address.
- (2) The cross-regional planning committee must prepare and adopt the cross-regional spatial strategy using a process adopted under **section 30**. 10
- (3) For the purposes of **subsection (2), sections 30 to 36 and Schedule 4** apply with all necessary modifications, including that—
- (a) a reference to a regional planning committee must be read as a reference to a cross-regional planning committee; and
- (b) a reference to a regional spatial strategy must be read as a reference to a cross-regional spatial strategy; and 15
- (c) a reference to appointing bodies must be read as a reference to the appointing bodies of each parent committee; and
- (d) an arrangement referred to in **section 33** applies—
- (i) as provided for in the arrangement; or 20
- (ii) if the arrangement does not expressly deal with the preparation of cross-regional spatial strategies, as the arrangement would apply if the subject matter of the cross-regional spatial strategy were being provided for in the regional spatial strategy of a parent committee; and 25
- (e) **clause 2(2)(a) of Schedule 4** applies only to the extent that the scenarios required by that clause would be relevant to the cross-regional spatial strategy.
- 43A Cross-regional spatial strategies: reconsideration**
- (1) A parent committee may direct a cross-regional planning committee to reconsider a proposed cross-regional spatial strategy if the parent committee— 30
- (a) considers that the proposed cross-regional spatial strategy is inconsistent with the parent committee’s regional spatial strategy; and
- (b) makes the direction before the cross-regional planning committee adopts the cross-regional spatial strategy. 35
- (2) If directed under **subsection (1)**, 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

- (b) may—
  - (i) revise the cross-regional spatial 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; or
  - (ii) in any other case, adopt the cross-regional spatial strategy despite the inconsistency.

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#### **43B Cross-regional spatial strategies: incorporation into regional spatial strategies**

- (1) After a cross-regional planning committee adopts a cross-regional spatial strategy, each parent committee must directly incorporate the provisions of the cross-regional spatial strategy into—
  - (a) the regional spatial strategy of the parent committee that is in force when the cross-regional spatial strategy is adopted; and
  - (b) any regional spatial strategy or relevant amendment that is being prepared when the cross-regional spatial strategy is adopted.
- (2) For the purposes of **subsection (1)(a)**, the parent committee must—
  - (a) make an updated version of the regional spatial strategy that includes the incorporated provisions publicly available; and
  - (b) give public notice of the date on which the provisions were incorporated and where the updated strategy is available.
- (3) For the purposes of **subsection (1)(b)**, the parent committee must incorporate the provisions of the cross-regional spatial strategy into—
  - (a) any draft of the regional spatial strategy or amendment that the committee prepares or makes publicly available after the cross-regional spatial strategy is adopted; and
  - (b) the regional spatial strategy or amendment that the parent committee adopts.
- (4) Once provisions from a cross-regional spatial strategy are incorporated into the regional spatial strategy of a parent committee,—
  - (a) the provisions have effect as part of that regional spatial strategy; and
  - (b) except as provided in **section 50**, this Act applies to the provisions as if they were prepared by the parent committee.

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*Review of regional spatial strategies***46A Regional spatial strategies may be reviewed at any time**

- (1) A regional planning committee may review its regional spatial strategy at any time for the purpose of determining whether the strategy may need to be amended or replaced. 5
- (2) The review may relate to—
  - (a) the whole or a part of the regional spatial strategy;
  - (b) the addition of new content to the strategy.

**47 Review required if national planning framework amended or replaced**

- (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)**. 10
- (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 as soon as practicable within the time, if any, specified in the national planning framework. 15
- (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 20
  - (b) must record its reasons for reviewing only that part of the strategy and make them publicly available.
- (4) This section does not apply to an amendment for which a direction has been made in the national planning framework under **section 69(2) of the Natural and Built Environment Act 2022** (*see section 51B* of this Act). 25

**49A Review required if natural and built environment plans are inconsistent with regional spatial strategies**

- (1) A regional planning committee must review its regional spatial strategy if a natural and built environment plan for the region is inconsistent with the strategy for a reason specified in **section 96(3) of the Natural and Built Environment Act 2022**. 30
- (2) If, following the review, the regional planning committee decides that an amendment to the regional spatial strategy is needed to respond to the inconsistency, the committee must amend the strategy.
- (3) If the inconsistency relates only to a part of the regional spatial strategy, the regional planning committee— 35
  - (a) need review only that part of the strategy; but

- (b) must record its reasons for reviewing only that part of the strategy and make them publicly available.

#### **49B Review required if provided for in regional spatial strategies**

- (1) This section applies if—
- (a) a regional spatial strategy requires the strategy to be reviewed in specific circumstances; and 5
- (b) the regional planning committee considers that those circumstances have occurred.
- (2) The regional planning committee must undertake the review required by the strategy. 10

#### **49C Review of provisions that apply to customary marine title areas**

- (1) This section applies to a regional planning committee each time—
- (a) a review of its regional spatial strategy is being undertaken; and
- (b) the review relates to provisions that do or, in the case of provisions that may be proposed, would apply to a customary marine title area. 15
- (2) The regional planning committee must initiate the process required by **section 93(7)** of the Marine and Coastal Area (Takutai Moana) Act 2011 and, for that purpose, must determine whether to amend its regional spatial strategy in order to—
- (a) recognise and provide for any matters in any planning document to the extent that they relate to a customary marine title area; and 20
- (b) have particular regard to any matters in any planning document to the extent that they relate to the common marine and coastal area outside the customary marine title area.
- (3) In this section, **planning document** means a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011. 25

#### **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—
- (i) a cross-regional planning committee to prepare a new cross-regional spatial strategy for the relevant issues, in accordance with **sections 42 to 43A**; or 35

- (ii) the committee's own process adopted under **section 30**.

**50A Review may involve consultation, etc**

In reviewing a regional spatial strategy, a regional planning committee may consult, or otherwise seek the views of, the public generally or any person or class of persons at any time and in any way.

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**51 Public notice of reviews**

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.

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*Replacement of regional spatial strategies*

**51A When replacement of regional spatial strategies must start**

- (1) Not later than 9 years after a regional spatial strategy is adopted, the regional planning committee must start the process to replace the strategy.
- (2) The process starts when the regional planning committee gives public notice under **section 30A(2)** of the process to prepare the new strategy.
- (3) The regional planning committee must review its regional spatial strategy before starting the process to replace it.

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*Amendments not requiring review or **section 30** process*

**51B Amendments directed by national planning framework**

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- (1) This section applies if the national planning framework makes a direction under **section 69(2) of the Natural and Built Environment Act 2022** (which relates to directions to insert specific provisions into regional spatial strategies).
- (2) Each regional planning committee must—
- (a) adopt the required amendment—
- (i) as soon as practicable within the time, if any, specified in the national planning framework; and
- (ii) without undertaking a review or using a process adopted under **section 30**; and
- (b) make the amendment publicly available; and
- (c) give public notice of the date on which the amendment was adopted and where it is available.

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**51C Amendments provided for in regional spatial strategies**

- (1) This section applies if—

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- (a) a regional spatial strategy provides for a specified amendment to be made to the strategy in specified circumstances; and
  - (b) the regional planning committee considers that those circumstances have occurred.
- (2) The regional planning committee may adopt the specified amendment without undertaking a review or using a process adopted under **section 30**. 5
- (3) 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. 10

#### **51D Minor amendments**

- (1) A regional planning committee may amend its regional spatial strategy without undertaking a review or using a process adopted under **section 30** if the amendment will have no more than a minor effect or corrects a minor error.
- (2) The regional planning committee must— 15
- (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.

#### Subpart 4—Implementation of regional spatial strategies

##### *Implementation plans* 20

#### **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. 25
- (3) A regional planning committee must make its current implementation plan publicly available.

#### **53 Consultation on implementation plans and agreement of leads**

- (1) Before adopting or amending an implementation plan, a regional planning committee must— 30
- (a) consult each person who the committee proposes to identify in the plan as a lead for a key action; and
  - (b) obtain the agreement of each of those persons before identifying them as a lead; and

- (c) consult iwi authorities, groups that represent hapū, and other Māori groups with interests that relate to or are affected by any of the key 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 a similar technical alteration. 5
- 54 Contents of implementation plans**
- (1) For each key action in a regional spatial strategy, an implementation plan must—
- (a) identify each lead for the key action; and 10
- (b) state whether the agreement of any person to being identified as a lead is subject to any conditions or limitations and, if so, what they are; and
- (c) set out—
- (i) a summary of the key steps that will be taken to implement or progress the key action; and 15
- (ii) the extent to which work on the key action is already underway; and
- (iii) the extent to which the estimated funding and other resources needed to finish implementing the key action have been secured; and
- (iv) how the implementation of, or progress on, the key action will be monitored and reported on and who will be responsible for the monitoring and reporting; and 20
- (v) the interdependencies (if any) between the key action and other key actions.
- (2) An implementation plan must also set out— 25
- (a) the relative priority of the key actions and their sequencing; and
- (b) a summary of decisions that have been—
- (i) made by any person about funding or investment; and
- (ii) considered by the regional planning committee in deciding the priority and sequencing of the key actions. 30
- (2A) Nothing in this section requires or authorises the disclosure of information that is commercially sensitive.
- (3) The information in the implementation plan must be set out as prescribed by the regulations.
- 55 Review of implementation plans** 35
- (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).

- (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.

## **56 Reporting on implementation plans** 5

- (1) A regional planning committee must monitor and report annually on the implementation or progress of each key action in its implementation plan.
- (2) ~~The regional planning committee must prepare the 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**).~~ 10
- (2) The regional planning committee must prepare a report for each financial year and make it publicly available within 3 months after the end of the financial year to which the report relates.
- (3) The report must include an assessment of the extent to which the activities being carried out under the implementation plan give effect to the principles of te Tiriti o Waitangi. 15
- (4) A lead for a key action must—
- (a) provide any information reasonably required by the regional planning committee for the purposes of the report; and 20
  - (b) notify the committee as soon as practicable if the lead becomes aware that information they have provided is or has become inaccurate.

### *Implementation agreements*

- ## **57 Implementation agreements** 25
- (1) Two or more persons who have a role in implementing or progressing a key action may enter into an implementation agreement.
- (2) An implementation agreement must—
- (a) set out a programme of the activities that the parties intend to carry out to implement or progress the key action, including the sequencing of those activities; and 30
  - (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. 35
- (5) Regional planning committees must make publicly available the information about implementation agreements that is prescribed by the regulations.

## Part 3 General powers, duties, and other matters

### Subpart 1—Powers and duties

#### *Ministerial powers to intervene and assist*

- 58 Minister may require information** 5
- (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 (~~including an additional utility operator~~) or other applicant approved as a requiring authority. 10
- (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 15
    - (ii) in the case of a local authority, the authority’s compliance with either of the requirements described in **section 4(1)(d) and (e)** or its responsibilities under an implementation plan; or 20
    - (iii) ~~in the case of a network utility operator (including an additional utility operator), the performance of the operator’s responsibilities under an implementation plan; and~~
    - (iii) in the case of a network utility operator or other applicant, the performance of its 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 after the date of the notice; or
  - (b) a longer time set by the Minister. 30
- (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
- (b) make recommendations to the committee or local authority on its exercise or performance of those powers, functions, or duties; and 5
- (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
- (d) make recommendations to the committee or local authority on its failure or omission to exercise or perform those powers, functions, or duties. 10
- (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
- (b) make that information publicly available. 15
- Compare: 1991 No 69 s 24A
- 60 Minister may direct amendments of 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 to ensure that the strategy complies with any of—
- (a) **section 15(1)(d) to (g)** (which relates to giving effect to or being consistent with the national planning framework, certain environmental limits and targets, and water conservation orders): 20
- (b) **sections 16 to 18** (which relate to the contents and form of regional spatial strategies).
- (2) In giving a direction, the Minister— 25
- (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**. 30
- (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 35
- (c) consult any other Minister with a relevant portfolio or other person the Minister considers appropriate to consult on the content in the statement of expectations.

- (4) The regional planning committee must—
- (a) report to the Minister on how the committee has had regard to the statement of expectations; and
  - (b) make the report publicly available.
- (5) The regional planning committee need not undertake a review before starting the process to amend its regional spatial strategy in accordance with this section. 5
- (6) For the purposes of **subsection (1)(b), sections 16 to 18** apply as if a reference to the regional planning committee were a reference to the Minister. 10
- Compare: 1991 No 69 s 25A
- 61 Ministers may direct that reviews of regional spatial strategies be undertaken**
- (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. 20
- (3) The relevant 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 25
  - (c) consult any other Minister with a relevant portfolio or any other person the relevant Minister considers appropriate to consult on the content in the statement of expectations.
- (4) The regional planning committee must— 30
- (a) report to the relevant Minister on how the committee has had regard to the statement of expectations; and
  - (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~~ is 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—~~ 5
- (a) ~~the Minister is satisfied that—~~
- (i) ~~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~~
- (ii) ~~reasonable steps have been taken to assist the committee or local authority to exercise or perform the power, function, or duty to that extent; or~~ 10
- (b) ~~the Minister is satisfied that the committee or local authority has not exercised or performed the power, function, or duty within the time frame required by this Act or the national planning framework.~~ 15
- (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—
- (i) to the extent that the Minister considers necessary to achieve the purpose of this Act; or 20
- (ii) within the time frame required by this Act or the national planning framework; and
- (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. 25
- (3) The Minister must—
- (a) provide reasons for giving the direction and make their reasons publicly available; and
- (b) identify the power, function, or duty that must be exercised or performed. 30
- (4) The regional planning committee or local authority must, within 20 working days after 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 35
- (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.

- (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.
- (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. 5
- Compare: 1991 No 69 s 26

*Duty of others to assist*

**64 Duty to assist regional planning committees**

- (1) This section applies to the following persons: 10
- (a) chief executives of departments:
  - (b) Crown entities:
  - (c) local authorities:
  - (d) iwi authorities and groups that represent hapū:
  - (e) network utility operators (~~including additional utility operators~~) or other applicants approved as requiring authorities. 15
- (2) The person must provide information or technical support to a regional planning committee free of charge 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 20
  - (b) it is practical and reasonable for the person to provide the information or support without charge.

**Subpart 2—Protection of rights or interests in freshwater and geothermal resources** 25

**65 Rights or interests in freshwater and geothermal resources preserved**

*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]: 30
  - (b) this Act, and duties, functions, and powers under this Act, operate effectively.

*Act does not create, transfer, extinguish, or determine rights or interests* 35

- (2) This Act and legislation made under it do not—



- (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. 5
- 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. 10
- Compare: 2010 No 24 s 90(1)(a); 2014 No 74 s 15(5)(a); 2017 No 7 s 46(1), (2)(b); 2022 No 77 s 10
- ### 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. 15
- Compare: 1991 No 69 s 85(1)
- 66A Declarations by Environment Court**
- See section 696(1)(ga) and (gb) of the Natural and Built Environment Act 2022*, which provides for the Environment Court to make declarations about— 20
- (a) the existence or extent of any function, power, right, or duty under this Act; or
- (b) any other issue or matter relating to the interpretation or administration of this Act.
- 67 System performance** 25
- 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**): 30
- (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. 35

## 67A Application of Local Government Official Information and Meetings Act 1987

*See clause 29 of Schedule 8 of the Natural and Built Environment Act 2022*, which provides for the application of the Local Government Official Information and Meetings Act 1987 to regional planning committees. 5

### *Secondary legislation*

## 68 Regulations

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations—
  - (aaa) providing for anything this Act says may or must be provided for by regulations; and 10
  - (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
  - (aa) prescribing requirements for the methodology and information that is used to prepare the scenarios and options referred to in **clause 2 of Schedule 4**; and 15
  - (b) prescribing requirements for—
    - (i) the methodology that is used to prepare evaluation reports; and
    - (ii) the form of those reports; and 20
  - (ba) prescribing requirements for the form of information that may be prescribed for the purposes of **clause 4(a)(iii) or 6(1)(a)(iii) of Schedule 4**; 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 made under this section).
- (5) In the event of an inconsistency between regulations made under this section and the national planning framework, the national planning framework prevails. 35
- (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 made on the recommendation of the Minister, 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

##### 1A When first regional spatial strategies must be adopted

- (1) A regional planning committee must adopt its first regional spatial strategy—
- (a) within 3 years after the committee is treated as established under **clause 15 of Schedule 8 of the Natural and Built Environment Act 2022**; or 10
  - (b) if the Minister has granted an extension under **clause 1B** of this schedule, before the deadline under the extension.
- (2) **Section 12** does not apply to a region until the deadline that applies to its regional planning committee under this clause.

##### 1B Extensions to deadline under clause 1A

15

- (1) A regional planning committee may apply to the Minister for 1 or more extensions of the deadline under **clause 1A**.
- (2) An application must—
- (a) be submitted before the deadline that applies to the regional planning committee (whether it is the deadline under **clause 1A** or a previous extension); and 20
  - (b) set out—
    - (i) why the extension is sought; and
    - (ii) the length of the extension that is sought (which must be no longer than 6 months); and 25
    - (iii) how the regional planning committee intends to complete and adopt its regional spatial strategy within that period.
- (3) In deciding whether to grant an extension, the Minister must have regard to the extent to which—
- (a) the proposed extension may be needed to enable the preparation of a regional spatial strategy that meets the requirements of this Act; and 30
  - (b) the interests of the community may be served by the proposed extension; and
  - (c) any person may be disadvantaged by the extension and how the disadvantage or its effects may be mitigated; and 35

- 
- (d) central government may need to support the preparation of the strategy if the proposed extension were granted; and
  - (e) the regional planning committee has consulted on the proposed extension; and
  - (f) unforeseen circumstances have affected the preparation of the strategy; and
  - (g) the deadline under **clause 1A** has previously been extended for the committee. 5
- (4) The Minister may grant an extension—
- (a) for the period requested or any other period of 6 months or less; and 10
  - (b) subject to any conditions the Minister thinks fit.
- 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: 15
- (a) information about the state and characteristics of the environment, including information about infrastructure and other aspects of the built environment:
  - (b) information that reflects decisions about—
    - (i) 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: 20
    - (ii) designations:
  - (c) environmental limits and targets that are set in the RMA planning document. 25
- (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. 30
- (3) The regional planning committee may incorporate the information when adopting or amending a regional spatial strategy under **section 22**.
- (4) In doing so, the regional planning committee need not—
- (a) comply with **sections 23A to 27**; or 35
  - (b) have regard or respond to any submission or other comment received on the information during the process for preparing the strategy, except to

the extent that the submission or other comment relates to the matters described in **subclause (2)**.

- (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. 5

**3 Consulting on proposed regulations if no regional planning committee appointed**

- (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. 10

## 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 relating to 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 made under any ~~provisions~~ provision of the Resource Management Act 1991 and in force on the day after the **Natural and Built Environment Act 2022** receives Royal assent 15
- Mana Whakahono ā Rohe** means an arrangement entered into under subpart 2 of Part 5 of the Resource Management Act 1991 and in force on the day after the **Natural and Built Environment Act 2022** receives Royal assent 20
- 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 25
- (b) includes an entity established to represent a collective or combination of claimant groups
- relevant party** means,—
- (a) in relation to a Treaty settlement, the post-settlement governance entity for the Treaty settlement: 30
- (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
- 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—**

- (a) means— 5
- (i) an Act listed in Schedule 3 of the Treaty of Waitangi Act 1975 by an Act that was enacted on or before the day on which this Act receives Royal assent; and
  - (ii) any other Act that was enacted on or before the day on which this Act receives Royal assent and that provides redress for Treaty of Waitangi claims, including— 10
    - (A) an Act that provides collective redress or participation arrangements for claimant groups whose claims are, or are to be, settled by another Act; and
    - (B) to avoid doubt, the Hawke’s Bay Regional Planning Committee Act 2015; but 15
- (b) does not include the Maori Commercial Aquaculture Claims Settlement Act 2004

**Treaty settlement deed—**

- (a) means a deed or other agreement that— 20
- (i) is signed, on or before the day on which this Act receives Royal assent, for and on behalf of the Crown by 1 or more Ministers of the Crown and by representatives of a claimant group; and
  - (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 25
- (b) does not include an agreement in principle or any document that is preliminary to a signed and ratified deed.

**3 Treaty settlements, NHNP Act, and other arrangements to be given same or equivalent effect 30**

- (1) A person exercising a power or performing a function or duty under this Act must give a Treaty settlement, the NHNP Act, or an other arrangement an effect that is the same as, or equivalent to, the effect that it has in relation to the Resource Management Act 1991.
- (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. 35



- (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 in relation to a Treaty settlement, the NHNP Act, or an other arrangement when,— 5
- (a) in the case of a Treaty settlement or the NHNP Act,—
- (i) the relevant Treaty settlement Act or Treaty settlement deed or the NHNP Act is amended in accordance with **clause 4**; or
- (ii) the Crown and the relevant party agree that amendments are not necessary to uphold the Treaty settlement or the NHNP Act in relation to this Act: 10
- (b) in the case of an other arrangement, it has been transitioned in accordance with **subpart 11 of Part 1 of Schedule 1 of the Natural and Built Environment Act 2022** to the arrangements under that Act.
- 4 Process for upholding Treaty settlements, NHNP Act, and other arrangements** 15
- (1) The Crown must uphold the integrity, intent, and effect of Treaty settlements, the NHNP Act, and other arrangements in accordance with this clause.
- (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 20
- (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. 25
- (3) If necessary to give effect to an agreement relating to a Treaty settlement or the NHNP Act, the Crown must— 30
- (a) take all necessary steps within the Crown’s authority to introduce a Bill to the House of Representatives that—
- (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 35
- (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.
- (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 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. 5
- (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. 10
- (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). 15

## 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. 20
- (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). 25

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## Schedule 3

### Government policy statements

**s 24**

<b>Name or topic of Government policy statement</b>	<b>Empowering legislation</b>
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	<b>Water Services Entities Act 2022, s 132</b>
Statement of government policy concerning the electricity industry	Electricity Industry Act 2010, s 17

## Schedule 4

### Preparation of regional spatial strategies: key process steps

s 34

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7	Failure to carry out evaluation	53
<b>1</b>	<b>Step 1: identification of relevant matters</b>	
(1)	A regional planning committee must identify—	5
	(a) the matters to be covered in its regional spatial strategy and their relative importance; and	
	(b) previous work on, ongoing work on, and key sources of information about those matters; and	
	(c) the persons who are interested in participating in the preparation of the strategy and how they would like to participate.	10
(2)	The regional planning committee must provide an opportunity for the public (including the persons listed in <b>subclause (3)</b> ) to,—	
	(a) for the purposes of <b>subclause (1)(a)</b> , participate in identifying the matters to be covered in the regional spatial strategy and their relative importance; and	15
	(b) for the purposes of <b>subclause (1)(c)</b> , express an interest in participating in the preparation of the strategy.	
(3)	The persons referred to in <b>subclause (2)</b> are—	
	(a) the appointing bodies for the regional planning committee:	20
	(b) local authorities whose region or district is adjacent to the region covered by the regional spatial strategy:	
	(c) the following to the extent that their functions may be affected by, or are otherwise relevant to, the content of the strategy:	
	(i) the Crown:	25
	(ii) Crown entities:	

- (iii) statutory bodies (including water services entities):
- (iv) council-controlled organisations of appointing bodies or local authorities described in **paragraph (b)**:
- (d) iwi authorities, and groups that represent hapū, whose area of interest is within or adjacent to the region: 5
- (e) groups holding rights and interests in the region that are recognised under the Marine and Coastal Area (Takutai Moana) Act 2011:
- (f) other Māori groups with interests in the region:
- (g) non-governmental organisations with an interest in the content of the strategy or its implementation, including organisations representing— 10
- (i) community or environmental groups or interests; or
- (ii) industry or development sectors:
- (h) persons (other than those listed elsewhere in this subclause) who may be involved in implementing or progressing the strategy, including private infrastructure providers and operators. 15
- (4) A regional planning committee—
- (a) may identify the matters referred to in **subclause (1)** using the same or different methods or procedures and at the same or different times; but
- (b) must comply with this clause before preparing the committee’s draft regional spatial strategy. 20
- (5) Despite **subclauses (2)(a) and (3)(c)(i) and (ii)**, the relevant central government strategic priorities must be provided to the regional planning committee in accordance with **clause 17A of Schedule 8 of the Natural and Built Environment Act 2022**, rather than under this clause.
- 2 Step 2: preparation of draft regional spatial strategy** 25
- (1) A regional planning committee must prepare a draft regional spatial strategy.
- (2) While preparing the draft strategy, the regional planning committee must also prepare—
- (a) scenarios for the purpose of testing options to achieve the vision and objectives in the draft strategy; and 30
- (b) a draft evaluation report.
- Scenarios*
- (3) The scenarios must set out possible future states of the region’s environment that are relevant to the matters provided for in the draft regional spatial strategy under **section 16(1)(b)**, for example, possible future— 35
- (a) population levels and the associated levels of demand for housing and different types of land use:
- (b) environmental states that may result from climate change.

- (4) The regional planning committee must have regard to the likely future state of relevant areas and aspects of the region’s environment when—
- (a) preparing the scenarios; and
  - (b) using them to test options for achieving the vision and objectives in the draft strategy. 5
- (5) The scenarios and options must be prepared in accordance with any requirements prescribed by the regulations.
- (6) **Section 23A(1)(a), (2), (3)(a), and (5)(a)** applies to the preparation of a scenario as if a reference to a regional spatial strategy were a reference to a scenario. 10
- (7) Despite **subclause (2)(a)**, the regional planning committee does not need to prepare scenarios 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
  - (b) the scenarios would not be relevant to the amendment. 15
- Draft evaluation report*
- (8) The draft evaluation report must contain—
- (a) a summary of the options considered by the regional planning committee for achieving the vision and objectives in the draft regional spatial strategy; and 20
  - (b) a summary of the scenarios considered by the committee; and
  - (c) a statement that identifies the 1 or more scenarios that are addressed by the draft strategy; and
  - (d) the reasons for the committee’s decisions on the content of the draft strategy generally; and 25
  - (e) a reference to, and short summary of, each piece of key evidence considered by the committee in preparing the draft strategy; and
  - (f) a summary of the matters considered, and the nature and quality of the evidence used, by the committee in proposing any infrastructure (including any infrastructure corridor or site) that may require a designation; and 30
  - (g) if the draft strategy has been prepared to replace an existing regional spatial strategy in accordance with **section 51A**, a review of the effectiveness of the existing strategy (including its effectiveness in giving effect to the principles of te Tiriti o Waitangi). 35
- (9) The draft evaluation report must be prepared in accordance with any requirements prescribed by the regulations.

- 
- 3 Step 3: 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.
- (2) The purpose of a review is to allow the appointing body to—
- (a) familiarise itself with the content of the draft strategy; and 5
  - (b) identify any errors; and
  - (c) identify any risks that may arise from the implementation or operation of the draft strategy; and
  - (d) identify any issues with how statements of regional environmental outcomes or statements of community outcomes considered by the regional planning committee have been reflected in the draft strategy. 10
- (3) The regional planning committee must specify the time frame for a review.
- (4) An appointing body must—
- (a) request an opportunity to review the draft strategy at least 3 months before the earliest date on which the draft may be notified under **clause 4** (according to the process notified under **section 30A(2)**); and 15
  - (b) provide any comments on the draft strategy within the time frame for the review.
- (5) The regional planning committee—
- (a) may amend the draft strategy in response to any comments received under **subclause (4)(b)**; and 20
  - (b) must provide the appointing body with the committee's reasons for amending or not amending the draft strategy in response to the comments.
- 4 Step 4: public notification of draft regional spatial strategy** 25
- A regional planning committee must—
- (a) make the following documents and other information publicly available:
    - (i) the draft regional spatial strategy; and
    - (ii) the associated scenarios and draft evaluation report; and
    - (iii) any other associated information prescribed by the regulations; 30
 and
  - (b) give public notice of where the documents and other information are available; and
  - (c) give interested parties and other members of the public a reasonable opportunity to provide written submissions on the draft strategy. 35

- 4A Step 5: hearing on draft regional spatial strategy**
- (1) A regional planning committee must hold a hearing into submissions on the draft regional spatial strategy.
- (2) **Subpart 3 of Part 2 of Schedule 7 of the Natural and Built Environment Act 2022** applies to the hearing with all necessary modifications, including that—
- (a) the provisions of that subpart do not apply to the extent they relate to applicants; and
- (b) **clauses 79(1) and 83(1)** of that schedule must be read as including a reference to a hearing in relation to a draft regional spatial strategy; and
- (c) **clauses 83 and 84** of that schedule must be read as if—
- (i) a regional planning committee were a local authority; and
- (ii) the reference to **section 30ZA of the Natural and Built Environment Act 2022** were a reference to **clause 31 of Schedule 8** of that Act; and
- (d) **clauses 87A, 88(2)(c) and (5), and 91 of Schedule 7** of that Act do not apply; and
- (e) **clause 92(5)** of that schedule must be read as providing for the regional planning committee to request and receive, from a person who is heard by the committee or represented at a hearing session, any information and advice that is relevant and reasonably necessary for the committee to determine the content of the regional spatial strategy.
- (3) **Subclause (1)** is subject to **clause 81A of Schedule 7 of the Natural and Built Environment Act 2022** (which relates to when no person wishes to be heard).
- (4) **Subclause (2)(d)** does not limit the ability of a regional planning committee to prepare or commission a report under any power conferred by a provision of the **Natural and Built Environment Act 2022** other than **clause 91 of Schedule 7** of that Act.
- 5 Step 6: opportunity for further comment on draft regional spatial strategy in certain cases**
- (1) This clause applies if—
- (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.
- (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. 5
- 6 Step 7: 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 and other information publicly available: 10
- (i) the strategy; and
- (ii) the associated final evaluation report; and
- (iii) any other associated information prescribed by the regulations; and
- (b) give public notice of— 15
- (i) the date on which the strategy was adopted; and
- (ii) where the documents and other information are available.
- (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
- (b) include a summary of the submissions received on the draft strategy and the regional planning committee’s responses to them; and 20
- (c) be prepared in accordance with any requirements prescribed by the regulations.
- 7 Failure to carry out evaluation**
- (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**. 25
- (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(8) or 6(2)**. 30
- 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:

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- (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 other functions of the Guardians.

**Environment Act 1986 (1986 No 127)**

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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**:

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**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)**

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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**.

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**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)**

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After section 5(2)(b)(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 other functions of the Guardians.

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**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

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

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

**Local Government Act 2002 (2002 No 84)**

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 under the Spatial Planning Act **2022** must be limited to options for dealing with those matters in a way that is consistent with the strategy.

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In Schedule 10, after clause 1, insert:

**1A Implementation of regional spatial strategy**

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- (1) A long-term plan must set out steps to implement or progress the key actions for which the local authority is a lead under the Spatial Planning Act **2022**.
- (2) The steps must provide for the local authority to implement or progress the key actions in a way that the local authority considers appropriate, having regard to competing demands and any other relevant circumstances.
- (3) The steps must provide for the local authority to implement or progress the key actions only to the extent that the local authority is reasonably able to do so—
  - (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.

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In Schedule 10, after clause 26, insert:

**26A Statement on implementation of regional spatial strategy**

An annual report must include a statement that sets out—

- (a) the steps that the local authority has taken to implement or progress the key actions for which the local authority is a lead under the Spatial Planning Act **2022**; and

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**Local Government Act 2002 (2002 No 84)—continued**

- (b) the steps that the local authority intended to take (but has not taken) to implement or progress the key actions and an explanation of why the local authority has not taken them.

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

Repeal section 3(e).

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Repeal Part 6.

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

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

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

**Part 2**  
**Provision relating to Spatial Planning Act 2022**

**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:

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**Part 3**  
**Provision relating to Spatial Planning Act 2022**

**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**.

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

Replace section 18 with:

**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**.

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**Waitakere Ranges Heritage Area Act 2008 (2008 No 1 (L))—continued**

- (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.

Before section 36(1), insert:

*Provisions relating to this Act as enacted*

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After section 36(2), insert:

*Provision relating to Spatial Planning Act 2022*

- (3) Despite the replacement of section 18 by the Spatial Planning Act 2022, that section continues to apply as if it had not been replaced until a regional spatial strategy for Auckland is adopted under the Spatial Planning Act 2022.

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**Water Services Entities Act 2022 (2022 No 77)**

In section 6, insert in its appropriate alphabetical order:

**regional spatial strategy** has the meaning set out in **section 8** of the Spatial Planning Act 2022

After section 148(6), insert:

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- (7) In preparing a statement of intent, the board must take into account each regional spatial strategy and implementation plan (as defined in **section 8** of the Spatial Planning Act 2022) that applies within the entity's service area.

In section 152, insert as subsection (2):

- (2) An asset management plan must not be inconsistent with any of the regional spatial strategies that apply within the entity's service area.

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After section 154(2), insert:

- (3) In preparing the financial strategy required by section 155(1)(c), the board must take into account each regional spatial strategy that applies within the entity's service area.

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After section 158(8), insert:

- (9) An infrastructure strategy must not be inconsistent with any of the regional spatial strategies that apply within the entity's service area.

## Spatial Planning Bill

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### Legislative history

15 November 2022

22 November 2022

27 June 2023

18 July 2023

2 August 2023

Introduction (Bill 187–1)

First reading and referral to Environment Committee

Reported from Environment Committee (Bill 187–2)

Second reading

Committee of the whole House (Bill 187–3)