

Legislative Statement | Spatial Planning Bill

Presented to the House in accordance with Standing Order 272.

This legislative statement supports the third reading of the Spatial Planning Bill (SP Bill) which, alongside the Natural and Built Environment Bill (NBE Bill), proposes to reform the resource management system.

The SP Bill was introduced on 15 November 2022 and was referred to the Environment Committee (the select committee) on 22 November 2022. The select committee received and considered 2,945 written submissions on the NBE Bill, and approximately 351 of those submissions referred to the SP Bill.

The select committee reported back with recommended changes to the SP Bill on 27 June 2023. The recommended changes were consistent with the original policy of the Bill, but addressed some technical issues with the Bill and improved workability. The more notable changes were to better integrate the SP Bill with the NBE Bill and the Water Services Entities Act 2022, improve provisions related to the process for preparing, reviewing and amending a regional spatial strategy (RSS), and the addition of mandatory hearings.

The Bill was read a second time on 18 July 2023. The Committee of the Whole House (COWH) stage was completed on 3 August 2023.

The Climate Adaptation Bill, which is also part of the reform, will be introduced later.

The purpose of the SP Bill

The SP Bill mandates long-term spatial planning at the regional level through the development of RSS. It will enable and drive major changes in the use, restoration and protection of land and the coastal marine area.

The SP Bill fills a major gap in the current resource management system, requiring RSS that have strong legal weight in the system and that express agreed community aspirations for delivering outcomes such as well-functioning urban environments, adequate housing and infrastructure, and healthy natural environments.

RSS must assist in achieving the purpose of the Natural and Built Environment Act (NBA), which is to uphold te Oranga o te Taiao, and the system outcomes set out in that Act. They must also integrate planning across different legislative frameworks that are associated with the management of the natural and built environment.

RSS will drive integrated effort by multiple parties to achieve desirable change, including providing direction for natural and built environment plans, and investment under transport, local government and water services legislation. They will support efficient, effective and integrated management of the environment and enable greater alignment and coordination in funding and investment by government and the private sector, including infrastructure providers, as well as local and regional bodies.

Treaty provisions

The SP Bill ensures that iwi, hapū and Māori interests are provided for in a number of ways. For example, it requires decision-makers and those performing functions and duties under the SPA to give effect to the principles of Te Tiriti o Waitangi. It also requires customary rights in the common marine and coastal area to be recognised and provided for, as well as the responsibility and mana of each iwi

and hapū to protect and sustain the health and well-being of te Taiao. Te Ture Whaimana, the vision and strategy of the Waikato River settlements, is deemed to be part of any RSS that affects the Waikato and Waipa Rivers. These provisions have been refined by the select committee and are consistent across both Bills.

Regional Spatial Strategies

The SP Bill requires the creation of one RSS for each region (with one covering both Tasman and Nelson regions). The Bill as reported back from select committee also clarifies that the Chatham Islands Regional Planning Committee can choose to prepare an RSS but is not required to do so.

RSS will be long-term, looking forward at least 30 years. They will identify key matters affecting the region and provide a vision and objectives for the region's development and change, as well as key actions to progress the vision and objectives. The Bill requires the RPC to identify matters of strategic importance to the region or country that the RSS will address. These include matters relating to future locations for development, infrastructure needs, actions to address climate change and the risks of natural hazards, and important areas for protection for environmental or cultural reasons.

Preparation of Regional Spatial Strategies

RSS will be made by regional planning committees, which are to be created under the NBA, with the addition of a Ministerially appointed member for SPA purposes. The SP Bill contains provisions to allow parts of strategies to be prepared by a cross-regional planning committee if that is desirable to address issues common to two or more regions.

An RSS will be prepared using an engagement process designed and published by the regional planning committee to encourage participation by all those with an interest in spatial planning and to gather the information needed to support robust decision-making. The Bill as reported back has clearer provisions relating to the quality of engagement and the steps that must be included in the process, and introduces mandatory hearing of submissions on the draft RSS.

The Bill also includes a duty on a range of agencies and bodies to provide information and technical support to the committee.

In preparing the strategy, the regional planning committee must comply with direction in the National Planning Framework prepared under the NBA, and must consider other documents and matters, such as statements of community outcomes, planning documents recognised by iwi or hapū, and government policy statements made under other specified statutes.

The Treaty clause in the NBA also applies, as do obligations to uphold Treaty settlements.

Implementation of Regional Spatial Strategies

Plans developed under the NBA, and regional land transport plans developed under the Land Transport Management Act 2003, must be consistent with the relevant RSS. Long-term plans under the Local Government Act 2002 must set out steps to implement or progress relevant key actions in the strategies. Water services entities' documents must either take into account or be not inconsistent with the relevant RSS.

Within 6 months of the adoption of the RSS, the regional planning committee must adopt an implementation plan, which identifies the person or organisation that will be the lead for each key action in the strategy (with the agreement of those parties). There can also be voluntary

implementation agreements agreed between parties who will be working together to implement parts of the strategy.

Review of Regional Spatial Strategies

RSS must be reviewed and replaced at least every nine years and may be reviewed at any time. As reported back, the Bill provides regional planning committees with the ability to progressively update the RSS as actions are completed or new information becomes available. It also requires early reviews in some circumstances, including where the National Planning Framework is amended or where there is an inconsistency between the NBE plan and RSS.

Other matters

The SP Bill also contains a range of measures, including the ability of the Minister to issue regulations or directions, to ensure that quality RSS can be delivered. Consequential changes to other legislation are designed to integrate RSS with relevant statutory processes and instruments.