

Spatial Planning Bill

Government Bill

As reported from the Environment Committee

Commentary

Recommendation

The Environment Committee has examined the Spatial Planning Bill and recommends by majority that it be passed. We recommend all amendments by majority.

About the bill as introduced

This bill is one of three bills designed to replace the Resource Management Act 1991 (RMA) and to reform the way the environment is managed. It would work in tandem with the others: the Natural and Built Environment Bill (NBE bill), which is the main piece of legislation that would replace the RMA, and the Climate Adaptation Bill, which has not yet been introduced to the House.

As introduced, the Spatial Planning Bill's purpose is to provide for regional spatial strategies that would assist in achieving the purpose of the NBE bill (including upholding te Oranga o te Taiao),¹ and the system outcomes established in the NBE bill. This bill's purpose is also for regional spatial strategies to promote integration in the performance of functions under other legislation, notably the NBE Bill, the Land Transport Management Act 2003, and the Local Government Act 2002.

The Spatial Planning Bill would establish mandatory regional spatial planning, to provide greater strategic direction for the resource management system. It would require regional planning committees to develop and implement regional spatial strategies. These strategies would set long-term direction for a region's development and change over a 30-year-plus time span.

¹ Refer to Clause 7 of the Natural and Built Environment Bill for the interpretation of te Oranga o te Taiao.

The bill proposes that the new spatial planning system would involve:

- regional spatial strategies (RSSs) identifying the big issues and opportunities facing regions, and developing strategies and implementation plans to respond to them
- regional planning committees (RPCs) devising their own engagement processes for developing regional spatial strategies
- central government providing coordinated input into RSSs and participating in their development
- integrating decision-making across several Acts.

Submitters' contributions to our consideration

We record our gratitude for the considerable effort that submitters made in preparing and presenting their submissions, their analysis, and the many detailed suggestions for changes to improve the bill and its implementation.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. It does not discuss most minor or technical amendments.

We have proposed a restructure to the Natural and Built Environment Bill to improve its flow and readability. References to the clauses of the NBE bill throughout this commentary are based on the version of the bill that we reported back to the House, and not version 22 which shows the changes to the bill before the major restructure.

Purpose of the bill

Clause 3 sets out the purpose of the bill. The bill has a singular purpose, with two limbs. As noted above, the purpose is to provide for RSSs that, firstly, assist in achieving the purpose of the NBE bill (including by recognising and upholding te Oranga o te Taiao) and the system outcomes set out in that bill. Secondly, the RSSs should also promote integration in the performance of functions under the NBE bill, and other legislation.

Some submitters on the NBE bill raised concerns that the purpose statement as introduced makes the bill appear to have a dual purpose. We have recommended a change to the purpose of the NBE bill so it would have a single, clear purpose: to uphold te Oranga o te Taiao. Consequentially, we recommend amending clause 3(a)(i) of the Spatial Planning Bill to reflect that. This would ensure consistency in the purpose of the two bills.

Promoting integration between water services entities and regional spatial strategies

We wish to ensure that water services entities' planning is integrated with regional spatial planning. Given the timing of the legislation, the management of water services entities was not incorporated into the bill as introduced. We recommend amending clause 3(b) of the bill to include the Water Services Entities Act 2022 (WSEA).

Clause 4 sets out how regional spatial strategies would promote the integration described in the purpose of the bill. We recommend adding paragraphs (f) to (i) in clause 4(1) to specify how water services entities under the WSEA are to consider RSSs. This includes requiring WSE boards to take RSSs into account when preparing specified statements and plans and ensure that other specified plans and strategies are not inconsistent with RSSs. We also recommend amending Schedule 5 to include consequential amendments to the WSEA. Water services entities would be required to consider and prevent inconsistency with the relevant RSS in the development of specified instruments.

In clause 4(1)(d) and (e) we were concerned that the term "priority actions" in relation to local government implementation might cause confusion given the requirement for implementation plans to prioritise actions in the regional spatial strategy. We recommend replacing all references to "priority action" with "key action" in this clause and where the term appears throughout this bill. We also propose to clarify in clause 16(1)(c) that a strategy must set out "key actions". These are the actions the regional planning committee considers are critical for making progress towards the vision and objectives set out in the strategy.

The responsibilities of iwi and hapū as kaitiaki for te taiao

Clauses 5 to 7 cover Te Tiriti o Waitangi and other matters relating to te ao Māori. Clause 7 sets out that those acting under the bill must support iwi and hapū in their role to protect and sustain the health of te taiao. Submitters commented that use of the term "area of interest" does not effectively describe the area where the mana and responsibility of iwi and hapū applies. We recommend replacing the phrase "area of interest" with "rohe or takiwā" to better reflect te ao Māori.

Defining key terms

Clause 8 explains how key terms in the bill should be interpreted. We recommend various amendments to improve the clarity of the definitions.

Clause 8 as introduced defines terms that are also used in the NBE bill by cross-referencing them to clause 7 of the NBE bill. We recommend removing all individual cross-references in clause 8 and instead inserting clause 8(2). This new clause would explain that when a term has been defined in the NBE bill, it has the same meaning when used in the SP bill. This would ensure that common terms across the two bills are given the same meaning. All definitions of terms that are not defined in the NBE bill would remain in clause 8.

Regional spatial strategies

The bill would require RSSs to provide direction for matters that are of strategic importance to the region or country. Matters of strategic importance include those listed in clause 17 of the bill, and any other matters the regional planning committee considers to be of sufficient significance, as set out in clause 18. We discuss below the amendments we propose regarding RSSs.

Requirements for regional spatial strategies

Areas where special provisions apply

Clause 12 of the bill explains that each region must have a regional spatial strategy adopted at all times. Clause 12(2) provides an exception to this, noting that the regions of Nelson City Council and Tasman District Council would be considered a single region under this bill. We recommend moving this provision to new clause 14A, which we discuss below.

Clause 13 specifies areas where a regional spatial strategy would not be required. We found that it was unclear whether the bill would allow the Chatham Islands to adopt a regional spatial strategy if they chose to. We recommend amending this provision to make it clear that the regional planning committee for the Chatham Islands Territory may choose to prepare a regional spatial strategy if it desires. If it does, the provisions relating to RSSs in the NBE and Spatial Planning bills would apply. To improve readability, we recommend moving clauses 13 and 12(2) into a new clause 14A. Our proposed provision in clause 14A(2)(b) would allow the RPC for the Chatham Islands to cease this process at any time.

Improving consistency in the scope of regional spatial strategies

Clause 15 deals with the scope of regional spatial strategies. The NBE bill makes provisions for water conservation orders (WCOs) as a mechanism to protect values associated with water. In the Spatial Planning Bill as introduced, clause 24(3) would require RPCs to have regard to any other statutory strategies, plans, or instruments. We consider that this would not provide a strong enough requirement for how regional spatial strategies must consider WCOs. We recommend amending clause 15(1) by inserting paragraph (g) to require regional spatial strategies to be consistent with WCOs.

Some submitters expressed concern that the first regional spatial strategies would be developed without limits and targets, as many of these would be set through NBE plans. The purpose of environmental limits and mandatory targets is discussed in our commentary on the NBE bill. In the Spatial Planning Bill as introduced, there is no explicit link set between limits and targets, and regional spatial strategies. We recommend inserting paragraph (f) into clause 15(1) to require all regional spatial strategies to be consistent with the environmental limits and mandatory targets that are set in the region's NBE plan.

Vision and objectives of regional spatial strategies

Clause 16 would establish what regional spatial strategies should contain, and how they should set the vision, objectives, and priority actions of the region. We consider that clause 16(1) as introduced would limit a regional spatial strategy's vision and objectives, and should provide more direction as to how system outcomes should be achieved. We recommend that clause 16 be amended to specify what should be provided for in a regional spatial strategy. This would include providing a vision and objectives for how to use, develop, protect, restore, and enhance the region's environment. This would support the vision and objectives by addressing the matters that an RPC considers to be of strategic importance to its region or the country. To support implementation, we recommend that the strategy identify the key actions that would enable progress on implementing the strategy. Along with these changes, we recommend restructuring clause 16 to improve readability.

We think that it would be useful for clause 16 to include a reference to how regional spatial strategies could include visual illustrations of spatial matters that may make information easier to understand. Therefore, we recommend including in new clause 16(3) a reference to maps and visual illustrations.

Contents of regional spatial strategies*Key matters*

Clause 17 lists the key matters that should be included in a regional spatial strategy to the extent that they are of strategic importance to a region. Some submitters suggested including more specific key matters in the bill. However, we note that regional planning committees would have the ability to consider any other matters of strategic importance to their region, as well as the specified key matters. We do not want to limit an RPC's vision by identifying all matters that they must consider.

Clause 17(1)(a) covers areas that "may" require protection, restoration, or enhancement. We think this phrasing dismisses the importance of protecting areas. We recommend that subclause (1)(a) be changed to "areas that require or may require protection, restoration, or enhancement". This would prevent any misinterpretation that protection is less important than other key matters.

Some of us are concerned that not enough emphasis is placed on protecting highly productive land. Therefore, we recommend amending clause 17(1)(e) to include highly productive land as an example of the kind of land that may be appropriate to reserve for rural use.

A regional spatial strategy would be expected to consider any national interests that affect regional areas. We recommend removing the distinction between major and small to medium-sized infrastructure, and combining clauses 17(1)(g) and (h). This would enable regional planning committees to consider all the current and future infrastructure needs, including better use of existing infrastructure.

Clause 17(1)(g) does not acknowledge the infrastructure that may be needed to support climate change mitigation. We recommend inserting subclause 1(ja) to enable

RPCs to consider the infrastructure and land use changes that may be needed to support the production of renewable energy and the reduction of greenhouse gases.

For clarity, we recommend integrating clauses 17(1)(i) and (j). This would enable RPCs to consider risks that arise from natural hazards and climate change within the same context. It would also improve consistency when identifying and managing natural hazards and climate change risks, impacts, and mitigation frameworks.

Among our suggested changes to clause 17, we propose removing modifying words such as “significant” and “major”. This is not intended to change the intent that RPCs’ focus in strategies will only be on those matters that are of strategic importance to a region. However, we consider that clause 16(2)(b) makes it clear that strategies should only cover matters that the RPC considers of strategic importance for the region or country.

Additional matters of regional or national importance

Clause 18 provides the criteria through which RPCs could consider matters that are outside the scope of the key matters identified in clause 17. The heading of clause 18 as introduced limits RPCs to consider other matters that are of “sufficient significance”. We recommend amending the heading, and other parts of the clause where relevant, to replace “sufficient significance” with “regional or national importance”. This would align the terminology with the NBE bill, and limit any ambiguity that the original term might create.

Under the bill, cross-regional planning committees could be established to prepare a cross-regional spatial strategy for issues that are significant to two or more regions. In cases where cross-regional planning committees are not used, it might still be useful for a regional spatial strategy for a region to include material that supports the response to an issue in a neighbouring region. We therefore recommend inserting clause 18(1)(da) to enable that to occur.

We think clause 18(1)(f) might be misinterpreted to suggest that a nationally significant feature must be a place of national importance.² We recommend amending this clause to emphasise that a matter may relate to a regionally or nationally significant feature regardless of whether it is identified as a “place of national importance”.

Considerations for the preparation and review of regional spatial strategies

Adoption and amendment

Clause 22 specifies that a regional spatial strategy must be adopted through the process set out in clause 30. Some submitters considered that clause 22 should allow adjacent RPCs to jointly adopt a regional spatial strategy. We have recommended above that this be addressed through new clause 18(1)(da).

² Places of national importance are defined in clause 427A of the Natural and Built Environment Bill.

Clause 23 explains when RPCs may adopt or amend a regional spatial strategy. We are concerned that the bill as introduced does not provide for efficient amendment processes. (We discuss the amendment process further in connection with clauses 46 to 51.) We recommend combining clauses 22 and 23, with amendments to allow an RPC to determine the most appropriate time to carry out an amendment in response to a review. This process might involve amendments resulting from one or more reviews of the strategy. This change is reflected in new clause 22(3)(a).

Requirements for use and presentation of information

We have concerns about the bill's requirements regarding the level of detail that should be provided for in a regional spatial strategy, and what the expectations are for the quality of this information. We recommend inserting new clause 23A to establish clear provisions for how information should be used and presented by regional planning committees. We have also suggested references to clause 23A be included throughout the bill to align expectations about the quality of information used at different stages of developing an RSS, including when developing scenarios in a draft strategy.

We recommend amending clause 19 and moving it into subclause (5) of clause 23A. Clause 19 sets out the level of detail that RSSs should provide. As introduced, it does not make clear that matters would only need to be considered at a level of detail commensurate with the amount and quality of information that is available. Our recommended changes to clause 19—now set out in clause 23A(5)—would make clear that both the amount and certainty of information available should be considered in the decisions on an RSS.

We also recommend enhancing the above clarification by replacing clause 28 with clause 23A(1). This provides that a strategy should be based on robust and reliable evidence, and prepared according to any regulations about the methodology or data that must be used. We consider that combining clauses 19 and 28 into a single clause gives a more complete understanding of how a strategy should take uncertainties in information into account.

We consider it important that content should be included in a strategy if it is necessary to achieve the purpose of this bill. This should be regardless of the certainty of information available. We recommend inserting clause 23A(2) to specify that an RPC may not use the quality and completeness of information as a reason to omit content from the strategy if it is necessary to achieve the legislation's purpose. This would address our concern that a lack of information might prevent a specific matter from being included in a strategy.

To address circumstances where uncertain or incomplete information is improved over time, we recommend including clause 23A(3). This would require an RPC to consider having a provision where a strategy could be reviewed if more certain or complete information becomes available.

We proposed above that clause 16(3) refer to the scope for an RSS to include maps and visual illustrations of spatial matters. We recommend adding clause 23A(6) to

require an RPC to consider how best to set out information so it is easy to understand. This could include maps and other visual illustrations.

Considerations when preparing a regional spatial strategy

Clause 24 discusses the instruments that RPCs must consider when preparing a regional spatial strategy. Subclause (2) sets out the instruments that RPCs “must have particular regard to”. This terminology is used to require the RPC to give an instrument significant consideration. However, it would allow the RPC to give less weight to any instruments that it has good reason to consider are not relevant in preparing the RSS.

We recommend amending clause 24 to specify that any planning document or statement that is provided to the RPC by an iwi authority or a group that represents hapū must be provided to the RPC or be publicly available before the strategy is adopted (new subclause (2)(c) and (d)). Consequentially, we also recommend inserting subclause (2B) to explain when a planning document or statement would be considered to be available to the RPC. These amendments would clearly indicate how the originators of the documents could have them considered by the RPC within the given timeframe.

We recommend some amendments to improve consistency with the NBE bill. Some submitters sought clarity as to what would be considered a planning document recognised by an iwi authority. They also commented that te Oranga o te Taiao statements should be considered when preparing RSSs and NBE plans. We recommend amending clause 24(2) to require that RPCs have particular regard to te Oranga o te Taiao statements. Our aim is to ensure that te Oranga o te Taiao statements are considered in the same manner as they are for NBE plans.

Some submitters suggested that RPCs should have regard to a wider range of instruments than what is currently proposed. We agree, and recommend inserting clause 24(3)(d) to require an RPC to have regard to any instrument specified by the Minister through a *Gazette* notice.

We thought that the broad reference to the New Zealand Infrastructure Commission/Te Waihanga Act 2019 in clause 24(3)(c) as introduced might cause some ambiguity. We recommend replacing it with new clause 24(3)(a)(iii) to clarify that RPCs must have regard to a statement under section 18 of that Act.

We consider it important that notices published in the *Gazette* during the development of an RSS are seen by the public. We recommend inserting clause 24(3B) to specify that the Minister must make the *Gazette* notice publicly available (defined in clause 8). This would create consistency with how other documents defined under the bill should be made available. We also recommend inserting clause 24(3A) to identify what a notice that is made publicly available may identify and apply to in terms of RSSs.

Clause 25 discusses the other matters that RPCs should have regard to, and those they must disregard. We note that some of the matters which RPCs should disregard under subclause (3) might still be relevant to certain RSSs. For example, if a strategy was

addressing a major tourism destination, the way that new development would affect scenic views might need to be assessed. Therefore, we recommend removing clause 25(3). We note that provisions in clause 108 of the NBE bill would achieve the equivalent of clause 25(3) in the Spatial Planning Bill in relation to NBE plans. We also recommend replacing the word “appropriate” with “relevant” in clause 25(2)(b)—now 25(2)(d)—to give sufficient weight to the consideration of advice on mātauranga Māori.

How RPCs consider planning documents prepared by customary marine title groups

Section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 allows customary marine title groups to prepare planning documents that identify issues related to the management of a customary marine title area, set out objectives of the group, and set policies to achieve those objectives. Clause 26 of the Spatial Planning Bill would ensure that the rights of these groups are upheld. The clause discusses how RPCs must consider these planning documents when preparing a regional spatial strategy if the strategy applies to a customary marine title area. We recommend restructuring and amending clause 26 to improve its consistency with the NBE bill.

In clause 26(2)(b), we recommend replacing “take into account” with “have particular regard to”. This relates to any matters in a planning document, to the extent that they relate to the common marine and coastal area outside the customary marine title area. The aim is to ensure a plan’s weight is upheld. We also recommend amending clause 26(1)(a) to specify that the clause would apply each time a strategy was being prepared, and that the proposed strategy would apply to a customary marine title area. This would include preparation or amendment of the first strategy. Finally, we recommend aligning clause 26 with clause 116(2) and (3) of the NBE bill. This would be done by specifying in clause 26(2) that an RPC must initiate the process required by new section 93(7) of the Marine and Coastal Area (Takutai Moana) Act,³ and by defining in clause 26(3) that a planning document means one prepared by a customary marine title group.

We also recommend inserting clause 49C to ensure that the same requirements to consider these planning documents also apply when a regional spatial strategy is being reviewed.

Considering Māori land when identifying potential infrastructure locations

Clause 27 as introduced sets out how an RPC must consider the rights and interests of owners of protected Māori land if the RSS identifies the need for, and potential location of, infrastructure or infrastructure corridors, networks, or sites that may require a designation. As discussed in our commentary on the NBE bill, we have recommended that “protected Māori land” be replaced with “identified Māori land”. To improve consistency with the NBE bill, we also recommend adding “of owners, their whānau,

³ We propose a consequential amendment to the Marine and Coastal Area (Takutai Moana) Act through the NBE bill.

and their hapū” to the end of clause 27(2)(b). This would make clear that the rights and interests of the owners of these lands are for the benefit of current and future generations. We agree with submitters that clause 27(3) should be removed as clause 27(2) does not imply that identified Māori land cannot be a potential location for infrastructure.

Integrating information from NBE plans

Clause 29 would allow an RPC to incorporate certain types of information in its regional spatial strategy, and specifies the matters it must consider before doing so. We recommend clarifying that information about the state and characteristics of both the built and natural environment could be incorporated into a strategy by the RPC. This clarification would prevent the matter from being relitigated as it mitigates any doubt that might arise when interpreting the clause. We also recommend including new clause 29(1)(c) to ensure that an RPC could incorporate environmental limits and mandatory targets into a strategy from its NBE plan.

Processes for preparing a regional spatial strategy

Clauses 30 to 36 explain the process that an RPC must take when preparing and developing an RSS. This includes how it should encourage participation, and support quality decision making. We were concerned that the clauses as introduced lacked some specific information about the processes and tools that RPCs could use, and gave them limited flexibility in designing the process.

We recommend amending clause 30 to give the RPC more flexibility in how the process is designed. We propose allowing RPCs to create different processes for engaging with the public when preparing different aspects of a strategy, and specifying when an RPC could amend its process. To align with new clause 4A in Schedule 4, we also recommend inserting subclause (2). We discuss this below, under key process steps.

Some submitters had concerns about how the process for developing an RSS should be made publicly available. We recommend inserting new clause 30A. This would clarify which documents would need to be made publicly available, and when public notice should be given.

We also recommend inserting new clause 32A to set out what an RPC’s process should be aiming to achieve when developing a new strategy. RPCs should focus on designing a process that leads to effective engagement throughout. Clause 32A states that a regional planning committee must try to design a process that encourages people to participate in preparing the strategy. This would require RPCs consider the need to remove, reduce, or overcome any barriers to participation that communities may face when engaging with the process. The new clause would also provide for other considerations, such as encouraging collaboration between parties, and considering how to make the process cost effective, including for parties participating in it.

Key steps when preparing a regional spatial strategy

Schedule 4 sets out the steps that RPCs would need to take when preparing a regional spatial strategy. Clause 1 as introduced defines the meaning of “interested parties”. We noticed that there is ambiguity in this term as some submitters were concerned that the list of parties did not include them or other agencies they consider important. We recommend amending this clause to specify that the first step in preparing a strategy would include identifying the groups and people who are interested in participating in the process and how they would like to participate. It would also include identifying the matters to be covered in the RSS and their relative importance, and previous and current work and information regarding those matters.

The list of possible interested parties should identify those with whom the RPC should be seeking to connect during this stage of the process, rather than the parties that would be involved throughout the process. The list would not prevent other groups and people from identifying themselves as being interested in participating in the process to prepare a strategy.

We agree with submitters that clause 1(a) of Schedule 4 as introduced would limit the range of agencies that could be identified as an interested party as it restricts it to those who are affected by the instruments referred to in clause 4. We recommend that this be adjusted in new clause 1(3)(c) to provide for all Crown entities, statutory bodies, and council-controlled organisations that may be affected by the content of the RSS. We also recommend noting in new clause (3)(c)(iii) that statutory bodies would include water services entities. This explicitly reflects their importance in this process.

We were also concerned that clause 1(3)(h) as introduced might not encompass the full range of potentially interested non-governmental groups. We recommend that new clause 1(3)(g) instead define such groups as non-governmental organisations with an interest in the content of the RSS or its implementation, including organisations that represent community or environmental groups or interests, industry sectors, or development sectors.

We also recommend including clause 1(2)(a) so that an RPC must provide an opportunity for the public to contribute in determining the matters that an RSS would consider. This would help ensure that adequate engagement is undertaken from the start of the process.

Clause 2 of Schedule 4 discusses how scenarios and evaluation reports should be prepared as part of the preparation of a draft strategy. As introduced, we were concerned that there was not enough direction in this step about the process taken to develop a draft strategy. To align with new clause 23A, we recommend noting that clause 23A would apply to the preparation of a scenario. Among other things, this would require scenarios to be prepared at a level of detail that the RPC believes reflects the information available.

The aim of this step is to create a collaborative process between the RPC and interested parties, rather than relying too heavily on the later submissions process. To

ensure this process is collaborative, interested parties should have an understanding of the work that has been done on the strategy. We were concerned that step 2 as introduced does not adequately express this expectation. We recommend inserting new clause 2(8)(f) which would require a draft evaluation report to include a summary of the matters that have been considered, and the level of evidence that has been used when proposing any new infrastructure which may require a designation under the NBE legislation. This requirement links to clause 512 of the NBE bill, which provides for a streamlined designations process for infrastructure identified in a strategy.

We thought that clause 2(3) of Schedule 4 as introduced was ambiguous, as it does not adequately describe what scenarios are intended to focus on. Our recommended new clause 2(3) would clarify the purpose of including scenarios in preparing a draft strategy. It would make clear that scenarios should identify future issues that a strategy would respond to. An example might be a change in population levels associated with changes in demand for housing. We also suggest expressly including the effects of climate change as something that a scenario may consider.

We recommend removing “preferred scenario” from clause 2(4)(c) as introduced. Some submitters were concerned that this term might create planning that is too rigid and a barrier for adaptation. We agree that in some cases this might create an issue. We recommend that new clause 2(8)(c) specify that a statement should identify all the scenarios that are addressed by the draft strategy. We also recommend that clause 2(3) and (4) include provisions that would require the RPC to clarify what scenarios the strategy is planning for.

Clause 3 (step 3) of Schedule 4 would require that, upon request, an appointing body should be given the opportunity to review a draft strategy. We were concerned that, as introduced, statements of regional environmental outcomes and statements of community outcomes would not need to be adequately considered. We recommend inserting clause 3(2)(d) to specify that one of the purposes of an appointing body reviewing a draft strategy is so that they could identify any issues with how statements of regional environmental outcomes or statements of community outcomes have been reflected in the strategy.

For transparency, we consider it important that information used in preparing a draft RSS should be made publicly available. We recommend amending clauses 4 and 6 of Schedule 4 to require an RPC to make any information prescribed by the regulations publicly available with the RSS and evaluation report. The RPC should also give public notice of where this information could be found.

In the bill as introduced, clause 35 allows for the process of preparing a regional spatial strategy to include hearings. We consider that it should be mandatory for hearings to be held on draft strategies, as it would give interested persons the chance to be heard. These hearings would enable those who have made a submission on the draft RSS to speak about their submission, allowing the RPC to thoroughly consider and discuss the public’s concerns about the strategy. We recommend removing clause 35 and inserting new clause 4A into Schedule 4 to require a RPC to hold hearings on the draft strategy. These hearings would be carried out through the provisions explained

in Schedule 7 of the NBE bill.⁴ However, we have identified specific clauses where the provisions in the NBE bill would not apply. We suggest noting that, despite this, an RPC could still prepare or commission a report under any power granted by another provision of the NBE bill.

Engagement agreements

Under this bill, engagement agreements would be made to encourage transparent collaboration between regional planning committees and Māori groups with interest in the region. Clauses 37 to 41 of the bill make provisions for these engagement agreements.

Clause 37 explains that these agreements would record how the groups agree to participate in the process of preparing an RSS, and how the group's participation would be funded by the RPC. We suggest amending clause 37(b) to link the funding to the RPC's statement of intent as set out in the NBE bill in Schedule 8. This would align the clause with the NBE bill.

Clause 38 explains when an RPC should initiate an engagement agreement. Some submitters found it unclear whether clause 61—the provision that would allow Ministers to direct a review of an RSS—would apply to the requirement to initiate engagement agreements. We suggest an amendment to clause 38(1)(b)(ii) that, along with our proposed definition of “review” in clause 8, would clarify that an engagement agreement should be initiated before an amendment was made as a result of a Minister's review.

We also recommend changing references in clause 39 to “Māori groups” to “Māori groups with interests in the region”. This change is discussed in our commentary on the NBE bill.

We found it unclear whether an engagement agreement would need to be initiated if an existing engagement agreement had been reached that applied to subsequent amendments. We recommend inserting clause 38(2) to clarify that an RPC would not need to initiate an engagement agreement before amending or replacing a strategy if an existing engagement agreement had already been reached that applied to subsequent amendments. This would improve clarity and create consistency with the NBE bill. We note that an engagement agreement would need to be initiated for the first RSS process in each region.

Clause 40 explains what an engagement agreement should record and the form that the agreement should be in. We found that the bill did not make clear what would happen if an engagement agreement could not be reached. We recommend inserting clause 40(2) to explain that, in this situation, the process would cease. This would still allow Māori groups with interests in the region to participate through public engagement, and through other tools such as Mana Whakahono ā Rohe.⁵ This subclause

⁴ Natural and Built Environment Bill, Schedule 7, Part 2, Subpart 3.

would also provide a timeframe within which an engagement agreement would need to be reached before the process ceased.

Clause 41 as introduced specifies that an engagement agreement would cease to apply once the draft RSS became publicly available. We were concerned that this provision would mean that the same groups would have to initiate a new engagement agreement process for future amendments. We recommend inserting clause 41(2) to clarify that the parties could agree to leave the engagement agreement in place or amend it so it could be used for future processes relating to the relevant strategy.

Cross-regional planning committees and spatial strategies

Clauses 42 and 43 describe when and how a cross-regional planning committee could be established to address issues that affect two or more regions, and how cross-regional spatial strategies should be prepared and adopted. Cross-regional planning committees would be established to prepare a cross-regional spatial strategy for an issue that is common to two or more regions. We found clause 43(2) unclear about the necessary modifications that would apply to the process set out in clauses 30 to 36 and Schedule 4 of the bill when the process was used for cross-regional spatial strategies. We recommend inserting clause 43(3) to clarify the necessary modifications. We also recommend inserting clause 42(7) to clarify which necessary modifications would apply under Part 2 of Schedule 8 of the NBE bill (excluding clauses 27 and 32).

We have recommended inserting clauses 43A and 43B as new clauses. Clause 43A sets out the information that was previously in clauses 43(4) and (5) regarding how a parent RPC could direct a cross-regional planning committee to reconsider their strategy. Clause 43B would set out how cross-regional strategies should be incorporated into RSSs. It would also clarify that once a cross-regional spatial strategy had been incorporated into a parent strategy, only the parent strategy would apply to the region. We consider that the inclusion of this clause would provide clearer direction to RPCs when preparing such strategies, or when their own region's spatial strategy was not yet finalised.

Reviews, amendments, and replacements of regional spatial strategies

Clauses 46 to 51 as introduced set out how RSSs should be renewed and reviewed and when it is necessary to do so. Clauses 44 and 45 explain how minor and directed amendments could be made. We recommend that these clauses be amended and restructured to improve clarity and consistency with the NBE bill. We also recommend inserting some provisions to ensure that the process of reviewing and amending a strategy reflects the intent of the policy.

⁵ Mana Whakahono ā Rohe is a tool to assist tangata whenua and local authorities to discuss and record how they will work together under the RMA.

As introduced, the bill implied that RPCs could only review their strategies under certain scenarios. We recommend inserting clause 46A to make clear that an RPC could review its strategy at any time it considered necessary. We also recommend clarifying that a review could relate to all or part of a strategy, or the addition of new content. These reviews would determine whether an amendment to the strategy was required.

Clause 49 as introduced provides that an RPC must adopt a policy that sets out the criteria to be used in determining whether a change was significant enough to trigger a review of a strategy. We consider that this clause would limit when an RPC could initiate a review, and we recommend that it be removed. To provide certainty about when a review should be undertaken, we suggest including new clause 49B that would allow RSSs to include prompts for the specific circumstances in which a review should be initiated. We also recommend inserting new clause 51C to explain that the requirement to undertake a process under clause 30 would not apply to amendments that were set out in the strategy and triggered by particular events.

Clause 48(1)(a) as introduced would require RPCs to consider whether a new NBE plan created significant change. As noted above, we consider “significant change” to be a limiting term. We recommend replacing clause 48(1)(a) with new clause 49A. Clause 49A would require RPCs to undertake a review of their strategy if it was inconsistent with a NBE plan. This would apply to any new NBE plans introduced or amendments to existing plans that created inconsistencies. This change links to clause 96 of the NBE bill which provides exceptions to the requirement for NBE plans to be consistent with strategies.

For clarity, we recommend inserting new clause 50A. This would specify that an RPC would not have to initiate an engagement agreement process when reviewing a strategy. This would not prevent the RPC from consulting with any interested party if it wished to do so. We note that an engagement agreement would only be required if the RPC wanted to amend the strategy as a result of the review.

Clause 45 as introduced sets out how an amendment that is directed by the National Planning Framework (NPF) should be adopted. We recommend moving this explanation to new clause 51B to improve readability with the other new clauses in this section. We also suggest minor changes to clause 51B to improve consistency with clause 69(2) of the NBE bill.

How regional spatial strategies would be implemented

Clauses 52 to 57 set out the requirements regarding implementation plans and agreements. These include how RPCs should prepare and review implementation plans. An implementation plan would be a process that RPCs would adopt to apply a strategy to a region.

Clause 54 establishes what should be included in an implementation plan. We noted some concerns that the clause as introduced would not require RPCs to specify the funding that would be needed to implement the strategies. We recommend that there should be a requirement for RPCs to note if a key action had already been funded or if it would be subject to funding. We also suggest in new clause 54(2)(b) that an

implementation plan should include a summary of any existing decisions that have been made about any funding or investment that the RPC had considered in deciding the priority of key actions. While we recognise that not all key actions would require investment, we think these amendments would improve the transparency of an RPC's decisions.

Requiring an implementation plan to set out the amount of work that is under way on each key action would clarify how much resourcing would be required. This recommendation is reflected in new clause 54(1)(a) to (c).

We were concerned that clause 54 as introduced did not make clear who would be responsible for implementing a key action, or what would happen if no one was willing to take responsibility for it. As implementation plans must include the same key actions that are set out in the RSS, continuity problems could arise if an action was omitted from an implementation plan because no one was responsible for it. However, we consider that if no one is responsible for implementing or progressing a key action, it should not be in the strategy. We recommend inserting clause 54(1)(a) to require an implementation plan to identify who would be the lead person or party responsible for implementing or progressing the key action. We note that an RPC would not be required to identify persons that chose not to be the lead on a key action. We also suggest inserting clause 54(1)(b) to note whether the agreement of someone responsible for implementing a key action was subject to any conditions or limitations.

Clause 56 sets out that a regional planning committee must monitor and report on each key action in its plan. We consider it important that these reports reflect the progress that has been made, and where work cannot be completed. We recommend inserting clause 56(4) to establish that those responsible for implementing key actions must provide the RPC with any information reasonably necessary for the purpose of the report. They must also notify the RPC if the person responsible becomes aware that the provided information is inaccurate. This would enable the RPC to review its strategy promptly if it was evident that an action could not be progressed.

Powers, duties, and other matters

Ministerial powers and duties

Clauses 58 to 63 set out where a Minister should intervene or assist in the function of regional planning committees. Clauses 60 and 61 explain how the Minister could direct amendments and reviews of RSSs. We have made a recommendation in the Natural and Built Environment Bill to amend clauses 633(3)(a) and 634(4)(a) to require the RPC to report to the Minister on how they have had regard to the statement of expectations. We suggest that clauses 60 and 61 of the Spatial Planning Bill be amended for consistency with those proposed changes.

Clause 62 would allow the Minister to direct when other action besides amendments and reviews should be taken. These directions could include directing an RPC or local authority to carry out a certain power or duty. We have made a recommendation in the

Natural and Built Environment Bill that clause 635(2) be amended to give the Minister the power to instruct an RPC or local authority to exercise such a power or function when it had not otherwise been carried out in the time frame required by the NBE bill, NPF, or NBE plan. We recommend amending clause 62 for consistency between these provisions.

Powers of the Environment Court

Clause 696 of the NBE bill would empower the Environment Court to make declarations on various functions under the bill. We noted that this provision is not carried over into the Spatial Planning Bill as introduced. We recommend inserting new clause 66A to do so. This clause specifically references clause 696(1)(ga) and (gb) of the NBE bill which provide for the Environment Court to make a declaration on the extent of any function, power, right, or duty under the Spatial Planning Bill, or any other issue relating to its interpretation or administration.

We consider that this inclusion would improve the efficiency of the resource management system as it would mean declaratory judgments on the system could be made from a single place. It is intended that this amendment, and the previously discussed change to process in Schedule 4, would provide more checks and balances when a strategy is developed.

Confidential information

We found that there were concerns regarding whether RPCs would be able to consider confidential information. We recommend inserting clause 67A, which refers to clause 29 of Schedule 8 of the NBE bill. This would provide for the Local Government Official Information and Meetings Act 1987 to apply to RPCs. This provision would assist in mitigating any doubt about how confidential information could be considered within RPCs.

Regulation making powers

Clause 68 provides for regulations to be made by the Governor-General on the recommendation of the Minister. We noted that the bill as introduced excludes regulation making powers related to the public notification of information that has informed a regional spatial strategy. Such powers would be useful as it would make it easier for people to access relevant information when making a submission on a draft strategy, or when understanding an adopted strategy. We recommend inserting clause 68(1)(ba) to empower the Minister to recommend that the Governor-General make regulations to prescribe the type of information that must be published with a strategy when it is publicly notified. Because of these proposed amendments to regulation-making powers, we have recommended that clauses 4 and 6 of Schedule 4 be amended, as previously discussed. These changes would require the prescribed information to be made publicly available.

We also recommend inserting clause 68(1)(aa) to empower regulations prescribing requirements for the scenarios and options required under clause 2 of Schedule 4.

This would ensure that all regulations relating to the information that is prepared alongside a regional spatial strategy are supported by express empowering provisions.

Transitional and savings provisions

Schedule 1 sets out how the resource management system would transition from the process under the Resource Management Act to the process under the NBE and SP bills. We found that the bill as drafted was unclear about this transition. Submitters sought clarification as to when strategies and plans would be developed, when instruments would have effect on decisions, and how the system would operate between the time the new system was enacted and when new instruments would take effect. We had extensive discussion about how these transitions could be improved. We particularly considered how we could create more certainty in the implementation timelines while also leaving flexibility to allow for RPCs that cannot meet such timelines.

In Schedule 1, we recommend replacing clause 1 with clauses 1A and 1B to address these concerns. Clause 1A would require RPCs to adopt their first strategy within 3 years after the RPC was established. Clause 1B would allow RPCs to apply to the Minister for extensions to this deadline. Clause 1B(2) and (3) would set out the requirements for an application for an extension, and what the Minister must have regard to in considering the request.

Clauses 1A and 1B would replace clause 1 which, as introduced, would require RPCs to notify the draft of the strategy within 7 years after the bill had received Royal assent, or the date set by the Governor-General on the recommendation of the Minister. We consider that our amendments would make the transition process clearer and give enough time for RPCs to develop robust strategies, while allowing for some flexibility when needed.

Clause 12 of the bill would require every region to have a strategy adopted at all times. To create more certainty, we recommend inserting clause 1A(2) in Schedule 1 specifying that this provision would not apply to an RPC until the deadline specified in subclause (1).

We noted concerns that clause 2 of Schedule 1 might not require RPCs, when incorporating information from RMA planning documents into strategies, to consider submissions that are relevant to changes in the environment and new information that has become available. We recommend amending clause 2(4)(b) to create an exception that RPCs would not need to have regard to submissions received during the process, except when the submission related to the matters noted in subclause (2). This would align this transitional provision with clause 29, which is the equivalent provision incorporating NBE plan content into strategies.

Government policy strategies and interpretation of provisions

Schedule 2 of the Spatial Planning Bill replicates Schedule 2 of the NBE bill to ensure there is consistency in the intent and effect of arrangements relating to the Resource Management Act. We have discussed recommended changes to Schedule 2 in our commentary on the NBE bill.

Schedule 3 lists the government policy statements that RPCs must have particular regard to under clause 24(2)(a) to the extent that they are relevant to the regional spatial strategy. Clause 69 of the bill would empower the Governor-General to amend this Schedule by Order in Council. We recommend adding statements of government policy that are prepared under section 17 of the Electricity Industry Act 2010 to this Schedule. Currently there are no government policy statements made under this section. However, we believe that any future statements that may be made under this section would be relevant to the scope and contents of a regional spatial strategy.

ACT New Zealand differing view

ACT opposes this bill. We believe the Government is putting in place a regulatory regime that will empower the forces that currently frustrate development and restrict progress toward an improved environment.

The existing planning system needs reform, but handing over planning and decision making to unelected co-governance entities—the proposed regional planning committees (RPCs)—is not the answer.

Submitters pointed out that the Spatial Planning Bill would replicate planning work already undertaken by councils, and that applying a planning framework suitable for large metro areas to small towns and rural regions was not necessary.

Under existing rules, regional and district plans are subject to oversight by democratically elected councillors. Under this bill, developing regional spatial strategies would be up to regional planning committees which be required to “to uphold te Oranga o te Taiao”.

This is given a list of vague definitions with completely new terminology without any hierarchy. The bill throws in vague and puzzling concepts without any definition. How Courts will interpret such confusing statements is unknown. This is a recipe for judicial mayhem.

The reform proposes that regional planning rules to give effect to the national planning framework will be made by appointees from local and central government and iwi/hapū/Māori, but without representation from developers and businesses required to operate within the planning system. The lack of democratic legitimacy for such bodies making decisions that directly impact their citizens’ lives and property, with no direct election or other democratic controls, mean that it is likely that regional planning committees will become resented and unsustainable.

The proposed reform which the Spatial Planning Bill is part of introduces unworkable environmental limits and rules that will result in more prohibitions and endless bureaucratic consenting processes, rather than more freedom for the range of urban and rural activities essential to New Zealanders social, economic, and environmental wellbeing.

As a result, the Government is squandering an opportunity to create meaningful change that could improve the lives of New Zealanders and restore the ideal of a democracy founded on respect for self-determination and property rights.

For reform to be successful meaningful changes are needed to the current system to:

- 1 Protect property rights and expand the ability of property owners to use their land for maximum utility. It is notable that the presumption of the bill is that people can only use their property with explicit consent of the bureaucracy.
- 2 Address the artificial scarcity of land which severely restricts housing supply and the lack of adequate infrastructure.
- 3 Remove gateway tests requiring developers to convince planning authorities **why** they should be allowed to build, rather than **how** effects are managed.
- 4 Reduce the range of activities which require consent by codifying methods to mitigate and remedy the effects of common activities.
- 5 Limit who should be allowed to object to private plan changes and consent applications to only those directly affected by a proposal.
- 6 Prioritise outcomes over effects which can be mitigated and remedied.
- 7 Base environmental protections only on science, not social, spiritual, and cultural constructs.
- 8 Remove contradictions and overlapping provisions in environmental law so all parties have a clear understanding of their rights and responsibilities.
- 9 Address tendency of current planners to delay resolution of conflicting outcomes, and provide compensation for time delays in consenting and planning decisions.
- 10 Increase certainty for investors, developers and local councils so they do not live in fear of activist planning commissioners and the Environment Court.

ACT engaged with the select committee process in the hope that the considerable input by submitters into the development of this reform would lead to constructive changes to the bill.

The regional spatial strategy provisions risk sterilising resources and development in large parts of New Zealand which means that vital construction materials will be further from where they are needed and will cost more.

The bill ignores local and international environmental best practice and introduces new and poorly defined concepts which would take decades to litigate and settle, introducing great uncertainty for investors, developers and councils.

ACT believes that the proposed reforms will establish a highly restrictive bureaucratic regime rather than a system that balances environmental protection and urban planning with building infrastructure and buildings which is vital to improve social, economic and environmental outcomes.

The proposed reforms will create a planning system that provides less certainty and less accountability than the RMA does today, at a time when more localised, adaptive and agile processes are needed to manage development and natural hazards.

Instead of progressing this approach, ACT supports repealing the RMA and replacing it with separate Environmental Protection and Urban Development Acts. Separating

environmental protection and urban planning is critical to recognise that a one size fits all approach is not workable.

All parties agree resource management reform is necessary, but this bill is not the reform we need. We do not believe it improves the status quo, which is why we do not support further progress of this bill.

New Zealand National Party differing view on the Natural and Built Environment Bill and Spatial Planning Bill

National is opposed to the Natural and Built Environment Bill (NBEB) and the Spatial Planning Bill (SPAB).

Introduction

National has long supported reform of the RMA. At first reading of the bills, we expressed scepticism that they would be a step forward for economic development and the environment. Sadly, our fears have been borne out through the select committee process.

There is now widespread consensus that the RMA is broken. However, substantive reform of the RMA must actually improve the status quo, and the reforms need to be worth the considerable cost of change.

National members approached the task of considering the bills by asking a simple question: would the bills make it easier to get things done in New Zealand, whilst protecting the environment?

The answer is no. The bills repeat the mistakes of the current RMA and are worse than what we have now. For that reason we cannot support them.

Poor process

The process around the passage of these two bills has been shambolic and detrimental to good law making. The Government introduced both the NBEB and SPAB close to Christmas in 2022. Submitters complained about the short time to make submissions, made worse by the Christmas and summer break. Unfortunately the Government has been determined to advance the bills before the 2023 General Election. There simply has not been enough time to properly consider the complicated issues dealt with across both bills. The departmental report alone ran to more than a thousand pages and Members had inadequate time to engage properly with the content. Perhaps a temporary, separate committee to deal only with the two bills would have improved the process.

Legal uncertainty and complexity

National members are extremely worried about increased legal uncertainty and complexity if the bills pass into law. This will act as a deterrent to investment and development, raise costs for all involved in the system, and make things worse than they are now.

We note a variety of submissions to this effect including from the Environmental Defence Society, which said “the NBEB uses drafting and concepts that are unnecessarily complex, overlapping and unclear”.

We are concerned about the introduction of *te Oranga o te Taiao*, a concept replacing “sustainable management” as the purpose of the new NBEB. This term is completely new to New Zealand law and is likely to cause significant confusion and potential legal disputes. Inevitably, the meaning of the term will be decided by the courts. Various submitters made this point.

Moreover, the subtle change from “take account of the principles of the Treaty of Waitangi” to “give effect to the principles of the Treaty” might seem minor, but carries significant legal implications. The strengthened provision will likely make things more difficult to do things, not easier.

The Chief Justice has stated:

The Bill is long and complex. It deals with issues of great significance for communities in Aotearoa New Zealand, that are frequently litigated before the Environment Court and other courts. To date there has been little consultation with the judiciary about the implications of the proposals contained in the Bill for the operation of the Environment Court, or for other courts.

Federated Farmers submitted:

The proposed reform package is riddled with new, amorphous terms. These include the need for key decisions, such as the National Planning Framework, to “uphold” the “interconnectedness of all parts of the environment” and not compromise “the well-being of future generations.”

When legislation does not clearly articulate Parliament’s intent, the courts are forced to define what new terms and concepts mean. All of the unclear terms and concepts in the reform package will need to be defined over the course of a decade or more of expensive court cases.

The Environmental Defence Society noted that “A purpose outlining a clear legal relationship is needed, not ‘word soup’ that allows fertile ground for litigation.” The Parliamentary Commissioner for the Environment said “there is a field day of opportunities in such sweeping, all-inclusive language.”

None of these issues have been fixed by the amendments proposed by the committee.

New Zealand does not need, and cannot afford, extensive litigation over new legal terms in our planning regime.

Increased bureaucracy

The bills introduce an additional layer of bureaucracy through the formation of regional planning committees, superimposed on existing city, district, and regional councils. This threatens to further convolute our planning process. Furthermore, these new committees, which include mandatory Māori membership, will be composed of appointed members, introducing a democratic deficit into our system.

Loss of local democracy

The bills have faced near-universal hostile opposition from local government. Hamilton City Council's submission reflects what was a constant theme:

The framework for that local decision-making, set out in Schedules 7 and 8 of the Bill, destroys Hamilton City Council's ability to make timely, cost-effective, democratically accountable decisions. The Regional Planning Committee Plan making process is unwieldy, costly, time consuming, undemocratic, reliant on territorial and regional boundaries which are irrelevant and unreflective of communities of interest, unrepresentative, and lacks political accountability.

Local government also rightly complained about the lack of coordination around local government reform. Simultaneously (or at least contemporaneously) with the bills, the Government's reforms to 3 Waters were before Parliament, while the Future of Local Government Inquiry was also underway. It is obvious there has been very little integration between the reforms. The net effect has been frustration and exhaustion in the sector. Reform is occurring in a piecemeal way and there is no coherence. Indeed, even while the bills were before the committee, the Government made substantial changes to the 3 Waters reforms which have necessitated even more legislation.

Decarbonisation will be put at risk

National supports the development of our abundant renewable energy resources in order to grow our economy while decarbonising the country. However, the bills will make this harder, not easier. Contact Energy warned in their submission that:

The Bills risk delaying the decarbonisation of the energy sector, putting New Zealand's emission reduction goals at risk. The Bills risk increasing energy prices for New Zealanders and the businesses and activities that urgently need to transition to low-cost, carbon-free, energy sources.

The joint submission by the Electricity Sector Environment Group was blunt in their assessment, stating, "The NBE Bill is very large and complex, even unwieldy" and that "as currently drafted, the NBE Bill is considered to be unworkable." The Wind Energy Association said it would make it harder to build a wind farm in New Zealand.

Cost and extended timeframe of change

A constant theme of submissions was concern about the cost and long lead-in time for the new regime. Many worried that the costs of change had been underestimated. The Government is confident the benefits of change will outweigh the costs but we remain immensely sceptical in view of the strong submissions.

Fletcher Building's submission summarises a constant theme from industry:

As it currently stands, the proposed regime will also make it very difficult for businesses to invest in new projects in NZ or make decisions to expand businesses.

Diminution of property rights

The bills are notable for their contempt for property rights, the foundation of market economies. The change from an effects-based regime to an outcomes-based approach further weakens the respect for private property. As Professor Lew Evans and Kevin Counsell noted in their submission, New Zealand is already distinguished by having the weakest protection of private property rights in the OECD. The NBEB diminishes those protections further.

Conclusion

National's differing view only scratches the surface of the dangers of the bills. There are many further matters we are concerned about that we have not commented on.

Like many, National supports reform of the RMA. But reform must improve on the status quo, regardless of how long was spent on them. The bills fail on almost every front. They are anti-democratic. They disregard fundamental property rights. They will lead to extensive, time-consuming, and costly litigation. They will increase bureaucracy. They put at risk our climate goals. They will likely increase the costs, time, and uncertainty of resource consents. We cannot support these bills.

Appendix

Committee process

The Spatial Planning Bill was referred to the committee on 22 November 2022.

We called for submissions on the bill with a closing date of 5 February 2023. On 16 December 2022, we presented an interim report on this bill and the Natural and Built Environment Bill for the purposes of making the initial briefing documents publicly available.

We considered this bill alongside the Natural and Built Environment Bill. Many oral and written submissions covered both bills. We received 610 written submissions that referenced the Spatial Planning Bill. We heard oral evidence on both bills from 365 submitters at hearings in Auckland, Christchurch, Tauranga, and Wellington; and by videoconference over 28 meetings.

We received advice on the bill from the cross-agency Spatial Planning Policy Unit that is hosted by the Ministry for the Environment. We acknowledge the large number of ministry officials who have contributed considerable time and effort to the development and consideration of the bill.

We received independent advice (separately) from Emily Grace and Paula Hunter which was helpful. We also received and are grateful for advice from the Parliamentary Commissioner for the Environment.

The Parliamentary Counsel Office undertook legal drafting. We appreciate their professional expertise and commitment.

The Office of the Clerk provided advice on the bill's legislative quality. Staff in the Environment Committee secretariat have made a substantial contribution to the bill through their tracking of submissions, organisation of hearings, and preparation of this report.

Committee membership

Hon Eugenie Sage (Chairperson)

Hon Rachel Brooking (until 3 May 2023)

Tāmati Coffey

Simon Court

Anahila Kanongata'a (until 8 February 2023)

Barbara Kuriger (from 8 February 2023)

Hon Stuart Nash (from 3 May 2023)

Hon Scott Simpson

Hon Aupito William Sio (from 8 February 2023 to 3 May 2023)

Stuart Smith (until 8 February 2023)

Lemauga Lydia Sosene

Hon Phil Twyford (from 3 May 2023)

Angie Warren-Clark

Key to symbols used in reprinted bill

As reported from a select committee

text inserted by a majority

~~text deleted by a majority~~

Hon David Parker

Spatial Planning Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Spatial Planning Act **2022**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 5

Part 1

Preliminary provisions

Purpose and related provision

3 Purpose

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The purpose of this Act is to provide for regional spatial strategies that—

(a) assist in achieving—

(i) the purpose of the **Natural and Built Environment Act 2022**; ~~including by recognising and upholding~~ (which is to uphold te Oranga o te Taiao); and

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(ii) the system outcomes set out in that Act; and

(b) promote integration in the performance of functions under the **Natural and Built Environment Act 2022**, the Land Transport Management Act 2003, ~~and~~ the Local Government Act 2002, and the Water Services Entities Act 2022.

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4 How regional spatial strategies promote integration

(1) A regional spatial strategy ~~achieves the purpose described in section 3(b) by~~ having ~~has~~ effect under the following legislation, as follows and to the extent provided for in that legislation:

Natural and Built Environment Act 2022

- (a) a natural and built environment plan under the **Natural and Built Environment Act 2022** must be consistent with the relevant regional spatial strategy (*see ~~section 97(b)~~ **96(2)(c)*** of that Act):

Land Transport Management Act 2003

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- (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):

- (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):

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Local Government Act 2002

- (d) a long-term plan under the Local Government Act 2002 (the **LGA**) must set out steps to implement or progress the ~~priority~~ **key** actions for which the local authority is a lead under this Act ~~responsible under the relevant regional spatial strategy~~ (*see **clause 1A of Schedule 10*** of the LGA):

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- (e) an annual report under the LGA must include a statement on the local authority's progress in implementing or progressing those ~~priority~~ **key** actions (*see **clause 26A of Schedule 10*** of the LGA):

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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):

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- (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):

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- (i) an infrastructure strategy under the WSEA must not be inconsistent with the relevant regional spatial strategies (*see **section 158(9)*** of the WSEA).

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- (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.

6 ~~Protected customary rights in common marine and coastal area~~

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~~All persons exercising powers and performing functions and duties under this Act must recognise and provide for the protection and exercise of protected customary rights (as defined in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011).~~

7 Iwi and hapū responsibilities in relation to te taiao

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~~To assist in achieving the purpose of the Act, all~~ All persons exercising powers and performing duties and functions under ~~it~~ 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 (including kaitiakitanga), and mātauranga in their ~~area of interest~~ rohe or takiwā.

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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.

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

(1) In this Act, unless the context otherwise requires,—

~~appointing body~~ has the meaning given in ~~clause 4 of Schedule 8 of the Natural and Built Environment Act 2022~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~**iwi and hapū participation legislation** means legislation (other than this Act), including any legislation listed in Schedule 3 of the Treaty of Waitangi Act 1975, that provides a role for iwi or hapū in processes under this Act~~

~~**iwi authority** has the meaning given in **section 7 of the Natural and Built Environment Act 2022**~~

key action has the meaning given in **section 16(1)(c)**

~~**land** has the meaning given in **section 7 of the Natural and Built Environment Act 2022**~~

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

~~**local authority** has the meaning given in section 5(1) of the Local Government Act 2002~~

~~**Mana Whakahono ā Rohe** has the meaning given in **section 7 of the Natural and Built Environment Act 2022**~~

Minister means the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of this Act

~~**Minister of Conservation** means the Minister who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of the Conservation Act 1987~~

~~**national planning framework** has the meaning given in **section 7 of the Natural and Built Environment Act 2022**~~

natural and built environment plan means plan as defined in **section 7 of the Natural and Built Environment Act 2022**

~~natural hazard~~ has the meaning given in ~~section 7 of the Natural and Built Environment Act 2022~~

~~network utility operator~~ has the meaning given in ~~section 7 of the Natural and Built Environment Act 2022~~

parent committee has the meaning given in **section 42(2)(a)**

~~priority action~~ has the meaning given in ~~section 46(4)(b)~~

~~protected Māori land~~ has the meaning given in ~~section 497 of the Natural and Built Environment Act 2022~~

public notice means to give notice in accordance with—

(a) ~~has the meaning given in section 8 of the Natural and Built Environment Act 2022~~; and

(b) ~~includes~~ any requirements for the manner in which public notice is given that are prescribed by the regulations

publicly available, in relation to a document or other information, means published—

(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 publicly available to the public~~ as far as practicable and free of charge; and

(b) in any other manner required by the regulations

~~region~~ has the meaning given in section 5(1) of the Local Government Act 2002

~~regional council~~ has the meaning given in section 5(1) of the Local Government Act 2002

~~regional planning committee~~ has the meaning given in ~~section 7 of the Natural and Built Environment Act 2022~~

regional spatial strategy means a strategy prepared and adopted by a regional planning committee under **Part 2**

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

~~statutory acknowledgement~~ has the meaning given by ~~section 7 of the Natural and Built Environment Act 2022~~

- ~~te Tiriti o Waitangi~~ means the Treaty as defined in section 2 of the Treaty of Waitangi Act 1975
- ~~water~~ has the meaning given in ~~section 7 of the Natural and Built Environment Act 2022~~
- water services entity has the meaning given in section 6 of the Water Services Entities Act 2022. 5
- ~~well-being~~ has the meaning given in ~~section 7 of the Natural and Built Environment Act 2022.~~
- (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.** 10
- 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 **Transitional, savings, and related provisions for upholding Treaty settlements, NHNP Act, and other arrangements** 15
- 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.
- 11 **Act binds the Crown** 20
- This Act binds the Crown.

Part 2

Regional spatial strategies

Subpart 1—Requirement for regional spatial strategies

- 12 **Every region must have regional spatial strategy** 25
- (1) There must at all times be a regional spatial strategy for each region.
- (2) ~~However,—~~
- (a) ~~there must be 1 regional spatial strategy that applies to both the region of the Nelson City Council and the region of the Tasman District Council; and~~ 30
- (b) ~~this Act applies to those regions as if they were a single region.~~
- 13 ~~**Where regional spatial strategies are not required**~~
- ~~A regional spatial strategy is not required for—~~
- (a) ~~the Chatham Islands Territory, as defined by section 5 of the Chatham Islands Council Act 1995; or~~ 35

- ~~(b) any offshore island administered by the Minister of Conservation acting as a local authority.~~

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.

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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).

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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.

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- (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

- (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.

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Subpart 2—Scope and contents of regional spatial strategies

15 Scope of regional spatial strategies

- (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
 - (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
 - (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

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- (g) be consistent with any water conservation order that applies in the region.
- (2) ~~In meeting the requirements of 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. 5
- (3) In this section, **mandatory target** means a target that is required by **section 49(1) of the Natural and Built Environment Act 2022.**
- 16 General contents and form of regional spatial strategies**
- (1) A regional spatial strategy must— 10
- (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
- (b) support the vision and objectives by identifying and otherwise providing for— 15
- (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**). 20
- (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 25
- (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. 30
- ~~**16 General contents and form of regional spatial strategies**~~
- (1) ~~A regional spatial strategy must—~~
- (a) ~~set out a vision and objectives for the region's development and change over the period covered by the strategy; and~~ 35
- (b) ~~set out the actions that must be taken as a matter of priority to achieve that vision and those objectives (the **priority actions**); and~~

- (e) ~~provide strategic direction on the following, to the extent that the regional planning committee considers they are of strategic importance to the region:~~
- (i) ~~the key matters listed in **section 17**; and~~
 - (ii) ~~any other matters that the regional planning committee considers are of sufficient significance in terms of **section 18**.~~
- (2) ~~A regional spatial strategy must be in the form prescribed by the national planning framework and the regulations.~~

17 Contents of regional spatial strategies: key matters

- (1) The key matters referred to in ~~section 16(1)(e)(i)~~ **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:
 - (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 ~~power~~ energy:
 - (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 ~~significant~~ change in the type of rural use:
 - (f) areas of the coastal marine area that are appropriate for development or ~~significant~~ change in use:
 - ~~(g) major existing, planned, or potential infrastructure or major infrastructure corridors, networks, or sites (including existing designations) that are required to meet current and future needs:~~
 - (h) ~~other infrastructure~~ matters 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; ~~and:~~
 - (ii) ~~the need for other small to medium sized infrastructure required to meet future needs or enable development.~~
 - ~~(i) areas that are vulnerable to significant risks arising from natural hazards, and measures for reducing those risks and increasing resilience:~~
 - ~~(j) areas that are vulnerable to the effects of climate change both now and in the future, and measures for addressing those effects and increasing resilience in the region, including indicative locations for—~~
 - (i) ~~major new infrastructure that would help to address the effects of climate change in the region; and~~

- (ii) ~~areas that are suitable for land use changes that would promote climate change mitigation and adaptation:~~
- (ja) matters relating to climate change mitigation, including—
- (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: 5
- (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— 10
- (i) areas that are or will be vulnerable to those risks:
- (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: 15
- (iv) other measures to reduce those risks or increase resilience to them:
- (k) areas where any development or ~~significant~~ change in use needs to be carefully managed because the areas are subject to constraints (other than those described in ~~paragraphs (i) and (j)~~ **paragraph (jb)(i)**): 20
- (l) the indicative location of planned or potential business and residential activities and the likely general scale and intensity of those activities, if that information is necessary to inform the consideration of any other matters ~~listed~~ described in this subsection.
- (2) ~~In this section, **urban centre of scale** means an urban area that is used mainly for a range of commercial, community, recreational, and residential activities that service a region, district, city, town, or a group of suburbs or neighbourhoods.~~ 25
- (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 30
- 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 35
- (b) a group of suburbs or neighbourhoods.

18 **Contents of regional spatial strategies: other matters of ~~sufficient~~ significance regional or national importance**

- (1) A matter is of ~~sufficient significance~~ significance regional or national importance for the purposes of ~~section 16(1)(c)(ii)~~ **section 16(1)(b)(ii)** if the regional planning committee considers that the matter meets 1 or more of the following criteria: 5
- (a) the matter is likely to do either or both of the following at a level of regional significance:
 - (i) increase or reduce the use of land or water, or change ~~the way that it is used~~ its use: 10
 - (ii) increase, reduce, or change transport patterns (being patterns relating to location, frequency, or modes of travel): 10
 - (b) the matter relates to environmental effects that are best managed at a regional level (such as effects on water catchments ~~or effects caused by greenhouse gas emissions~~):
 - (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: 15
 - (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: 20
 - (e) the matter is critical to the regional or national ~~or regional~~ 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**): 25
 - (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.
 - (2) For the purposes of **subsection (1)**, something may be of regional or national ~~significance~~ importance regardless of whether it directly affects the entire region or country. 30

19 **Level of detail in regional spatial strategies**

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

- ~~(a) reflects the level of certainty provided by the evidence and other information available, including the extent of work or planning already undertaken on a relevant activity or proposal; and~~ 35

- (b) ~~gives sufficient flexibility to enable the persons who have a role in implementing the strategy to implement the strategy in the most appropriate and efficient way; and~~
- (e) ~~subject to **paragraphs (a) and (b)**, is sufficient to give reasonable certainty to those persons about the matters provided for in the strategy.~~

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20 Statutory acknowledgements attached to regional spatial strategies

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

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21 Te Ture Whaimana

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- (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)**).
- (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, 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—
- (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.

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Subpart 3—Preparation and review of regional spatial strategies

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~~Adoption and amendment~~ Preparation and adoption of regional spatial strategies

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**.

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- (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 5
 - (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. 10
- (5) This section is subject to—
- (a) **sections 51B to 51D** (amendments not requiring review or **section 30** process); and 15
 - (b) **section 60** (Minister may direct amendments of regional spatial strategies).

~~22 How regional spatial strategies are prepared and adopted~~

- (1) ~~A regional spatial strategy, and any amendments to it, must be adopted—~~
- (a) ~~by that region's planning committee; and~~ 20
 - (b) ~~following a process adopted under **section 30**.~~
- (2) ~~**Subsection (1)(b)** does not limit the ability of a regional planning committee to consult, or otherwise seek the views of, the public generally or any person or class of person at any time and in any way during the preparation of a regional spatial strategy or amendment.~~ 25

~~23 When regional spatial strategies may be adopted or amended~~

- (1) ~~A regional planning committee may adopt a regional spatial strategy if the strategy is—~~
- (a) ~~the first regional spatial strategy for the region; or~~
 - (b) ~~a regional spatial strategy adopted as the result of a renewal in accordance with **section 46**.~~ 30
- (2) ~~A regional planning committee may amend its regional spatial strategy—~~
- (a) ~~to correct minor errors or make technical alterations (see **section 44**); or~~
 - (b) ~~to comply with a direction in the national planning framework (see **section 45**); or~~ 35
 - (c) ~~following a review (see **sections 47 and 48**).~~

*Considerations, etc, when preparing regional spatial strategies***23A General requirements: use and presentation of information**Quality and completeness of information

- (1) A regional planning committee must ensure that its regional spatial strategy is,— 5
- (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
- (b) prepared in accordance with any requirements in the regulations about the methodology and data or other information that must be used. 10
- (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.
- (3) If the regional planning committee is using information that is uncertain or inadequate, the committee must have regard to— 15
- (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— 20
- (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. 25

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.
- (5) The regional planning committee must also be satisfied that its regional spatial strategy provides for each matter at a level of detail that— 30
- (a) reflects—
- (i) the evidence and other information available about the matter; and
- (ii) the extent of work or planning already undertaken on any relevant activity or proposal; and 35
- (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

- (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. 5

- (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. 10

~~*Matters*~~ *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:~~ 15

- (a) ~~the Government policy statements listed in **Schedule 3**; and~~
 (b) ~~any statement of regional environmental outcomes or statement of community outcomes that is provided to the secretariat of the regional planning committee not later than 30 working days after the committee gives public notice of the process for preparing its regional spatial strategy (see **section 30**); and~~ 20
 (e) ~~any planning document recognised by an iwi authority or 1 or more groups that represent hapū.~~

- (2) The regional planning committee must have particular regard to the following, to the extent relevant to the regional spatial strategy: 25

- (a) the Government policy statements listed in **Schedule 3**; and
 (b) any statement of regional environmental outcomes or statement of community outcomes that is provided to the committee within the period specified in **subsection (2A)**; and

- (c) any planning document that is— 30

- (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— 35

- (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)**). 5
- (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: 10
- (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.
- ~~Matters~~ Instruments to which regional planning committee must have regard 15
- (3) The regional planning committee must have regard to the following, to the extent relevant to the regional spatial strategy:
- (a) ~~any strategies, plans, or other instruments~~ instrument made under other legislation (other than ~~those one~~ referred to in **subsection (2)**), including ~~any—~~ 20
- (i) ~~statutory acknowledgements; and~~ acknowledgement:
- (ii) ~~a plan prepared under section 14 of the Maori Commercial Aquaculture Claims Settlement Act 2004; and;~~
- (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 25
- (b) ~~any other strategies, plans, or other instruments~~ 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 30
- (c) ~~any statements of the Government's response to strategy reports provided under subpart 3 of Part 2 of the New Zealand Infrastructure Commission/Te Waihanga Act 2019.~~ 35
- (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
- (b) apply in relation to that strategy or those strategies. 40

(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

statement of community outcomes means a statement made under **section 645(4)(b), 30Q(1)(b) of the Natural and Built Environment Act 2022** 5

statement of regional environmental outcomes means a statement made under **section 643(4)(b), 30O(1)(b) of the Natural and Built Environment Act 2022.**

25 General considerations: other matters 10

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

~~Matters to which regional planning committee must have regard~~

(2) ~~The~~ In preparing a regional spatial strategy, a regional planning committee must have regard to— 15

(a) any cumulative effects of the use and development of the environment; and

~~(b) mātauranga Māori and any technical evidence and advice that the committee considers appropriate; and~~

(c) ~~whether the implementation of the regional spatial~~ 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 20

(d) any technical evidence and advice, including advice on mātauranga Māori, that the committee considers relevant. 25

~~Matters that regional planning committee must disregard~~

~~(3) The regional planning committee must not have regard to—~~

~~(a) effects on scenic views from private properties or land transport assets that are not stopping places; or~~

~~(b) effects on the visibility of commercial signage or advertising.~~ 30

26 ~~Planning documents prepared by customary marine title groups~~

~~(1) This section applies if a planning document under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 has been lodged with—~~

~~(a) the host local authority of a regional planning committee; or~~

~~(b) if different, the regional council for the committee's region.~~ 35

~~(2) In preparing a regional spatial strategy, the regional planning committee must, in accordance with section 93 of that Act,—~~

- ~~(a) recognise and provide for the matters in the planning document, to the extent that they relate to the relevant customary marine title area; and~~
- ~~(b) take into account the matters in the document, to the extent that they relate to a part of the common marine and coastal area outside the customary marine title area.~~

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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
 - (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.

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27 ~~Protected~~ Identified Māori land

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

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28 ~~Quality of evidence and other information~~

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

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

29 Incorporation of information from natural and built environment plans

- (1) A regional spatial strategy may incorporate the following from the region's operative natural and built environment plan:

(a) information ~~on~~ about the state and characteristics of the environment, including information about infrastructure and other aspects of the built environment:

~~(b) decisions on whether areas or features of the environment have particular characteristics, should be classified in a particular way, or meet related criteria that are set out in legislation.~~

(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:

(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:
- (b) any significant new information about the relevant environment has become available.

- (3) The regional planning committee may incorporate the information when adopting or amending a regional spatial strategy under **section-23 22**.

- (4) In doing so, the regional planning committee need not—

- (a) comply with ~~sections 24 to 28~~ **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)**.

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

- (1) A regional planning committee must ~~adopt a process for preparing its regional spatial strategy each time it intends to prepare a strategy.~~ 5
- (a) adopt a process for preparing its regional spatial strategy each time it intends to prepare a strategy; and
- (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. 10
- (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 15
- (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— 20
- (i) circumstances have changed since the process was adopted; and
- (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. 25
- (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.
- (2) ~~The regional planning committee must ensure that the process complies with **sections 34 to 34.**~~ 30
- (3) ~~The regional planning committee must—~~
- (a) ~~make the document setting out an adopted process publicly available; and~~
- (b) ~~give public notice of—~~
- (i) ~~the adoption of the process; and~~ 35
- (ii) ~~where the document setting out the process is available.~~

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. 5
- (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 10
 - (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). 15

~~31 Process must support quality decision-making~~

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

- ~~(a) robust and reliable evidence and other information of the kind referred to in **section 28**; and~~ 20
- ~~(b) a robust consideration of options; and~~
- ~~(c) sound reasons for choosing the preferred options.~~

~~32 Process must encourage participation~~

~~The process required by **section 30** must be designed to encourage participation by the public and all interested parties, particularly those who may be involved in implementing the regional spatial strategy.~~ 25

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— 30
 - (i) complies with **section 23A** (general requirements: use and presentation of information); and
 - (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 35

- (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). 5
- (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 10
 - (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 15
 - (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 20
 - (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
 - (d) collaboration between interested parties should be encouraged; and
 - (e) where appropriate, interested parties should be encouraged to lead key actions; and 25
 - (f) the process should be efficient and cost-effective, including for interested parties.
- 33 Process must comply with Māori participation arrangements**
- (1) ~~The process required by **section 30** must comply~~ A regional planning committee must ensure that a process adopted under **section 30** complies with— 30
 - (a) any applicable Mana Whakahono ā Rohe; and
 - (b) any relevant engagement agreement; and
 - (c) any relevant iwi and hapū participation legislation or agreement under that legislation. 35
- (2) ~~The process may depart from the requirements under **section 34** to the extent (if any) necessary to comply with **subsection (1)**.~~

34 Process must contain key steps

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

(1) A regional planning committee must ensure that a process adopted under **section 30** contains at least the steps set out in **Schedule 4**. 5

(2) However, the process may depart from the requirements of that schedule to the extent (if any) necessary to comply with **section 33**.

35 ~~Process may include hearings~~

(1) ~~The process required by **section 30** may include hearings.~~

(2) ~~If the process includes hearings, **subpart 3 of Part 2 of Schedule 7 of the Natural and Built Environment Act 2022** applies to those hearings with the necessary modifications.~~ 10

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

A regional planning committee must notify the Minister responsible for the administration of the Maori Commercial Aquaculture Claims Settlement Act 2004 of the opportunities for the Minister to participate in a process adopted under **section 30**. 15

*Engagement agreements***37 Purpose of engagement agreements** 20

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

(a) agree and record how the groups are to participate in preparing a regional spatial strategy for the region or an amendment to the strategy; and 25

(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**). 30

38 When engagement agreements must be initiated

(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: 35

(b) in any other case, before—

- (i) ~~renewing~~ replacing its strategy under ~~section 46~~ **section 51A**; or
 - (ii) amending its strategy following a review ~~under section 47 or 48~~.
- (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. 5
- 39 Initiation and formation of engagement agreements**
- (1) A regional planning committee must initiate engagement agreements by inviting the following Māori groups ~~(Māori groups)~~ with interests in the region to enter into 1 or more agreements: 10
 - (a) iwi authorities, and groups that represent hapū, whose area of interest includes any part of the region:
 - (b) customary marine title groups whose customary marine title area ~~under the Marine and Coastal Area (Takutai Moana) Act 2011~~ includes any part of the region: 15
 - (c) other Māori groups with interests in the region, if the committee considers that entering into engagement agreements with those groups is desirable to ensure that the views of all Māori groups with interests in the region are properly considered in preparing the region's regional spatial strategy. 20
- (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 25
 - (b) negotiate the terms of the agreement in good faith and in a timely manner to achieve ~~harmonious~~ participation in preparing a regional spatial strategy for the region.
- (3) However, no Māori group invited to enter into an engagement agreement is required to respond to an invitation under **subsection (1)**. 30
- (4) Despite **subsection (1)**, a regional planning committee is not required to initiate an engagement agreement with ~~an iwi authority or group that represents hapū if the committee and the authority or group~~ a Māori group with interests in the region if the committee and the Māori group—
 - (a) are party to a Mana Whakahono ā Rohe; and 35
 - (b) agree that the Mana Whakahono ā Rohe achieves the purpose of an engagement agreement.
- (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.

40 Form and contents of engagement agreements

- (1) If an engagement agreement is reached, the agreement must—
 - (a) be in writing; and 5
 - (b) identify the parties to the agreement; and
 - (c) record the agreement of the parties as to—
 - (i) how the parties will participate in preparing or amending the regional spatial strategy; and
 - (ii) how each party will be resourced to participate. 10
- (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)**). 15

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 ~~made publicly available~~ notified under **clause 4 of Schedule 4**.
- (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. 20

~~Cross-regional issues~~ Issues affecting 2 or more regions

- 42 **Establishment of cross-regional planning committees** 25
 - (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 30
 - (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 35
 - (b) consult—

- (i) other Ministers who have an interest in the area or in the issues; and
 - (ii) the parent committees.
- (4) ~~The 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
- (5) If the cross-regional planning committee is established at the Minister's direction and the parent committees are unable to agree on the matters referred to in **subsection (4)**, the Minister may give directions on those matters after consulting ~~with~~ the parent committees. 10
- (6) A cross-regional planning committee is disestablished once it completes the preparation and adoption of the cross-regional spatial strategy under **section 43**.
- (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— 15
 - (a) a reference to a regional planning committee must be read as a reference to a cross-regional planning committee;
 - (b) a reference to an appointing body must be read as a reference to a parent committee; 20
 - (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. 25
- 43 Cross-regional spatial strategies: preparation and adoption**
~~*Preparation, adoption, and incorporation of cross-regional spatial strategies*~~
 - (1) A cross-regional planning committee must prepare and adopt a cross-regional spatial strategy for the issues that it was established to address.
 - (2) The cross-regional planning committee must prepare and adopt the cross-regional spatial strategy using a process adopted under **section 30** ~~(which applies with the necessary modifications)~~. 30
 - (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 35
 - (b) a reference to a regional spatial strategy must be read as a reference to a cross-regional spatial strategy; and

- (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
- (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
- (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.
- (3) ~~After the cross regional planning committee adopts the cross regional spatial strategy, each parent committee must directly incorporate the cross regional spatial strategy into its regional spatial strategy.~~
- Reconsideration of proposed cross regional spatial strategies*
- (4) ~~However, before a cross regional planning committee adopts a cross regional spatial strategy, a parent committee may direct the cross regional planning committee to reconsider a proposed cross regional spatial strategy if the parent committee considers it is inconsistent with the parent committee's regional spatial strategy.~~
- (5) ~~If directed under **subsection (4)**, a cross regional planning committee—~~
- (a) ~~must reconsider the proposed cross regional spatial strategy in light of any submissions received from the parent committees; and~~
- (b) ~~may revise the cross regional strategy if the cross regional planning committee considers there is an appropriate way to resolve the inconsistency while addressing the issues that it was established to address.~~
- Review of provisions incorporated from cross regional spatial strategies*
- (6) ~~See **section 50** (which relates to the review of provisions of a regional spatial strategy that have been incorporated under this section).~~
- 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—
- (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.
- (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.
- 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.

*~~Minor, technical, and directed amendments to regional spatial strategies~~***~~44 Minor or technical amendments~~**

- (1) ~~A regional planning committee may amend its regional spatial strategy without following a process adopted under **section 30** if the amendment only corrects minor errors or makes technical alterations.~~ 5
- (2) ~~The regional planning committee must—~~
- ~~(a) make the amendment publicly available; and~~
 - ~~(b) give public notice of the date on which the amendment was adopted and where it is available.~~
- (3) ~~This section also applies to cross-regional spatial strategies.~~ 10

~~45 Amendments directed by national planning framework~~

- (1) ~~This section applies if the national planning framework directs regional planning committees under **section 69(2) of the Natural and Built Environment Act 2022** to amend their regional spatial strategies without using a process adopted under **section 30** of this Act.~~ 15
- (2) ~~After making the amendment in accordance with **section 69(3)** of that Act, each regional planning committee must—~~
- ~~(a) make the amendment publicly available; and~~
 - ~~(b) give public notice of the date on which the amendment was adopted and where it is available.~~ 20

*~~Renewal and review~~ Review of regional spatial strategies***~~46 Regional spatial strategies must be renewed every 9 years~~**

- (1) ~~Not later than 9 years after a regional spatial strategy is adopted, the regional planning committee must start the process to renew its strategy.~~
- (2) ~~The regional planning committee must review its regional spatial strategy before starting the process to renew the strategy.~~ 25
- (3) ~~For the purposes of this section, the process to renew a regional spatial strategy starts when the regional planning committee gives public notice under **section 30(3)** of the process to prepare the new strategy.~~

46A Regional spatial strategies may be reviewed at any time 30

- (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.
- (2) The review may relate to—
- (a) the whole or a part of the regional spatial strategy; 35
 - (b) the addition of new content to the strategy.

- 47 ~~Regional spatial strategies must be reviewed~~ 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)**. 5
- (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. 10
- (a) ~~using a process adopted under **section 30** (or using the power under **section 44** if applicable); and~~
- (b) ~~as soon as practicable within the time, if any, specified in the national planning framework.~~
- (3) If an amendment to the national planning framework is relevant only to a part of the regional spatial strategy, the regional planning committee— 15
- (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.
- (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). 20
- 48 ~~Regional spatial strategies must be reviewed if there is significant change in region~~**
- (1) ~~A regional planning committee—~~ 25
- (a) ~~must consider whether there has been a significant change in its region if a new natural and built environment plan for the region is inconsistent with the regional spatial strategy for a reason specified in **section 104 of the Natural and Built Environment Act 2022**; and~~
- (b) ~~may consider whether there has been a significant change in its region at any other time the committee considers appropriate.~~ 30
- (2) ~~If the regional planning committee decides that there has been a significant change, the committee must review its regional spatial strategy.~~
- (3) ~~If, following the review, the regional planning committee decides that an amendment to the regional spatial strategy is needed to respond to the significant change, the committee must amend the strategy using a process adopted under **section 30**.~~ 35
- (4) ~~If the significant change relates only to a part of the regional spatial strategy, the regional planning committee—~~

- (a) ~~need review only that part of the strategy; but~~
- (b) ~~must record its reasons for reviewing only that part of the strategy.~~

49 Policy for determining if there is significant change

- (1) ~~A regional planning committee must adopt a policy that sets out the criteria to be applied when determining whether the test for significant change is met, for the purposes of undertaking a review under **section 48(2)**.~~ 5
- (2) ~~The regional planning committee must make the policy publicly available.~~

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**. 10
- (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. 15
- (3) If the inconsistency relates only to a part of the regional spatial strategy, the regional planning committee—
 - (a) need review only that part of the strategy; but
 - (b) must record its reasons for reviewing only that part of the strategy and make them publicly available. 20

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 25
 - (b) the regional planning committee considers that those circumstances have occurred.
- (2) The regional planning committee must undertake the review required by the strategy.

49C Review of provisions that apply to customary marine title areas 30

- (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.
- (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 35

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
- (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. 5
- (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

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.
- (2) The regional planning committee—
 - (a) must consult the 1 or more other parent committees when reviewing the provisions; and 15
 - (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 and 43~~ **sections 42 to 43A**; or 20
 - (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. 25

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. 30

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. 35

- (3) The regional planning committee must review its regional spatial strategy before starting the process to replace it.

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

51B Amendments directed by national planning framework

- (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). 5
- (2) Each regional planning committee must—
- (a) adopt the required amendment— 10
- (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 15
- (c) give public notice of the date on which the amendment was adopted and where it is available.

51C Amendments provided for in regional spatial strategies

- (1) This section applies if—
- (a) a regional spatial strategy provides for a specified amendment to be made to the strategy in specified circumstances; and 20
- (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**. 25
- (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.

51D Minor amendments 30

- (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—
- (a) make the amendment publicly available; and 35

- (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

- 52 Implementation plans must be prepared and adopted** 5
- (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.
- (3) A regional planning committee must make its current implementation plan publicly available. 10
- 53 Consultation on implementation plans and agreement of ~~responsible persons~~ leads**
- (1) Before adopting or amending an implementation plan, a regional planning committee must— 15
- (a) ~~consult each person who is to have responsibility under the plan for delivering all or part of a priority action; and~~
- (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 from of each of those persons to before identifying them as a lead ~~having the responsibility assigned to them; and~~ 20
- (c) consult iwi authorities, groups that represent hapū, and other Māori groups with interests that relate to or are affected by any of the ~~priority~~ 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 alterations. 25
- 54 Contents of implementation plans**
- (1) ~~An implementation plan must set out the following for each priority action that is identified in a regional spatial strategy:~~ 30
- (a) ~~a summary of the key steps that will be taken to deliver the priority action and who will be responsible for taking them;~~
- (b) ~~how progress on the priority action will be monitored and reported on and who will be responsible for it;~~
- (c) ~~the interdependencies (if any) between the priority action and other priority actions.~~ 35

-
- (1) For each key action in a regional spatial strategy, an implementation plan must—
- (a) identify each lead for the key action; and
 - (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 5
 - (c) set out—
 - (i) a summary of the key steps that will be taken to implement or progress the key action; and
 - (ii) the extent to which work on the key action is already underway; and 10
 - (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 15
 - (v) the interdependencies (if any) between the key action and other key actions.
- (2) An implementation plan must also set out ~~the relative priority of the priority actions and their sequencing.~~
- (a) the relative priority of the key actions and their sequencing; and 20
 - (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.
- (2A) Nothing in this section requires or authorises the disclosure of information that is commercially sensitive. 25
- (3) The information in the implementation plan must be set out as prescribed by the regulations.
- 55 Review of implementation plans**
- (1) A regional planning committee must review its implementation plan not later than 3 years after the plan was adopted or last reviewed (whichever occurred later). 30
- (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. 35

56 Reporting on implementation plans

- (1) A regional planning committee must monitor and report annually on the ~~delivery~~ implementation or progress of each key action in its implementation plan.
- (2) The regional planning committee must ~~adopt that~~ 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*). 5
- (3) ~~A report on the delivery of the implementation plan~~ 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. 10
- (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
 - (b) notify the committee as soon as practicable if the lead becomes aware that information they have provided is or has become inaccurate. 15

*Implementation agreements***57 Implementation agreements**

- (1) Two or more persons who have a role in ~~the delivery or regulation of a priority action set out in a regional spatial strategy~~ implementing or progressing a key action may enter into an implementation agreement. 20
- (2) An implementation agreement must—
 - (a) set out a programme of the activities that the parties intend to carry out to ~~deliver or regulate~~ implement or progress the priority key action, including the sequencing of those activities; and
 - (b) identify the sources of funding for those activities, including any legal requirements that must be met to access the funding. 25
- (3) An implementation agreement is not enforceable.
- (4) This section does not limit the ability of the persons referred to in **subsection (1)** to enter into any other kind of agreement or contract between each other.
- (5) Regional planning committees must make publicly available the information about implementation agreements ~~publicly available as that is~~ prescribed by the regulations. 30

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) 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 ~~any~~ 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
 - (b) is held by the body or can reasonably be produced by the body; and
 - (c) may reasonably be required by the Minister. 25
- (3) The body must supply the information to the Minister within—
- (a) 20 working days ~~of~~ after the date of the notice; or
 - (b) a longer time set by the Minister.
- (4) The body must not charge the Minister for supplying the information. 30
- 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 35

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

Compare: 1991 No 69 s 24A

60 Minister may direct ~~amendment to~~ 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 for the strategy to comply with—~~ 15
 - (a) ~~section 15(1)(d) or (e) (which relates to giving effect to and being consistent with the national planning framework);~~
 - (b) ~~section 16 (which relates to the general contents and form of regional spatial strategies);~~ 20
 - (c) ~~section 17 (which relates to the key contents of regional spatial strategies);~~
 - (d) ~~section 18 (which relates to other matters that regional spatial strategies may deal with);~~ 25
- (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); 30
 - (b) sections 16 to 18 (which relate to the contents and form of regional spatial strategies).
- (2) In giving a direction, the Minister—
 - (a) may direct the committee to make an amendment that deals with the whole or a specified part of the committee's region; and 35
 - (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.**

- (3) The Minister must—
- (a) provide reasons for giving the direction and make their reasons publicly available; and
 - (b) prepare a statement of expectations that sets out the objectives expected to be achieved, which the regional planning committee must have regard to; and
 - (c) consult any ~~relevant Minister~~ 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 amendment meets~~ 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.
- (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.
- Compare: 1991 No 69 s 25A
- 61 Ministers may direct ~~review~~ 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.
 - (2) The Minister of Conservation may direct a regional planning committee to commence a review of the whole or any part of a regional spatial strategy so far as it relates to the coastal marine area and, if the Minister does so, must specify a reasonable period within which the review must commence.
 - (3) ~~The Minister or the Minister of Conservation, as the case may be,~~ 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
 - (c) consult any ~~relevant Ministers~~ other Minister with a relevant portfolio or any other person the ~~responsible~~ relevant Minister considers appropriate to consult on the content in the statement of expectations.

- (4) The regional planning committee must—
- (a) report to the relevant Minister ~~or the Minister of Conservation, as the case may be,~~ on how ~~the review meets~~ the committee has had regard to the statement of expectations; and
 - (b) make the report publicly available. 5
- (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**.
- Compare: 1991 No 69 s 25B
- 62 Minister may direct that other action be taken** 10
- (1) This section applies to powers, functions, or duties under this Act other than those for which a direction may be made under **section 60 or 61**.
 - ~~(2) The Minister may direct a regional planning committee or local authority to exercise or perform a power, function, or duty if the Minister is satisfied that—~~
 - ~~(a) the committee or local authority is not exercising or performing the power, function, or duty to the extent that the Minister considers necessary to achieve the purpose of the Act; and~~ 15
 - ~~(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.~~
 - (2) The Minister may direct a regional planning committee or local authority to exercise or perform a power, function, or duty if— 20
 - (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 25
 - (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
 - (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. 30
 - (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. 35
 - (4) The regional planning committee or local authority must, within 20 working days ~~of~~ 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
- (b) make that information publicly available.

63 Minister may make grants and loans 5

- (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. 10
- (4) Money received by the Minister under this Act must be paid into a Crown Bank Account or other account approved by the Minister of Finance.

Compare: 1991 No 69 s 26

Duty of others to assist 15

64 Duty to assist regional planning committees

- (1) This section applies to the following ~~bodies~~ persons:
 - (a) chief executives of departments:
 - (b) Crown entities:
 - (c) local authorities: 20
 - (d) iwi authorities and groups that represent hapū:
 - (e) network utility operators (including additional utility operators) approved as requiring authorities.
- (2) ~~A body~~ The person must provide information or technical support to a regional planning committee free of charge if— 25
 - (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
 - (b) it is practical and reasonable for the ~~body~~ person to provide the information or support without charge. 30

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

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: 35

- (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]:
 - (b) this Act, and duties, functions, and powers under this Act, operate effectively. 5
- Act does not create, transfer, extinguish, or determine rights or interests*
- (2) This Act and legislation made under it do not—
 - (a) create or transfer any proprietary right or interest in freshwater or geothermal resources: 10
 - (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.
- 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. 15
- 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** 20

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.

Compare: 1991 No 69 s 85(1)
- 66A Declarations by Environment Court** 25

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—

 - (a) the existence or extent of any function, power, right, or duty under this Act; or 30
 - (b) any other issue or matter relating to the interpretation or administration of this Act.
- 67 System performance**

See sections 836 to 839 of the Natural and Built Environment Act 2022, which relate to requirements for— 35

 - (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**):

- (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. 5

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. 10

Secondary legislation

68 Regulations

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations— 15
 - (aaa) providing for anything this Act says may or must be provided for by regulations; and
 - (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 20
 - (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
 - (b) prescribing requirements for— 25
 - (i) the methodology that is used to prepare evaluation reports; and
 - (ii) the form of those reports; and
 - (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 30
 - ~~(e) providing for anything this Act says may or must be provided for by regulations; and~~
 - (d) providing for anything incidental that is necessary for carrying out, or giving full effect to, this Act.
- (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. 35

- (3) Regulations made under this section may apply generally throughout New Zealand or within any specified part or parts of New Zealand.
- (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
- (5) In the event of an inconsistency between regulations made under this section and the national planning framework, the national planning framework prevails.
- (6) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 10

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)**. 15
- (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). 20

Amendments to other Acts

70 Amendments to other Acts

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

Schedule 1

Transitional, savings, and related provisions

s 9

Part 1

Provisions relating to this Act as enacted

5

~~1~~ When first regional spatial strategies must be notified

- (1) ~~A regional planning committee must publicly notify the draft of its first regional spatial strategy on or before the earlier of the following:~~
- ~~(a) the date set for the committee under **subclause (2)**;~~
 - ~~(b) the seventh anniversary of the date of Royal assent to this Act.~~ 10
- (2) ~~The Governor General may, by Order in Council made on the recommendation of the Minister, set the date by which a regional planning committee must publicly notify a draft of its first regional spatial strategy.~~
- (3) ~~Before making the recommendation, the Minister must consult—~~
- ~~(a) the regional planning committee for the region (or its appointing bodies if the committee is yet to be appointed); and~~ 15
 - ~~(b) any local authority within the region that the Minister considers is likely to be affected.~~
- (4) ~~In this clause, **publicly notify** means to notify a draft regional spatial strategy in accordance with **clause 4 of Schedule 4**.~~ 20
- (5) ~~An order made under this clause is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).~~

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 25
 - (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. 30

1B Extensions to deadline under clause 1A

- (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— 35

-
- (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
- (b) set out—
- (i) why the extension is sought; and 5
- (ii) the length of the extension that is sought (which must be no longer than 6 months); and
- (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— 10
- (a) the proposed extension may be needed to enable the preparation of a regional spatial strategy that meets the requirements of this Act; and
- (b) the interests of the community may be served by the proposed extension; and 15
- (c) any person may be disadvantaged by the extension and how the disadvantage or its effects may be mitigated; and
- (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 20
- (f) unforeseen circumstances have affected the preparation of the strategy; and
- (g) the deadline under **clause 1A** has previously been extended for the committee. 25
- (4) The Minister may grant an extension—
- (a) for the period requested or any other period of 6 months or less; and
- (b) subject to any conditions the Minister thinks fit.
- 2 Incorporation of information from RMA planning documents into regional spatial strategies** 30
- (1) A regional spatial strategy may incorporate the following from an operative RMA planning document that applies within the region:
- (a) information ~~on~~ about the state and characteristics of the environment, including information about infrastructure and other aspects of the built environment; 35
- (b) ~~decisions on whether areas or features of the environment have particular characteristics, should be classified in a particular way, or meet related criteria that are set out in legislation.~~

-
- (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:
- (ii) designations: 5
- (c) environmental limits and targets that are set in the RMA planning document.
- (2) Before incorporating the information, a regional planning committee must consider whether, in the period since the RMA planning document became operative,— 10
- (a) there has been a significant change in the relevant environment:
- (b) any significant new information about the relevant environment has become available.
- (3) The regional planning committee may incorporate the information when adopting or amending a regional spatial strategy under **section-23 22**. 15
- (4) In doing so, the regional planning committee need not—
- (a) comply with ~~sections 24 to 28~~ **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 **subclause (2)**. 20
- (5) In this clause, **RMA planning document** means a regional policy statement, regional plan, or district plan as those terms are defined in section 2(1) of the Resource Management Act 1991.
- 3 Consulting on proposed regulations if no regional planning committee appointed** 25
- (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. 30

Schedule 2

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

s 10

- 1 Purpose of this schedule** 5
- The purpose of this schedule is to ensure that the integrity, intent, and effect of Treaty settlements, the NHNP Act, and other arrangements ~~made under~~ 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, as defined in section 2(1) of the Resource Management Act 1991, that is entered into under that Act before **sections 656 to 658 of the Natural and Built Environment Act 2022** come into force~~ 15
- joint management agreement** means a joint management agreement made under any provisions of the Resource Management Act 1991 and in force on the day after the **Natural and Built Environment Act 2022** receives Royal assent 20
- ~~**Mana Whakahono ā Rohe** means an iwi participation arrangement entered into under subpart 2 of Part 5 of the Resource Management Act 1991 before **subpart 6 of Part 10 of the Natural and Built Environment Act 2022** comes into force~~ 25
- 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
- ~~**ngā hapū o Ngāti Porou** has the meaning given in section 10 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019~~ 30
- ~~**NHNP Act** means provisions of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 that relate to the exercise of a power or the performance of a function or duty under the Resource Management Act 1991~~
- other arrangements** means Mana Whakahono ā Rohe and joint management agreements 35
- 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

- (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: 5
- (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 10

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

~~Treaty settlement Act means—~~ 15

- (a) ~~an Act whose title is listed in Schedule 3 of the Treaty of Waitangi Act 1975 by an Act that was enacted before the commencement of this clause; and~~
- (b) ~~any other Act that was enacted before the commencement of this clause and that provides redress for Treaty of Waitangi claims, including an Act that provides collective redress or participation arrangements for claimant groups whose claims are, or are to be, settled by another Act~~ 20

Treaty settlement Act—

- (a) means—
- (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 25
- (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— 30
- (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 35
- (b) does not include the Maori Commercial Aquaculture Claims Settlement Act 2004

Treaty settlement deed—

- (a) means a deed or other agreement that—

- (i) is signed, ~~before the commencement of this clause~~ 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
- (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**
- (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 ~~as 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.
- (3) For the purpose of complying with **subclause (1)**, a person or regional planning committee may act in accordance with any applicable regulations made under **clause 6**, despite any other provision of this Act.
- ~~(4) This clause ceases to apply to a Treaty settlement, the NHNP Act, or other arrangement when,—~~
- ~~(a) in the case of Treaty settlements and the NHNP Act, the relevant Treaty settlement Act or Treaty settlement deed or the NHNP Act is amended in accordance with **clause 4**;~~
- ~~(b) in the case of other arrangements, they have been given effect to in accordance with regulations made under **clause 5**.~~
- (4) This clause ceases to apply in relation to a Treaty settlement, the NHNP Act, or an other arrangement when,—
- (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;
- (b) in the case of an other arrangement, it has been transitioned in accordance with **subpart 11 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

- (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,— 5
 - (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
 - (b) support the capacity of the relevant party to participate effectively in those discussions, including by providing appropriate resources; and 10
 - (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.
- (3) If necessary to give effect to an agreement relating to a Treaty settlement or the NHNP Act, the Crown must— 15
 - (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 20
 - (ii) is in a form that has been agreed by the relevant party; and
 - (b) use the Crown's best endeavours to promote the enactment of the Bill no later than 18 months after the enactment of this Act.
- (4) The Crown must also—
 - (a) monitor progress of the matters set out in **subclauses (2) and (3)**; and 25
 - (b) every 3 months, make a report on the progress available to the relevant party.
- ~~(5) In this clause, **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.~~

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. 35

-
- (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.
- (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. 5
- (4) Regulations made under this clause are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- 6 Regulations to modify regional planning committee processes 10**
- (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.
- (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. 15
- (3) Regulations made under this clause are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Schedule 3

Government policy statements

s 24

Name or topic of Government policy statement	Empowering legislation
Government policy statement on health	Pae Ora (Healthy Futures) Act 2022, s 34
Government policy statement on housing and urban development	Kāinga Ora–Homes and Communities Act 2019, s 22
Government policy statement on land transport	Land Transport Management Act 2003, s 66
Government policy statement on water services	Water Services Entities Act 2022, s-429 <u>132</u>
<u>Statement of government policy concerning the electricity industry</u>	<u>Electricity Industry Act 2010, s 17</u>

Schedule 4

Preparation of regional spatial strategies: key process steps

s 34

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~~1~~ **Meaning of interested parties**

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

1 Step 1: identification of relevant matters

- (1) A regional planning committee must identify—
- (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 5
 - (c) the persons who are interested in participating in the preparation of the strategy and how they would like to participate.
- (2) The regional planning committee must provide an opportunity for the public (including the persons listed in **subclause (3)**) to,— 10
- (a) for the purposes of **subclause (1)(a)**, participate in identifying the matters to be covered in the regional spatial strategy and their relative importance; and
 - (b) for the purposes of **subclause (1)(c)**, express an interest in participating in the preparation of the strategy. 15
- (3) The persons referred to in **subclause (2)** are—
- (a) the appointing bodies for the regional planning committee;
 - (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: 20
 - (i) the Crown;
 - (ii) Crown entities;
 - (iii) statutory bodies (including water services entities);
 - (iv) council-controlled organisations of appointing bodies or local authorities described in **paragraph (b)**; 25
 - (d) iwi authorities, and groups that represent hapū, whose area of interest is within or adjacent to the region;
 - (e) groups holding rights and interests in the region that are recognised under the Marine and Coastal Area (Takutai Moana) Act 2011; 30
 - (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—
 - (i) community or environmental groups or interests; or
 - (ii) industry or development sectors; 35
 - (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.

- (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. 5
- (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 1: preparation of draft regional spatial strategy** 10
- (1) ~~A regional planning committee must prepare a draft regional spatial strategy.~~
- (2) ~~The regional planning committee must provide an opportunity for interested parties and the public to participate in determining the matters to be included in the draft strategy and their relative importance.~~
- (3) ~~While preparing the draft strategy, the regional planning committee must also prepare—~~ 15
- (a) ~~scenarios that—~~
 - (i) ~~are relevant to the matters referred to in **section 46(4)(e)**; and~~
 - (ii) ~~deal with how the region may grow, adapt, or otherwise change over the period covered by the draft strategy, including what may occur if there is higher than expected population growth and associated effects on land use; and~~ 20
 - (b) ~~a draft evaluation report.~~
- (4) ~~A draft evaluation report must contain—~~
- (a) ~~a reference to, and short summary of, each piece of key evidence considered by the regional planning committee in preparing the draft regional spatial strategy; and~~ 25
 - (b) ~~a summary of the scenarios and key options considered by the regional planning committee; and~~
 - (c) ~~a statement about whether the regional planning committee has a preferred scenario or key option (or both) and, if so, what it is; and~~ 30
 - (d) ~~the reasons for the regional planning committee’s decisions on the content of the draft strategy generally; and~~
 - (e) ~~if the draft strategy has been prepared to renew an existing regional spatial strategy in accordance with **section 46**, a review of the effectiveness of the existing strategy (including its effectiveness in giving effect to the principles of te Tiriti o Waitangi).~~ 35
- (5) ~~A draft evaluation report must also comply with any requirements prescribed by the regulations.~~

- (6) ~~**Subclause (3)(a)** does not apply if—~~
- (a) ~~the regional planning committee is carrying out the process required by this clause for the purposes of amending its regional spatial strategy; and~~
 - (b) ~~the scenarios required by **subclause (3)(a)** would not be relevant to the amendment.~~
- 5
- 2 Step 2: preparation of draft regional spatial strategy**
- (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
 - (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—
- (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) 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.
- (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.
- Draft evaluation report*
- (8) The draft evaluation report must contain—
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- (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
- (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 5
- (d) the reasons for the committee's decisions on the content of the draft strategy generally; and
- (e) a reference to, and short summary of, each piece of key evidence considered by the committee in preparing the draft strategy; and 10
- (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
- (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). 15
- (9) The draft evaluation report must be prepared in accordance with any requirements prescribed by the regulations. 20
- 3 Step-2 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— 25
- (a) familiarise itself with the content of the draft strategy; and
- (b) identify any errors; and
- (c) identify any risks ~~in~~ 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. 30
- (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 ~~is to~~ may be notified under **clause 4** (according to the process notified under **section 30A(2)**); and 35
- (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
 - (b) must provide the appointing body with the committee's reasons for amending or not amending the draft strategy in response to the comments. 5
- 4 Step 4: public notification of draft regional spatial strategy**
- A regional planning committee must—
- (a) make the following documents and other information publicly available: 10
 - (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; and
 - (b) give public notice of where the documents and other information are available; and 15
 - (c) give interested parties and other members of the public a reasonable opportunity to provide written submissions on the draft strategy.
- 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. 20
 - (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 25
 - (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 30
 - (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 35

- 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). 5
- (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-4 6: opportunity for further comment on draft regional spatial strategy in certain cases** 10
- (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 15
- (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 20
- (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.
- 6 Step-5 7: public notification of adopted regional spatial strategy**
- (1) If a regional planning committee adopts a regional spatial strategy, the committee must— 25
- (a) make the following documents and other information publicly available:
- (i) the strategy; and
- (ii) the associated final evaluation report; and
- (iii) any other associated information prescribed by the regulations; 30
- and
- (b) give public notice of ~~the date on which the strategy was adopted and where it and the final evaluation report are published.~~
- (i) the date on which the strategy was adopted; and
- (ii) where the documents and other information are available. 35
- (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
- (c) ~~comply~~ be prepared in accordance with any requirements prescribed by the regulations.

7 Failure to carry out evaluation

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- (1) A challenge to a provision of a regional spatial strategy on the ground that an evaluation report required under this schedule has not been prepared may be made only in a submission under **clause 4 or 5**.
- (2) **Subclause (1)** does not prevent a person who is hearing a submission on a draft regional spatial strategy from having regard to the matters stated in **clause ~~2(4)~~ 2(8) or 6(2)**. 10

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)

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

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

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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

- (1) A long-term plan must set out steps to implement or progress the ~~priority key~~ actions for which the local authority is a lead under the Spatial Planning Act **2022** ~~responsible under the relevant regional spatial strategy~~.
- (2) The steps must provide for the local authority to implement or progress the ~~priority 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 ~~only~~ provide for the local authority to implement or progress the ~~priority key~~ actions only to the extent that the local authority is reasonably able to do so ~~implement the actions~~—
 - (a) in the period covered by the long-term plan; and
 - (b) consistently with the local authority's role, functions, duties, and powers under this Act and any other legislation.

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In Schedule 10, after clause 26, insert:

Local Government Act 2002 (2002 No 84)—continued**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 ~~priority key~~ actions for which the local authority is a lead under the Spatial Planning Act 2022 ~~responsible under the relevant regional spatial strategy~~; and
- (b) the steps that the local authority intended to take (but has not taken) to implement or progress the ~~priority 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).

Repeal Part 6.

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

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

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

Part 2
Provision relating to Spatial Planning Act 2022

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.

Urban Development Act 2020 (2020 No 42)

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

In Schedule 1, insert as the last Part:

Part 3
Provision relating to Spatial Planning Act 2022

2 Application of provision relating to spatial plan for Auckland

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

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

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**.
- (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

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**.

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:

- (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.

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.

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

Legislative history

15 November 2022

22 November 2022

Introduction (Bill 187–1)

First reading and referral to Environment Committee

Wellington, New Zealand:

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