

# **BRIEFING: NATURAL AND BUILT ENVIRONMENT BILL AND THE SPATIAL PLANNING BILL**

## **25 JANUARY 2023 – 4.00 PM**

### **ATTENDEES**

**Elected Members:** Mayor Barry, Cr Dyer, Cr S Edwards, Deputy Mayor Lewis, Cr Mitchell, Cr Morgan, Cr Parkin, Cr Shaw, Cr Stallinger, M Fisher, and K Yung.

**Staff:** J Miller, Chief Executive, A Blackshaw, Director of Neighbourhoods and Communities; K Puketapu-Dentice, Director of Economy and Development; A Geddes, Director of Environment and Sustainability (via audio-visual link), N Geard, Policy Planning Manager, S Davis Intermediate Policy Planner, Emily Campbell, Pou Whakamahere Kaupapa Here, J Randall, Democracy Advisor, and K Davey, Democracy Advisor.

### **APOLOGIES**

Cr G Tupou, Cr J Briggs, Cr Barratt, and Cr Brown

### **PRESENTERS**

Nathan Geard, Policy Planning Manager, Stephen Davis Intermediate Policy Planner, Emily Campbell, Pou Whakamahere Kaupapa Here.

### **KEY OBJECTIVES OF THE BRIEFING**

The purpose of the briefing is to provide an overview of the proposed new legislation, outlining the background, the key drivers, and the transitional provisions of the reforms for the following Acts.

- Natural and Built Environment Act
- Spatial Planning Act
- Climate Adaptation Act (in development)

### **INTRODUCTION**

Nathan Geard, Policy Planning Manager, introduced the team and outlined their roles and responsibilities

### **PRESENTATION BY NATHAN GEARD, POLICY PLANNING MANAGER**

**Slide 1 Resource Management Reforms, Spatial Planning Bill, Natural and Built Environment Bill, Climate Adaptation Bill.**

**Slide 2 – Contents**

**Slide 3 – Who are we**

**Slide 4 – Background**

**Slide 5 – Drivers for RM reforms**

**Slide 6 – The proposed legislation**

**Slide 7 – Headlines**

**Slide 8 – Key Concept – Te Oranga o te Taiao**

**Slide 9 – Natural and Built Environment Act**

**Slide 10 – What it does**

**Slide 11 – Spatial Planning Act**

**Slide 12 – Key requirements**

**Slide 13 – Regional Planning Committees**

**Slide 14 – Implications for Mana Whenua**

**Slide 15 – Summary of the key changes**

**Slide 16 – Council’s role in the new system**

**Slide 17 – Transition**

**Slide 18 – Questions/Discussion**

## **QUESTIONS AND DISCUSSION POINTS**

The Bills for the proposed Spatial Planning and Natural and Built Environment Acts are out for submission.

Officers are considering making a submission, focusing on support for the transition period, as it allows for the completion of work currently being undertaken.

In response to questions regarding tensions between enabling development and protecting the natural environment, the proposed legislation does not resolve this, though the general principle of the new reforms is that where there are competing outcomes, decisions are made at one level once.

The regions have been defined and the current regional boundaries will be used, there are a total of 15 regions.

The Policy Planning Manager advised that the timeline for the Climate Adaptation Act is yet to be confirmed. As the government’s focus has been on getting the Natural and Built Environment and the Spatial Planning Acts in place before the next general election. Officers think it will be unlikely that if there was a change in government that the entire Acts would be undone as they are large pieces of work, though the new Acts may be amended on a regular basis in the same way the current Resource Management Act (RMA) is.

The rationale for moving to regional decision-making is so decisions can be made once rather than being revisited, allowing for fewer steps and a more simplified system.

It is up to each Regional Committee to decide what its committee representation looks like made up of the different bodies that are entitled to have representation. It is then up to each council or other body to decide who their representatives are.

Both Acts emphasise consensus between the Regional Planning Committee members, local authorities, and other bodies. If a consensus cannot be agreed this will cause delays and decisions would then be pushed to other decision-makers.

Local Government New Zealand (LGNZ) draft submission, Mayor Barry noted that any elected members can respond with feedback to LGNZ and that a collective response could be considered.

In response to the questions regarding where officers will be based and working from under the new Act (at Council or regionally), it will be up to councils and the regions to establish where it makes the most sense to base officers.

In response to questions regarding Iwi representation the Pou Whakamahere Kaupapa Here, noted that Iwi has some concerns with the amount of work to be done, but that having one group to liaise with was supported. There is concern about how Iwi representation will work, with a minimum of two representatives, what that would look like, and how it is managed.

In response to a question on what the implications of the new Acts on the current District Plan were, the Komiti Iti Arotake Mahere ā-Rohe | District Plan Review Committee will be briefed on the Acts at upcoming meetings and in briefings. There is a long transition period, and the current RMA stays in place throughout this time.

Strategic observations and questions to consider from the Chief Executive

- The implementation period is long (up to a decade)
- What is the implication of the transition period and its impact on Carbon Zero targets?
- Does this timeline allow for amendments to the legislation?
- Does the Act protect the well-being of the environment?
- Infrastructure and the National Policy Statements? that is requiring the retrofitting of transport solutions because of where development is taking place. In the future where does the responsibility lie? and who gets taken to court for a judicial review if a review is required?
- The long implementation period may give time to address some of these concerns.
- There is a meeting of Mayors and Chief Executives with public services representatives. This will be reported back.

## NEXT STEPS

The mayor asked if the council should make its own submission, or put a submission through LGNZ? noting the following -

- The Bills are not understood in the community.
- The proposed reforms are huge.

- The Act is light on Mana Whenua, and there is the need to highlight that the Acts are about the natural environment, the built environment our communities, and Mana Whenua.
- He proposed the possibility of working with LGNZ, the Regional Council, and liaising with other Councils within the region if they are making submissions.
- Council's response to LGNZ to add to their submission must be quick.
- Council has until 12 February 2023 to make its own submission.
- Due to the timeline, approval of a submission with LGNZ will be agreement via email.

#### Questions to consider

- The Statement of Community Outcomes, local influence, and participation, what are the desired outcomes?
- How will local interests and outcomes be managed?
- Iwi resourcing and participation, where is the support for that coming from?
  - The Director of Economy and Development advised that the Manatū Mō Te Taiao | Ministry of the Environment is providing funding to support Mana Whenua. Noting that nearly every single Treaty Settlement in New Zealand has a reference to the RMA, this means that Treaty Settlement Acts will need to be reviewed. This creates opportunities for re-negotiations of what has been provided for in those Acts. This is a significant piece of work being undertaken.

## **BRIEFING MATERIALS**

### **Attachment 1 – Presentation:**

The briefing closed at 4.45 pm