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Minister for the Environment  
*[sent electronically]*

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Dear Minister Parker

**Submission of Hutt City Council on the Natural and Built Environment Bill and Spatial Planning Bill**

1. Hutt City Council welcomes the opportunity to make a submission on the *Natural and Built Environment Bill* and *Spatial Planning Bill*.
2. This submission addresses the following aspects of the Bills:
  - The role of Statements of Community Outcomes,
  - Increased recognition of Te Tiriti o Waitangi,
  - Resolving conflicts between competing priorities,
  - Funding and resourcing,
  - Alignment with other reforms,
  - Transition provisions, and
  - Natural hazard risk and climate change.

**The role of Statements of Community Outcomes**

3. The proposed planning system would shift the plan-making that is currently undertaken at a local level (by territorial authorities) to instead being undertaken at a regional level (by regional planning committees). With this change, there is a risk of local voices being lost from the plan-making process.
4. This is particularly the case for large regions with a diverse range of councils that serve a mix of urban, suburban and rural communities, such as the Wellington region.
5. The proposed planning system provides for Statements of Community Outcomes (SCOs) as inputs into plan-making. With plan making being undertaken at a more regional level, the SCOs become vital in ensuring the new natural and built environment plans and

spatial plans are informed by the views of local communities that are served by those plans.

#### *Recommendation*

6. Require regional planning committees PCs to *give effect to* Statements of Community Outcomes, or at least ensure decisions are *not inconsistent with* the Statements.

#### **Increased recognition of Te Tiriti o Waitangi**

7. Under section 8 of the Resource Management Act, persons exercising functions and powers under the Act *shall take into account* the principles of the Treaty of Waitangi. As proposed in the bills, this would be strengthened to *must give effect to* the principles of the Treaty. We support this greater recognition of the treaty.
8. We also support the shift in language from *'tangata whenua'* to *'iwi and hapū'*, as it gives greater prominence to those entities that have Mana Whenua status in a particular region.

#### *Recommendation*

9. Retain the requirement of s4 of the NBE Bill and s5 of the SP Bill, that all persons exercising powers and performing functions and duties under the Acts give effect to the principles of te Tiriti o Waitangi.

#### **Resolving conflicts between competing priorities**

10. It is inevitable that conflicts will arise between competing priorities. In particular, conflicts between priorities of protecting parts of the natural environment while also needing to provide for essential development and land use that would likely impact those parts of the natural environment to some extent. Conflicts can also arise between competing land uses. In addition, there is a question of how giving effect to mātauranga and tikanga can be negotiated and given prominence to alongside mainstream science and planning processes.
11. Resolving these conflicts at a local level without clear direction on how conflicts should be resolved would be less efficient than either resolving the conflicts nationally or providing national direction on how conflicts are to be resolved. Otherwise, each region will need to navigate the difficulties of resolving conflicts between competing priorities, which will be more resource intensive for participants in the planning system.
12. For negotiating conflicts between protecting parts of the natural environment and enabling essential development, guidance will be required on how the concept of *Te Oranga o Te Taiao* is given prominence to in plan making.

### *Recommendation*

13. Provide direction and criteria in the NBE Bill itself about how competing priorities and conflicts between and among outcomes will be managed, or alternatively require national level conflicts between and among outcomes to be resolved exclusively by the National Planning Framework and not through regional planning committees.

### **Funding and resourcing**

14. Funding and resourcing are essential for the success of the proposed planning system, particularly the significant amount of work necessary to transition to the new system. This includes funding and resourcing for iwi and hapū to participate in the new system in a meaningful way.
15. Central government is in a position to contribute to the success of the planning system through funding and resourcing.

### *Recommendations*

16. Central government support and fund, or at the very least share, the funding for local government's implementation of the new system (at least during the transition until the first generation NBE plans take effect).
17. Central government fund iwi and hapū participation in the new system.

### **Alignment with other reforms**

18. The development and implementation of the NBE Act, SP Act and wider planning system needs to be aligned with other legislative reforms that are currently ongoing. In particular the ongoing three-waters reforms and development of the Climate Adaption Act.
19. Three-water infrastructure and adapting to climate change are two significant planning issues that councils and communities around the country need to address. If the relevant legislation for these issues is not aligned, the planning system is at risk of either not effectively addressing these issues, or doing so in an inefficient way.
20. This alignment could be achieved through a commitment to the completion of the Climate Adaptation Act and by ensuring that decision makers preparing documents prepared under the NBE Act and SP Act have regard to documents prepared under other key legislation (particularly the Water Services Entities Act 2022).

### *Recommendations*

21. Better integrate the NBE Act with other legislation by adding a new decision-making principle (clause 6) that requires all decision-makers to have regard to statements, plans

and strategies prepared under other key legislation, such as the Water Services Entities Act 2022.

22. That the Government commits to making considerable progress on the Climate Adaptation Act before the end of this parliamentary term.

### **Transition provisions**

23. The Bills allow councils several years to transition from the current planning system to a new system under the NBE Act and SP Act. This allows councils to continue to undertake planning functions under the Resource Management Act, including plan making functions, for several years before transitioning to the proposed planning system.
24. Hutt City Council commenced a full review of its District Plan in 2019. A substantial amount of work has taken place as part of the review. Council intends to engage with the community on a draft District Plan later this year, which would allow for formal notification of a proposed District Plan in 2024. This proposed District Plan would then need to go through the formal process set in Schedule 1 of the Resource Management Act. As a result, this review is unlikely to be completed until 2026 at the earliest (final completion dates will depend on the amount of time needed for hearings and appeals).
25. The length of the transition period proposed through the Bills would provide Hutt City Council time to resolve its existing District Plan Review before full transitioning into the new planning system. In addition, given the relatively high number of councils in the Wellington region, the new planning system will likely require a significant amount of collaboration and co-ordination between councils, and this collaboration/co-ordination needs sufficient time to take place.
26. An extended transition period also allows iwi and hapū to decide how they might meaningfully participate in the new planning system, a system where their capacity is likely to be further exacerbated beyond that which it is currently.

### ***Recommendation***

27. Retain the proposed transition provisions that allow councils to continue to undertake planning functions under the Resource Management Act, including plan making functions, for several years before transitioning to the proposed planning system.

### **Natural hazard risk and adapting to climate change**

28. Recent extreme flooding events have highlighted the need for all councils to be empowered and provided with a range of tools to manage and mitigate the risks of building in hazard areas. Examples include more comprehensive protection of tree canopy cover and limiting development on slopes.


29. Councils must also have the ability to prevent further development where hazard risks are too high and cannot be mitigated.

*Recommendations*

30. Ensure the new legislation provides councils with strong and clear powers to:

- Control development to ensure our communities are safe and resilient, including through both the location and design of development,
- Enable current communities to adapt to climate change, and
- Ensure sufficient drainage infrastructure is in place to accommodate both existing and future development.

Yours sincerely



Allison Geddes

DIRECTOR – ENVIRONMENT AND SUSTAINABILITY