



16 February 2023

Environment Committee  
Parliament Buildings  
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## **Hurunui District Council's submission on the Spatial Planning Bill**

### **Introduction**

1. This is a submission on the Spatial Planning Bill 2022 from the Hurunui District Council.
2. The Hurunui District is located in North Canterbury. We have approximately 12,558 residents and cover an area of 8,646 km<sup>2</sup> spanning from the east coast across to the Main Divide. The Hurunui District is predominately rural land interspaced with small service towns. Our economy is primarily reliant on primary production and tourism.
3. HDC fully supports the Canterbury Mayoral Forum submission and provides further specific comment in relation to the views of HDC, in this submission.
4. HDC seeks to be heard in support of this submission.
5. HDC acknowledges the significant amount of work the Ministry for the Environment (MfE) has undertaken in developing the Spatial Planning Bill.

### **General comments**

6. HDC generally supports the intention of the Spatial Planning Bill to integrate planning across different legislative frameworks and requiring long-term spatial planning at the regional level through the development of Regional Spatial Strategies (RSS).
7. Notwithstanding our general support, HDC considers that a few important amendments are required to ensure the Spatial Planning Bill is able to operate effectively and that RSS' are an effective planning instrument.
8. Our submission provides comment and suggested amendments in the following section.

### **Incorporation of planning documents into RSS**

9. We note that clause 2, schedule 1 provides the ability for an RSS to incorporate prescribed information from 'an operative RMA planning document' that applies within the region. While we support that operative RMA planning documents may be able to be incorporated into a RSS, we strongly request that a wider range of operative planning documents are able to be considered. As the Spatial Planning Bill is currently drafted, any existing spatial plans or strategies not been prepared

under the RMA, will not be able to be considered in the preparation of the RSS. Given that in the preparation of the majority of spatial plans and strategies, extensive public consultation and engagement has been undertaken through other legislative frameworks such as the Local Government Act 2002 (LGA), we consider that it would be detrimental and inefficient not to have the ability to consider these planning documents.

#### Amendments requested

10. HDC request that clause 2, schedule 1 be amended as follows:

***Incorporation of information from RMA-planning documents into regional spatial strategies***

*(1) A regional spatial strategy may incorporate the following from an operative RMA-planning document that has prepared under the RMA or LGA which applies within the region:*

11. We acknowledge the importance of being able to consider timely and current information. If the age of such planning documents is of concern to the Select Committee, we suggest that a further amendment be made to clause 2, schedule 1 to limit consideration to planning documents prepared under the RMA or LGA within a certain timeframe.

#### **Scope of appointing bodies' review of draft RSS**

12. Schedule 4 outlines the key process steps for the preparation of RSS'. We are supportive of clause 3, schedule 4 which provides appointing bodies with the opportunity to review a draft RSS, if requested by an appointing body. However, we consider that the purpose of the review outlined in (2) of clause 3, is too limited and the scope of the appointing bodies' review should be broadened to give appointing bodies the ability to provide a range of comments on the draft RSS. In our opinion, this would provide a valuable opportunity for the Regional Planning Committee to obtain feedback on the draft RSS, prior to public notification. In turn, this may reduce the number of submissions received or the number of submission points.

#### Amendments requested

13. Given the above point, we request the following amendment to (2), clause 3 of schedule 4:

***3. Step 2: review by appointing bodies***

*(2) The purpose of a review is to allow the appointing body to –*

*(a) familiarise itself with the content of the draft strategy; and*

*(b) identify any errors; ~~and~~*

*(c) identify any risks in the implementation or operation of the draft strategy-;*

*(d) identify any opportunities; and*

*(e) provide comment on any matters of local knowledge or known aspect of community concern.*

#### **Purpose of the Bill**

14. HDC requests several amendments to the purpose of the Spatial Planning Bill as outlined in section 3 of the Bill, to help clarify and strengthen its purpose. It is critical that the Spatial Planning Bill has a clear purpose to ensure the effective functioning and implementation of the remaining parts of the Bill and the RSS' prepared under it.

15. As also outlined in our submission on the NBE Bill, we are concerned about the use of the word 'upholding' in relation to te Oranga o te Taiao, given it is a new word in the planning context and is not defined in either the NBE Bill or the Spatial Planning Bill. We have concerns that the use of 'upholding' is unclear, is open to varying interpretations, and is therefore likely to lead to litigation. In

our submission on the NBE Bill, we have requested that either further clarification is given such as 'uphold' being defined or that a familiar term in the planning context, such as 'gives effect to' or 'recognise and provide for' be used in place of 'uphold.'

16. Currently in section 3 of the Spatial Planning Bill, clause (b) outlines that the purpose of the Act is to provide for regional spatial strategies that '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.' HDC is concerned that 'promote' is too weak as it essentially means encourage which is voluntary. In our opinion, integration with other Acts needs to be ensured for regional spatial strategies to be effective.

#### Amendments requested

17. HDC requests that the suggested amendments outlined in paragraph 15 be made in relation to 'upholding te Oranga o te Taiao' in section 3 of the Spatial Planning Bill, to ensure consistency with our suggested amendments to the purpose of the NBE Bill.
18. HDC requests that the word 'promote' in clause (b) of section 3 be replaced with 'ensure.'

#### **Integration with other relevant legislation**

19. As outlined in paragraph 16, section 3 of the Spatial Planning Bill provides that regional spatial strategies promote integration with the Natural Built Environment Act 2022, the Land Transport Management Act 2003, and the Local Government Act 2002. However, there is no requirement for regional spatial strategies to integrate with the Climate Response Act 2002, the new Water Services Entities Act 2022, or the future Climate Change Adaptation Act. In our opinion, it is critical that regional spatial strategies integrate with these three additional Acts to ensure that regional spatial strategies are effective.
20. In respect of the timing of regional spatial strategies, HDC strongly recommends that regional spatial strategies should be developed after the Climate Change Adaptation Act receives royal assent. We consider that if regional spatial strategies are developed prior to this, they may have to be significantly amended to address the requirements of the Act which would be a highly inefficient use of resources.

#### Amendments requested

21. Given our comments in paragraph 17, we request that the Climate Response Act 2002, the Water Services Entities Act 2022, and the Climate Change Adaptation Act be added to clause (b) of section 3 and to section 4 of the Spatial Planning Bill which outlines how regional spatial strategies promote integration with other legislation.

#### **Amendments to other Acts**

22. HDC request that section 154 of the Water Services Entities Act 2022 is amended to ensure the infrastructure strategies prepared under the Act give effect to regional spatial strategies.
23. Although the Climate Adaptation Bill has not yet been introduced to parliament, it is likely to influence regional spatial strategies. Accordingly, HDC requests that the Bill is prepared to ensure integration with the Spatial Planning Bill.

24. We are available and happy to provide any further information or answer any questions about our submission.

Yours sincerely

*Marie A Black.*

Marie Black  
Mayor (on behalf of Hurunui District Council)