

4 August 2021

Construction Industry Council (NZCIC) Submission on Exposure Draft Natural and Built Environments Bill

Introduction

The New Zealand Construction Industry Council (NZCIC) is a not-for-profit peak industry association representing 35 member organisations involved in the delivery of our built environment. Our membership is comprised of associations whose members include designers and specifiers (architects, engineers etc.), contractors and suppliers (manufacturers, distributors, builders etc.) and a range of other building professionals (compliance, research, surveyors, developers etc.).

NZCIC's purpose is to be the cohesive voice driving industry wellbeing and performance for a better built environment for New Zealand. Therefore, we have a strong interest in the way the Natural and Built Environments Bill protects our environment (including working towards the government's greenhouse gas emission targets and mitigating effects of climate change). We are equally invested in the way the bill encourages good urban form while ensuring infrastructure and urban development is efficiently planned and consented.

The construction industry needs a consistent pipeline of projects to enable investment in human and technological capital to be productive and sustainable. Additionally we need sustainable supply chain which includes raw materials (such as aggregate) and manufactured products.

General comments on the Bill

Natural and Built Environments Act (NBA)

NZCIC supports the repeal of the Resource Management Act (RMA) and replacement with:

- Natural and Built Environments Act (NBA), to protect and restore the environment while better enabling development, as the primary replacement for the RMA
- Strategic Planning Act (SPA), to help coordinate and integrate decisions made under relevant legislation, through requiring the development of long-term regional spatial strategies; and
- Climate Adaptation Act (CAA), to address complex issues associated with managed retreat.

Our support is subject to the implementation of the new system in a way which improves the efficiency of the system. It also needs to provide greater national consistency of processes and outcomes while recognising specific regional and local nuances and giving effect to Te Tiriti.

The implementation of the NBA, SPA and CAA must consider other government reforms, such as the Te Waihangā Infrastructure for a Better Future, Government Policy Statement on Housing and Urban Development, and work of the Climate Change Commission and MBIE's Building for Climate Change programme.



NZCIC supports the objectives of the NBA to:

- Protect and where necessary restore the natural environment and take an intergenerational view of preservation and wellbeing
- Better enable development within environmental biophysical limits including a significant improvement in housing supply, affordability and choice, and timely provision of appropriate infrastructure, including social infrastructure
- Give effect to the principles of Te Tiriti o Waitangi and provide greater recognition of te ao Māori, including mātauranga Māori
- Better prepare for adapting to climate change and risks from natural hazards, and better mitigate emissions contributing to climate change
- Improve system efficiency and effectiveness, and reduce complexity, while retaining appropriate local democratic input.

We have concerns that the legislation does not currently give confidence to business and economic development. We suggest these be included the objectives.

In principle, NZCIC supports the precautionary approach. An approach that favours taking action to prevent threats of serious or irreversible harm to the natural environment, rather than postponing action on the ground that there is a lack of full scientific certainty is preferable. However, we do have concerns this approach could become a default method of blocking developments if not required to provide an evidence-based objection. The legislation must be very clear the precautionary approach is based on a balanced analysis of outcomes with due regard to the benefits of the development and risks to the environment.

The setting of environmental limits must also provide clear guidance for planners and more efficient resolution over planning disputes. Where the environmental limits are necessarily subjective, they should be set as clearly as possible to reduce opportunities for nuisance appeals and protracted disputes.

NZCIC suggests expanding the mandatory environmental limits to include a broader range of matters to align with current national direction and provide greater certainty for the National Planning Framework (NPF) and NBE Plan stage. This could include additional council functions (RMA s30 and 31) such as natural hazard settings (sea level rise and rainfall intensity), noise (as determined in the National Planning Standards), and urban development (housing, employment/business areas, and infrastructure anticipated in the NPS-UD, Urban Development Act and Urban Growth Agenda).

NZCIC believes stringent regulatory impact assessment must be completed on the proposed reforms, particularly as they affect business, employment, and New Zealand's international economic competitiveness.

Opportunities to improve system efficiency and effectiveness, and reduce complexity, while retaining appropriate local democratic input.

In order to achieve the certainty and efficiency gains needed and resolve conflict between the natural and built environment outcomes, it is critical that there is improved integration between legislation and national direction. This requires an effective transition from the current RMA system to ensure that anticipated efficiency gains are realised and integration with other national statutory/policy direction is achieved. NZCIC supports the devolution of processes to the local government level where appropriate – provided that consistency with national processes is ensured.





We also note that the relationship between the NBA, Spatial Plan, regional strategies and the issues of managed retreat and climate change is unclear. There is a need for a coherent and coordinated future-led, evidenced-based strategy. This strategy should balance environment, growth and community needs.

Therefore, we recommend that the NBA is amended to better balance natural and built outcomes by ensuring a variety of New Zealand's housing, business, and community services needs are met in a way that results in well-functioning urban areas and quality urban design outcomes. Integration between this national direction and NBA should be referenced in s17.

Priorities, trade-offs and potential offsets need to be established early and implemented consistently. The wealth of knowledge and guidance that has accumulated through the processes of the Resource Management Act over the last 30 years should be reflected in new processes to reduce transition costs, a delay in benefits being realised and loss of positive system cultures and behaviours.

Clear definitions of the *"Built Environment"*, *"Urban Environment"* and *"Well Functioning Urban Environment"* are needed in the NBA. Also needed is clarification around timeframes of expectations for environmental limits and outcomes to align with other planning mechanisms, for example, regional spatial strategy (30 years); building consent (50 years); and water infrastructure (50-100 years).

NZCIC also recommends statutory response and process times be established for key processes (such as those already present in other legislation) to ensure that the timely performance of government agencies implementing the NBA, SPA and CAA.

Conclusion

NZCIC is committed to supporting a better built environment for Aotearoa New Zealand which includes protecting and enhancing the natural environment. A productive and sustainable construction industry is vital to provide the infrastructure and housing needed for our growing population, including a resilient, viable and sustainable supply chain.

The National Planning Framework and Natural and Built Environment Plans should ensure a consistent national approach to planning and resource allocation wherever possible, while considering regional, iwi and hapu needs. Consideration should be given to maximising supply chain efficiencies within environmental limits, as well as the more obvious needs to improve the supply and affordability of housing.

Contact NZCIC

NZCIC wishes to be heard in respect to this submission.

For any questions regarding this submission, please email info@nzcic.co.nz or call Graham Burke 021 249 3459.

