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Committee Secretariat
Environment Committee
Parliament Buildings
Wellington



Te Kāhui
Whaihangā
New Zealand
Institute of
Architects



RE: Submission on the Natural and Built Environment Bill – Exposure Draft

This joint submission is made on behalf of Te Kāhui Whaihangā New Zealand Institute of Architects (Institute) and the Registered Master Builders Association (RMBA). A decision was taken early by both professional bodies to collaborate, given the reality of architects and builders together navigating any new regulatory settings and the significant contribution both professions make to the built environment and to the lives and wellbeing of all New Zealanders.

In support of the views expressed in this submission, the Institute and RMBA workshopped the Natural and Built Environment (NBE) Bill with some of its members, the Property Group and the Urban Design Forum Aotearoa and supports the Forum's submission. The workshop outcomes and key issues were also shared with the New Zealand Green Building Council (NZGBC) and the Association of Consulting and Engineering New Zealand (ACE NZ).

Introduction

The New Zealand Institute of Architects and the Registered Master Builders Association welcomes this early opportunity to comment on the exposure draft of the proposed Natural and Built Environment Bill.

We generally support the recommendations contained in the Randerson Report to the Government and their inclusion in the Natural and Built Environment (NBE) Bill. Specifically, the shift to an outcomes-based assessment process, the focus on efficiencies and clearer national guidance, streamlining the plan making process by allowing the Planning Committee to direct plan changes and limiting appeal rights are strongly supported.

We also acknowledge there is still a significant amount of work to be done to complete the design of the NBE Bill, the Spatial Planning Act (SPA) and the Climate Change Adaptation Act (CCA).

26 Aroha Ave by Jasmax ([Click caption to see the project](#))



A considerable amount of work is required to ensure an effective transition from the current RMA system to ensure that anticipated efficiency gains are realised and the integration with other national statutory/policy direction is achieved. There is also a critical need to recognise the importance of the urban and built environment in the NBE Bill and wider reform package.

National direction & integration

To achieve the anticipated certainty and efficiency gains and resolve conflict between natural and built environment outcomes, it is critical that there is improved integration between legislation and national direction.

The purpose of the *Urban Development Act 2020* is to facilitate urban development that contributes to sustainable, inclusive, and thriving communities by providing opportunities to streamline and consolidate processes for urban development projects undertaken by Kāinga Ora. These powers include:

- the ability for Kāinga Ora to modify, add to, or suspend provisions in RMA regional or district plans or policy statements within the project area
- the power for Kāinga Ora to act as a resource consent authority and requiring authority under the RMA
- the ability to create, reconfigure and reclassify reserves



Tūranga by Architectus and
Schmidt Hammer Lassen Architects

- the ability to build, change, and move infrastructure
- tools to fund infrastructure and development activities, including the ability to levy targeted rates.

The Kāinga Ora – Homes and Communities Act 2019 provides for a Government Policy Statement on housing and urban development. The 2021 Government Policy Statement on Housing and Urban Development (GPS – HUD) discussion document seeks that everyone in New Zealand lives in a healthy, secure and affordable home by creating a housing and urban land market that responds to housing growth and changing housing preferences.

The purpose of the National Policy Statement – Urban Development 2020 is to develop well-functioning urban environments that have a variety of homes and business areas that are accessible to key services, including community services. Policy outcomes distinguish between larger and smaller urban centres with requirements for a greater level of growth to be accommodated in larger centres.

The New Zealand Urban Design Protocol (2005) vision is to make New Zealand towns and cities more successful through quality urban design. The protocol identifies seven essential design qualities that create quality urban design, which have been adopted as best practice nationally.

According to the Randerson Report, the SPA will integrate land use and infrastructure planning and will require spatial plans with a 30-year focus to direct funding plans and be consistent with the NBE Bill. The CCA Act will provide for managed retreat and funding for climate change adaptation and reduction of natural hazard risk.

RMA reform anticipates that, used together, statutory powers enable multiple aspects of the urban environment to be changed with greater certainty, integration and speed. Yet the relationship between the National Planning Framework (NPF), NBE Bill, 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 that balances environment, growth, community needs and wellbeing.

It is critical that the NBE Bill 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 should be referenced in s17 of the NBE Bill and can be enhanced by amending the Bill in accordance with the recommended improvements outlined below.

A greater emphasis on urban form/design and the built environment

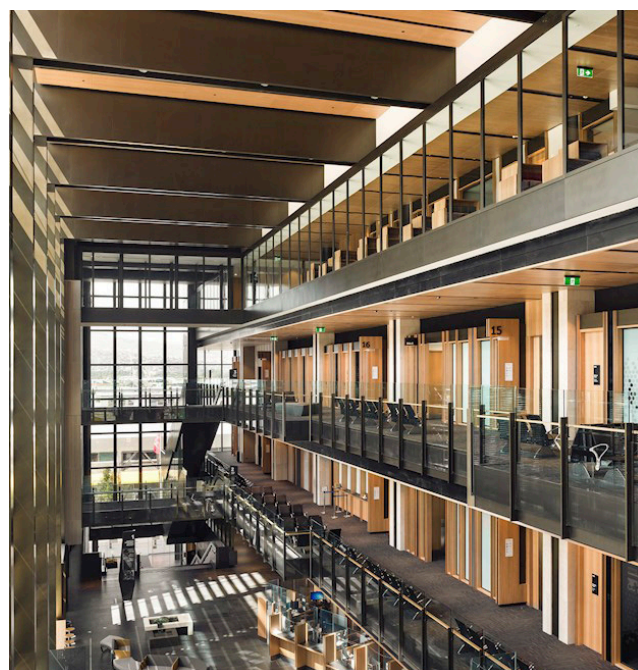
The definition of environment in the NBE Bill includes the built environment, people and communities, but there is very little emphasis on the built environment, including the importance that cities and urban areas play in enhancing the environment. This is critical to ensure an appropriate balance between the protection of the natural environment and the importance of the urban and built environment. It is also unclear what role the SPA and spatial planning will take in overcoming any conflict between natural and built environment outcomes.

A framework is needed to navigate the environmental limits, individually and collectively – and the trade-offs or balance that is needed and that will be inevitable. The priorities, trade-offs and potential offsets need to be established early and implemented consistently.

The sequencing of the absolutes or threshold environmental limits will be an important consideration. It is unclear if environmental limits will influence the regional spatial plan, if the spatial plan will identify environmental limits, or whether a proposed 'hybrid' approach to this thinking and settling of limits will be used. Best practice would promote a 'spatial' led framework supported by overarching and targeted limits, a clear evidence base and a robust and accountable framework and reporting mechanism for any 'off-sets'.

Greater emphasis on the urban form/design and built environment through greater certainty in statute and national direction could be provided by:

- recognising the role of cities is critically important to the wellbeing of communities;
- defining the “*Built Environment*”, “*Urban Environment*” and, “*Well Functioning Urban Environment*”, in the NBE Bill, as per the submission of the Urban Design Forum Aotearoa;
- defining “*Infrastructure*” and “*Infrastructure Services*” to include housing, transport and social/community infrastructure;

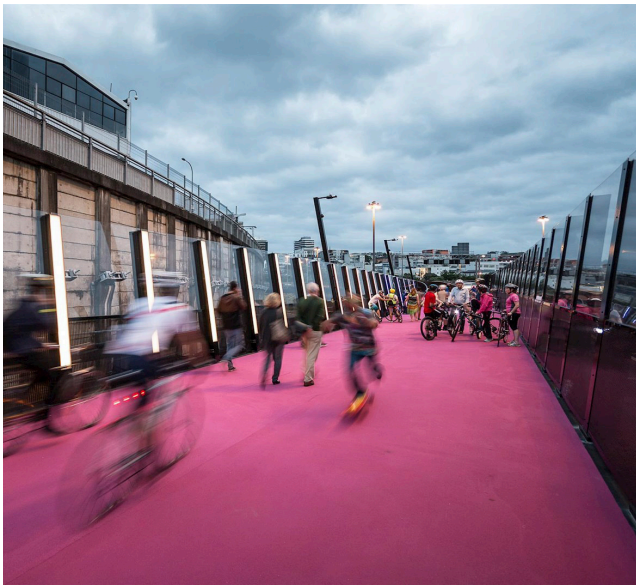


- ensuring that “*environmental limits*” allow for a greater range of flexibility in urban environments when compared to rural and natural environments such as national and regional parks, significant natural areas and outstanding landscapes.
- broadening the purpose of “*environmental limits*” to – “*The purpose of environmental limits is to protect the ecological integrity of the natural environment, human health, and to enable well-functioning and resilient urban environments*”. This will ensure a greater natural/built balance is brought to bear when the NPF and NBE plans are developed and the purpose of the NBE Bill is met, as this includes the need to enhance the built environment as well as the natural. This approach is consistent the recent consultation by Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development (HUD) on the development of the Government Policy Statement on Housing and Urban Development (GPS-HUD);
- 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);
- clarifying timeframes of expectations for environmental limits and outcomes to align with other planning mechanisms regional spatial strategy (30 years); building consent (50 years); water infrastructure (50-100 years);
- providing greater clarity about how to resolve conflicting urban and natural outcomes and understanding how environmental impacts could be off set. Trade-offs need be managed monitored to create accountability in a transparent framework;
- expanding *Environmental Outcome* descriptions of urban areas, housing supply, and infrastructure services in s8 to include matters such as a quality built environment, business (or employment purposes) land, and social/community infrastructure. Guidance should also be provided about future urban areas, rather than just urban and rural areas, given that there will be a need to expand urban areas to accommodate anticipated

growth. These areas may be in locations where other environmental outcomes require protection, so clarity around priority will be necessary. For example, does protection, restoration, and improvement of high-quality soils, significant natural areas and the reduction of risks from natural hazards take precedence over accommodating future growth areas? Further clarity will ensure that the NPF will resolve conflicts between environmental outcomes as anticipated in s13(3);

- spatially defining key environmental outcome areas identified in s13 (or the methodology for defining these areas) in the National Planning Framework (NPF) and the Spatial Planning Act (SPA). This could include matters such as urban areas, housing supply, infrastructure services, significant natural areas, outstanding landscapes, areas subject to natural hazards and climate change impacts. This would create efficiencies as the methodology for determining the spatial extent of these areas will be clearly defined for the development of regional NBE Plans. This will also help resolve conflict between outcomes in the NPF as anticipated by s13(3);
- confirming that business (employment purposes) land and social/community infrastructure are included in the outcomes identified in s13, so appropriate provision is made in the National Planning Framework (NPF); and
- ensuring that the streamlined process for Kāinga Ora projects anticipated in the Urban Development Act 2020 overrides NBE Bill processes.

LightPath/Canada Street Bridge by Monk MacKenzie
with GHD, Novare Design and LandLAB in association



Clearer direction on other matters

The NBE Bill anticipates the development of regional plans that give effect to the NPF. Regional plans will guide development and help resolve conflicts between competing environmental outcomes and limits s22(1) (g). For this to be an efficient and effective process it is important that regional plans “must”, rather than “may”, set objectives, policies and rules, and identify land for which development or protection is a priority (s22(2)).

Further clarity about roles and responsibilities is required. For example – who develops, who enforces, and implements plans if the “Planning Committees” must maintain NBE Plans? It is anticipated that this would be local and regional councils, but this is unclear.

Valuing the current system knowledge

While the RMA has had its faults in the past, in terms of providing for clear and certain outcomes, a wealth of knowledge and guidance has been accumulated over in the last 30 years since its inception. It is important that these gains made under the RMA are incorporated into new processes to reduce transition costs, a delay in benefits being realised and a loss of key system cultures and behaviours.

We support the implementation timeline outlined in the Randerson Report (NPF - 3 year and NBE Plan -10 year) to allow appropriate time for an orderly transition. This timeframe should be utilised to incorporate best practice established by current

case law and national and local guidance, such as Urban Design Protocols, into NBE implementation. Greater guidance is also required about the level of evidence needed to support future consenting processes, including how information about impacts on environmental limits will be required. For example, what timescale and at what spatial scale will information be required – site? region? wider region? Who will have the pre-requisite knowledge and competence to assess the singular and cumulative relationship across the environmental limits? A longer implementation timeframe will also allow for migration of national Guidance and NBE Plans to e-portals which will enhance engagement, equity of access and integration of evidence, research, monitoring and modelling seamlessly.

Conclusion

We support resource management reform and consider that our joint submission has a valuable contribution to make in this process. The recommendations outlined in this submission are a first step towards improving environmental outcomes.

Given the undeveloped nature of the wider reform package, we would welcome the opportunity to workshop further ideas and provide ongoing advice to achieve a more efficient and effective system of environmental management for New Zealand. We have an interest in working with other professionals involved in the design of the urban environment such as the Urban Design Forum and the New Zealand Institute of Landscape Architects Tuia Pito Ora (NZILA) to this end.

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Submission partners



**Te Kāhui
Whaihanga
New Zealand
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Te Kāhui Whaihanga New Zealand Institute of Architects

The Institute has been in existence since 1905 and is the professional body representing more than 90 per cent of New Zealand's registered architects and many recent graduates entering the profession. In total the Institute represents over 4300 members. The Institute is active not only in advocating in the interests of members, but also in promoting practices, providing education and promoting industry wide cooperation that will improve the quality and sustainability of New Zealand's built environment.

Our support to members includes continuing professional development, an investment in leading technologies and tools, engagement across the construction sector on key issues and initiatives, collaborations with industry manufacturers, and a focus on future talent, careers in architecture and the wellbeing of practices and their people.



Registered Master Builders Association (RMBA)

The RMBA represents over 3000 commercial and residential builders and is the leading sector advocate on the built environment. Our sector is a key contributor to the New Zealand economy, with every \$1 million spent on house building supporting \$2.6 million across the wider economy.

We are working hard to lead the change our sector needs. Ensuring we have the regulatory systems and processes which will enable us to build faster and better. We are supporting our members to grow their capability and business acumen to ensure a strong and healthy sector; to innovate and make the most of new technologies so we meet the climate change challenge; and to attract, train and retain skilled talent. We are proud to be New Zealand's best builders.

The RMBA is committed to transforming the sector and rebuilding our economy. We are focused on building better homes, communities and workplaces, and ultimately better lives for all New Zealanders. We are building a better New Zealand.