



Submission

**Natural and Built Environment (NBE) Bill
Spatial Planning (SP) Bill
Climate Change Adaptation Bill**

February 2023 FINAL

About the Institute

The McGuinness Institute was founded in 2004 as a non-partisan think tank working towards a sustainable future for Aotearoa New Zealand. Project 2058 is the Institute's flagship project focusing on Aotearoa New Zealand's long-term future. Because of our observation that foresight drives strategy, strategy requires reporting, and reporting shapes foresight, the Institute developed three interlinking policy projects: *ForesightNZ*, *StrategyNZ* and *ReportingNZ*. Each of these tools must align if we want Aotearoa New Zealand to develop durable, robust and forward looking public policies. The policy projects frame and feed into our research projects, which address a range of significant issues facing Aotearoa New Zealand. The seven research projects are: *CivicsNZ*, *ClimateChangeNZ*, *OneOceanNZ*, *PandemicNZ*, *PublicScienceNZ*, *TacklingPovertyNZ* and *TalentNZ*.

About the cover

A photo from Paris, 4 August 2022. The picture aims to illustrate that we need to think hard about the type of living, working and playing spaces we might want to leave for future generations – what is our vision and what is the plan to get us there.

Introduction

The Institute thanks the Environment Select Committee for the opportunity to provide feedback on the Natural and Built Environment Bill and the accompanying Spatial Planning Bill.

The Institute would like the opportunity to present an oral submission before Members of the Select Committee.

Three Elements

Importantly, we note that there are three Bills intended to replace the current Resource Management Act 1991. This submission is in response to the Natural and Built Environment Bill and the Spatial Planning Bill. However, we wish to also speak to the Climate Change Adaptation Bill, which is due to be introduced in 2023. This is because the Institute's key interest is in the first two Bills and how they interact/align with climate change.

For practical reasons, we have treated the two Bills as one, although we have separated elements within our submission below. See Part 2: Natural and Built Environment Bill and Part 3: Spatial Planning Bill. In addition to this submission, please see our previous submission on the Natural and Built Environment Bill (submitted August 2021).¹

New Zealand King Salmon decision, Blue Endeavour

We would also like the opportunity to add new research between now, and when we present in person. The Institute is appealing the New Zealand King Salmon decision, Blue Endeavour, and request to present our thoughts and observations on aquaculture in a separate submission, and ideally, in person. We appreciate this is subject to approval from the committee. The Institute appealed the NZKS Blue Endeavour decision on the grounds that we consider climate change was not sufficiently taken into account. We hope those insights might be useful as you consider the Bills before the House.

¹ See *Submission – Natural and Built Environments Bill Parliamentary paper on the exposure draft*, Written submission, August 2021, [Download](#) (PDF, 2.4 MB), Oral submission, September 2021 [Download](#) (PDF, 24.9 MB). Retrieved 5 February 2023 from <https://www.mcguinnessinstitute.org/publications/submissions>.

Part 1: High-level concerns that remain

Below are four key areas of concern:

1.1 The choice of priorities – the Climate Change Adaptation Bill should have been proposed before the reform of the RMA

The Institute's key focus is climate change. The government announced a climate change emergency in December 2020. However, the other two Bills were fast tracked at the expense of the Climate Change Adaptation Bill – which remains relatively unknown. The Institute would have preferred the existing RMA to stay in place while we firstly dealt with adaptation. Although it is possible to retrofit legislation, it is difficult, costly and time consuming.

1.2 Lack of analysis and review – the whole system needs detailed analysis, a review clause is essential and more clarity should be provided over what success looks like

One of our key concerns has been the lack of analysis of the strengths and weaknesses of the current system and lack of clarity over what is driving the reform. Without deep analysis of what was working and what was not, the resource management reform could accidentally remove/replace areas that were working effectively, with incompatible and/or ineffective processes and procedures.

Our understanding is that the noise of ineffectual RMA law was driven by a few stakeholders raising concerns over the lengthy consent process and the quality of decisions being made. However, our understanding is that only the more difficult and complex cases, usually involving a large number of stakeholders and/or where high levels of uncertainty existed, led to these concerns – and that they were very few in number. It was as though no targeted analysis, and therefore no targeted solutions, were pursued – instead everything was replaced. Our view is that good decision making will always take time, particularly when high levels of complexity, uncertainty and risk exist. Any system needs to be designed to handle those highly complex and uncertain applications – one size does not fit all.

Given the desire to pursue these reforms, we would expect to see a review clause in the legislation, and that critical success factors are identified so they are able to be independently assessed. We need to build reporting, analysis and learning into the legislative system.

1.3 Timing is terrible

New Zealand businesses are facing significant costs given the pandemic, followed by Cyclone Gabrielle and the earlier Auckland flooding. We need to think whether this is the time to change the system so fundamentally. There are many costs and risks in undertaking such a change at this time.

Business has been significantly impacted at almost every level by the pandemic and by recent climate events; supply chain, lack of staff, expertise, flooding, technology, cost of living, wage hikes, and much more. Is this really the time to add more complexity? We think this is time to be pragmatic and targeted. When society is already stressed, it is important to consider the impact that additional stress may have.

We also have concerns that many businesses may not be well placed to contribute to this very important piece of law. We are all suffering 'consultation fatigue' and the less people that engage, or have the time or ability to engage, there is a greater likelihood of poor policy outcomes.

Businesses and citizens need certainty. The reforms create a substantial degree of uncertainty. We suggest that business leaders are sought out to assist with the reform of the legislation. It is important to identify and understand the strengths and weaknesses of the current situation for businesses; what is an obstacle and what is not; and how and what decisions could be streamlined etc. We expect those who would normally submit will be preoccupied with more pressing urgent matters. Writing submissions is time consuming and the current circumstances may exclude important perspectives from being heard. See Part 2 and Part 3 below.

1.4 Need for consistency and alignment

The legislation creates a lot of space for interpretation. This could lead to a wide range of interpretations and decision making across New Zealand. For example, different councils may have different interpretations and too much power over resources and decisions. The legislation is too loose and unclear on critical aspects, and as noted earlier, a lack of alignment between the three Bills are likely to result in costly appeals, particularly given the role climate change is expected to play in our short- and medium-term future.

The Institute has been concerned about the lack of horizon alignment in planning instruments – statutory timeframes can span anywhere from 10 to 100 years. Alignment is also needed between all three Bills that make up the reform, as in, aligning and integrating the NBE Bill, the SP Bill and the CCA Bill.² See Part 2 below.

² In March 2021, Barbara Mead, an Advocacy & Practice Integration Manager at Marlborough District Council noted: 'Presently there is little information to glean on what the CCA will provide. It is clear however that it must work in concert with the NBA and SPA to be effective in implementing managed retreat. The purpose of the CCA has been described as primarily to address the legal and technical issues associated with managed retreat and to fund some of that work. See <https://www.lawsociety.org.nz/news/publications/lawtalk/lawtalk-issue-945/the-proposed-managed-retreat-and-climate-change-act-and-local-authorities>

Part 2: Natural and Built Environment (NBE) Bill

Our discussion below will focus on climate change, although there are other aspects that we may speak to in our oral submission (if we are given the opportunity).

2.1 Matching an application's time horizon with expected climate change effects for the same time horizon is crucial

One of the inadequacies of the current RMA is the lack of a requirement for consent authorities to assess an application beyond the current state. Ideally, the duration of a proposed resource consent application (say 35 years) should be assessed against the future state of the application (say in 35 years' time) – what is colloquially called 'matching apples with apples'. See Figure 1 below.

It is concerning that the NBE Bill is also lacking in this important area – essentially, a missing factor of the equation exists. Although understandable (in that we have in the past been able to assume that both the current state and the future state will only be impacted by direct manmade causes), we now have to accept that a natural (although indirectly manmade) direction of travel is in play that we cannot control. It is therefore critical to apply foresight and scenario-based thinking to resource management decisions that relate to a time in the future, in particular take into account how climate change will affect the future state (see Figure 2 overleaf for an example of this thinking). It is in this sense that the duration of resource consents really matters.

Figure 1: Why duration of resource consent applications matters

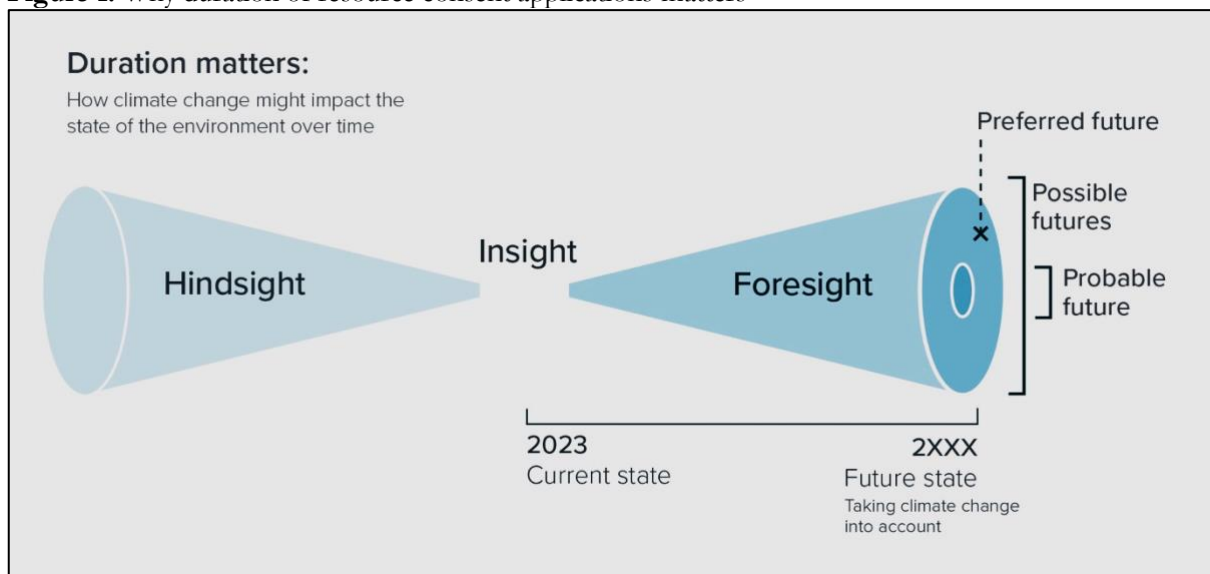
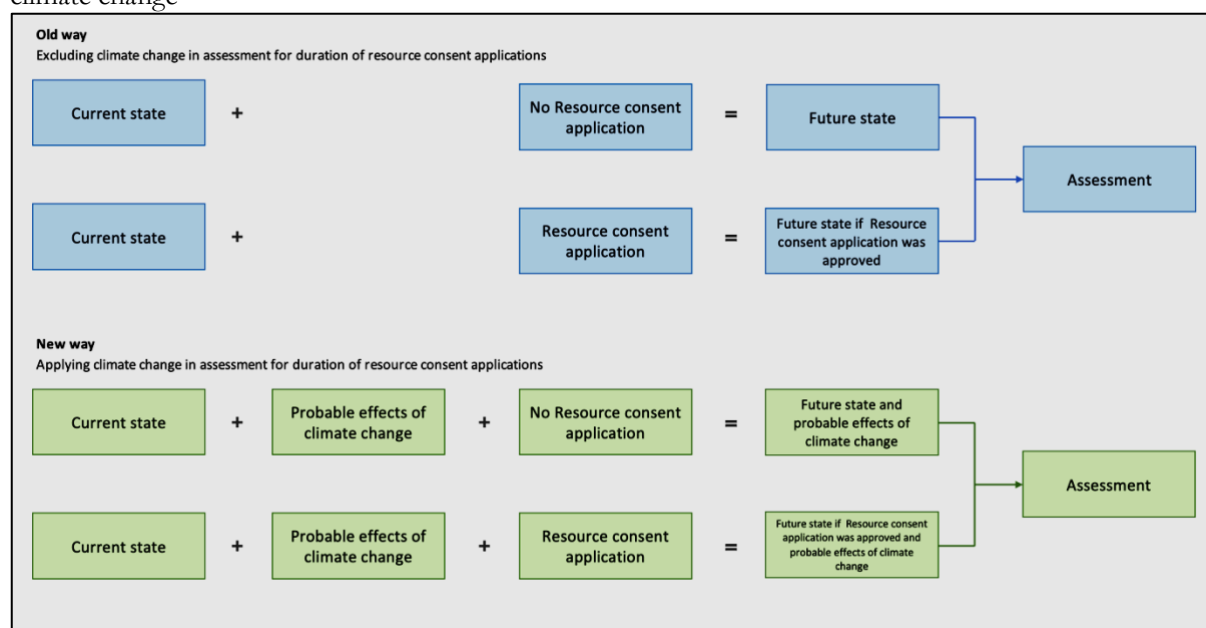


Figure 2: Proposed change to the assessment of resource consent applications to include the effects of climate change



2.2 Definition of climate change is problematic

The current RMA definition of climate change does not in our view, actively seek to add a test of variability as specifically as stated in the proposed Bill.³ In contrast, the NBE Bill arguably separates climate change into two elements that are required to be met (e.g. an (a) and a (b)):

climate change means a change of climate that is—

- (a) attributed directly or indirectly to human activity that alters the composition of the global atmosphere; and
- (b) in addition to natural climate variability observed over comparable time periods

climate change means a change of climate that is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and that is in addition to natural climate variability observed over comparable time periods

In contrast the new Bill suggests an (a) and a (b). The (a) does not add anything as it is general but (b) is very specific – it arguably puts weight on proving ‘in addition to natural climate variability’ which raises the question to what is natural (and therefore what is unnatural) climate variability.

Clearly the climate today is different to 30 years ago – but climate change impacts will vary over time, but over a range of years the level of change will on average increase significantly (and show exponential characteristics). If you assess climate change selectively (e.g. at one point in time), rather than over a number of years (e.g. a ten year rolling average); your measure of ‘natural climate variability’ may be different.

We are unsure if this change in definition has legal implications, but it may be worth obtaining an understanding of whether this might impact decisions. In other words, ‘natural climate variability’ may be

³ Key to blocked text: Blue/grey colour refers to current RMA. Light grey refers to the content of the proposed Bill

low at the point of time when a resource application is received (because of the La Niña effect), but three years later, may be quite significant due to the El Niño effect.⁴

Sub-section (b) of the climate change definition could require comparable time periods (say averages over 10 years). We raise this issue as we have seen this play out in the New Zealand King Salmon case. We have been told by scientists is that it is best to think in 10 or 20 year averages; only then can you have more certainty over impacts.

2.3 Introduction of trivial effect is problematic

Clause 7 of the NBE Bill excludes trivial effects from the definition of ‘adverse effect’. Our understanding is that this term has been introduced through case law and is being codified in the proposed legislation. The Bill is ambiguous in that it is silent on whether multiple trivial effects would still be considered trivial. We would argue a lot of trivial effects assessed cumulatively may result in adverse effects – this frequently happens in the environment. For example, losing a special marine flora may lead to a large fish becoming extinct because the food chain is disrupted, or a slight change in sea temperature may lead to salmon becoming stressed and dying. Another example is slash from forestry, some could argue that slash is a trivial effect. When assessed cumulatively, these effects all contribute together to create a significant effect on the environment.

The reality is that what can appear trivial can in practice be very significant. Climate change is a classic example of many trivial effects having a significant effect (e.g. the release of carbon into the atmosphere over time).

Our view is that the introduction of the term trivial in legislation is not useful and could be misused by applicants and decision makers as it creates an opportunity not to assess all effects, or to take into account trivial cumulative effects.

Risk management is not linear, but complex and complicated. The introduction of this additional term calls for decision makers to remove any trivial effects first, and then review and consider the remaining effects. We would argue that all effects should be identified and considered together (as all effects are interrelated and connected). The way the Bill stands, in our view, goes against risk management best practice. The goal is to identify and assess all individual effects and then manage those that are adverse.

2.4 Loss of sustainable management as a key purpose is problematic

The proposed legislation is going backwards in this regard. Sustainable management (or sustainable development as used in the EU) is a key driver of public policy and is still driving policy in the EU.⁵ We can see the intention behind how replacing sustainable management with ‘support[ing] the well-being of present generations without compromising the well-being of future generations’ may seem similar. However, sustainable management/development is a strategic concept used to drive change and deliver progress, well-being is not. What is being proposed is fixed and old-fashioned, it requires decision makers to take a view on future generations and what their needs are. The reality is that we do not know what their needs are but we need to instead be responsible guardians for future generations of New Zealanders.

⁴ ‘El Niño refers to the above-average sea-surface temperatures that periodically develop across the east-central equatorial Pacific. It represents the warm phase of the ENSO cycle. La Niña refers to the periodic cooling of sea-surface temperatures across the east-central equatorial Pacific.’
See <https://www.weather.gov/media/ajk/brochures/ENSOFactSheetWinter1617>

⁵ ‘Sustainable development has since long been at the heart of the European project and the EU Treaties give recognition to its economic, social and environmental dimensions that should be tackled together. Development must meet the needs of the present without compromising the ability of future generations to meet their own needs. A life of dignity for all within the planet's limits and reconciling economic efficiency, social inclusion and environmental responsibility is at the essence of sustainable development.’
See <https://ec.europa.eu/environment/sustainable-development>

The purpose lacks the necessary ambition to deliver change, and setting the limits in terms of 2023/2024 (based on the science available at this time) shows little appreciation of the intricacies/interconnections of the environment – and what we know we do not know, and what we don't know we don't know. Colloquially, this framing paints us into a 2023/24 corner.

3 Meaning of effect

In this Act, unless the context otherwise requires, the term **effect** includes—

- (a) any positive or adverse effect; and
- (b) any temporary or permanent effect; and
- (c) any past, present, or future effect; and
- (d) any cumulative effect which arises over time or in combination with other effects—
regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
- (e) any potential effect of high probability; and
- (f) any potential effect of low probability which has a high potential impact.

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) kaitiakitanga:
- (aa) the ethic of stewardship:
- (b) the efficient use and development of natural and physical resources:
- (ba) the efficiency of the end use of energy:
- (c) the maintenance and enhancement of amenity values:
- (d) intrinsic values of ecosystems:
- (e) *[Repealed]*
- (f) maintenance and enhancement of the quality of the environment:
- (g) any finite characteristics of natural and physical resources:
- (h) the protection of the habitat of trout and salmon:
- (i) the effects of climate change:
- (j) the benefits to be derived from the use and development of renewable energy.

Part 2 Purpose and principles

5 Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
 - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The NBE Bill introduces but does not define trivial effects – what are these?

adverse effect does not include a trivial effect

The NBE Bill introduces limits and targets, but defines ‘limits’ based on the status quo – it does not allow for areas that we may want to replenish and restore.

Further targets need to be based on science, have set time frames and be specific to the area and environment at hand.

3 Purpose of this Act

The purpose of this Act is to—

(a) enable the use, development, and protection of the environment in a way that— 35

(i) supports the well-being of present generations without compromising the well-being of future generations; and

(ii) promotes outcomes for the benefit of the environment; and

(iii) complies with environmental limits and their associated targets; and 5

(iv) manages adverse effects; and

(b) recognise and uphold te Oranga o te Taiao.

effect—

(a) includes, irrespective of the scale, intensity, duration, or frequency,—

(i) any positive or adverse effect; and

(ii) any temporary or permanent effect; and

(iii) any past, present, or future effect; and

(iv) any cumulative effect arising over time or in combination with other effects; and

(b) also includes—

(i) any potential effect of high probability; and

(ii) any potential effect of low probability which has a high potential impact

2.5 The Bill needs to include the precautionary principle/approach and the polluter pays principle

The current RMA, and the proposed legislation, both fail to acknowledge the precautionary principle/approach and that the polluter should pay and make good. Clause 6 could be significantly strengthened and a make good clause be added. For example, in the case of NZKS, vacating farms (rather than removing and making good, are key aspects driving stakeholders concerns. The law needs to accept uncertainty over effects (both positive and adverse effects), especially when it is looking out over long periods of time.

Also, Subpart 4 of the Bill, which introduces the polluter pays principle, should be expanded to consider contaminated water (e.g., the coastal marine area and freshwater bodies such as lakes and rivers), not just contaminated land as referred to in the heading and clauses 416 and 424. It is not currently clear within the Bill if the same process of identifying a polluter and recovering actual and reasonable costs applies to those that have caused harm to coastal marine areas and freshwater bodies and the ecosystems within.

6 Decision-making principles

- (1) To assist in achieving the purpose of this Act, the Minister and every regional planning committee, in making decisions under the Act, must—
- (a) provide for the integrated management of the environment; and 20
 - (b) actively promote the outcomes provided for under this Act; and
 - (c) recognise the positive effects of using and developing the environment to achieve the outcomes; and
 - (d) manage the effects of using and developing the environment in a way that achieves, and does not undermine, the outcomes; and 25
 - (e) manage the cumulative adverse effects of using and developing the environment.
- (2) If, in relation to making a decision under this Act, the information available is uncertain or inadequate, all persons exercising functions, duties, and powers under this Act must favour— 30
- (a) caution; and
 - (b) a level of environmental protection that is proportionate to the risks and effects involved.
- (3) All persons exercising powers and performing functions and duties under this Act must recognise and provide for the responsibility and mana of each iwi and hapū to protect and sustain the health and well-being of te taiao in accordance with the kawa, tikanga (including kaitiakitanga), and mātauranga in their area of interest. 35

Subpart 4—Contaminated land

416 Purpose

The purpose of this subpart is to provide a framework, based on the polluter pays principle, for the management of contaminated land so that—

- (a) those who cause or allow contamination to occur bear the costs of managing the contamination in order to prevent or remedy harm to human health and the environment; and
- (b) the owner of the land is responsible for managing the contamination in accordance with this subpart; and
- (c) the land is managed—
 - (i) to prevent harm to human health and the environment; and
 - (ii) to minimise any further harm to human health and the environment.

424 Identifying the polluter

A **polluter**, in relation to contaminated land, means a person who has directly or indirectly, or through neglect or wilful inactivity, caused or allowed a discharge of a contaminant into the environment.

2.6 Places of national importance need improved protection

Issues exist with the NBE Bill's approach to protecting places of national importance (PONIs) such as significant biodiversity areas (SBAs) and outstanding natural landscapes (ONLs). For example, areas within coastal marine areas (below mean high water springs) do not have to be identified as SBAs, exemptions to identify areas with no real safeguards can be issued by the Minister, and effects on ONLs do not need to be considered if they are not mapped into plans. A few of these issues have large implications such as NBE plans avoiding the requirement to give effect to Emissions Reduction Plans and the lack of a user-friendly system through confusing structuring.

2.7 Duration of consent

The length of the duration for a resource consent needs consideration. We would like to discuss this in person.

267 Duration of consent for aquaculture activities

- (1) A coastal permit authorising aquaculture activities to be undertaken in the coastal marine area must specify the period for which it is granted.
- (2) The specified period must be not less than 20 years from the date of commencement of the consent under **section 264** unless—
 - (a) the applicant has requested a shorter period; or
 - (b) a shorter period is required to ensure that adverse effects on the environment are adequately managed; or
 - (c) a framework rule expressly allows a shorter period.
- (3) The specified period must be not more than 35 years from the date of commencement of the consent under **section 264**.
- (4) This section applies subject to **section 272**.

Compare: 1991 No 69 s 123A

Part 3: Spatial Planning (SP) Bill

We appreciate that the Spatial Planning (SP) Bill will be the first formal framework for spatial planning in New Zealand.⁶ The Institute hopes the SP Bill will ensure better strategic planning for how a region will grow, adapt and change over time; and in action with the NBE Bill and upcoming Climate Change Adaptation Bill.

The Institute supports clause 17(j) which requires regional spatial strategies to identify areas that are vulnerable to climate change, and to introduce measures to address these effects, such as protective infrastructure or change in land use.

The Institute also agrees with establishing cross-regional strategies (clauses 42 and 43) for issues that are common for more than two regions. This is particularly important for establishing ecological corridors across regions to connect ecosystems and improve biodiversity.

3.1 Relationship between regional spatial strategies and NBE plans

The Institute's main concern is that the order in which planning instruments are created under the NBE Bill and SP Bill are wrong. Under clauses 104 and 109 in the NBE Bill, it suggests that regional spatial strategies are created before the NBE plans. However, regional spatial strategies require necessary information that are only formed in NBE plans, such as identification of SBAs and ONLs. Yet, NBE plans are required to be consistent with regional spatial strategies (RSSs). This will cause issues as once regional spatial strategies are approved and implementation plans are made (within six months of the RSS), it will be hard for large infrastructure projects to be changed, and time and resources will be wasted. The Institute suggests that NBE plans and RSSs are made simultaneously, so that regional planning committees have all the information necessary to create strategies.

The Institute is also concerned that clause 109(b) allows for a major 'economic event' to undermine regional spatial strategies and the environment. For example, a RSS might identify connected ecological corridors across a region (or multiple regions), however it may be possible that an infrastructure project that is considered to be significantly beneficial to the economy could be favoured over it. It is also particularly risky given the outcomes listed in the NBE Bill (clause 5) lack hierarchy, and therefore development outcomes could be favoured over environmental outcomes, which is essentially how the RMA has played out, and one of the drivers of reform.

Natural and Build Environment Bill

109 Plans must be consistent with regional spatial strategies

Every plan must be consistent with the relevant regional spatial strategy, unless and to that extent that—

- (a) new information becomes available that supersedes the information used to determine the content of the regional spatial strategy; and
- (b) there is a significant change in circumstances or in the physical environment since the regional spatial strategy was developed (for example, a major environmental or economic event).

⁶ See Ministry for the Environment. (15 November 2022). Resource management reform: The Spatial Planning Act. Retrieved 14 February 2023 from <https://environment.govt.nz/publications/resource-management-reform-the-spatial-planning-act>

Natural and Built Environment Bill

5 System outcomes

To assist in achieving the purpose of this Act, the national planning framework and all plans must provide for the following system outcomes:

- (a) the protection or, if degraded, restoration, of—
 - (i) the ecological integrity, mana, and mauri of—
 - (A) air, water, and soils; and
 - (B) the coastal environment, wetlands, estuaries, and lakes and rivers and their margins; and
 - (C) indigenous biodiversity;
 - (ii) outstanding natural features and outstanding natural landscapes:
 - (iii) the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins:
- (b) in relation to climate change and natural hazards, achieving—
 - (i) the reduction of greenhouse gas emissions:
 - (ii) the removal of greenhouse gases from the atmosphere:
 - (iii) the reduction of risks arising from, and better resilience of the environment to, natural hazards and the effects of climate change:
- (c) well functioning urban and rural areas that are responsive to the diverse and changing needs of people and communities in a way that promotes—
 - (i) the use and development of land for a variety of activities, including for housing, business use, and primary production; and
 - (ii) the ample supply of land for development, to avoid inflated urban land prices; and
 - (ii) housing choice and affordability; and
 - (ii) an adaptable and resilient urban form with good accessibility for people and communities to social, economic, and cultural opportunities; and
- (d) the availability of highly productive land for land-based primary production:
- (e) the recognition of, and making provision for, the relationship of iwi and hapū and the exercise of their kawa, tikanga (including kaitiakitanga), and mātauranga in relation to their ancestral lands, water, sites, wāhi tapu, wāhi tūpuna, and other taonga:
- (f) the protection of protected customary rights and recognition of any relevant statutory acknowledgement:
- (g) the conservation of cultural heritage:
- (h) enhanced public access to and along the coastal marine area, lakes, and rivers:
- (i) the ongoing and timely provision of infrastructure services to support the well-being of people and communities.

3.2 Participation

The Institute supports clause 32 which states that the regional planning committee must ‘encourage participation by the public and all interested parties, particularly those who may be involved in implementing the regional spatial strategy.’ However, the phrase ‘encourage participation’ is too vague and may not be effective in enabling other parties to engage in planning processes.

It is also important to highlight that there is a contradiction between the engagement under clause 32 of the SP Bill and clause 15(4) of Schedule 7 in the NBE Bill. The NBE Bill does not require the regional planning committee to consult with anyone outside of: central government; local government; iwi; and customary marine title groups. This will exclude other interested parties such as national environmental NGO’s, or development and infrastructure experts that could be helpful for RSS implementation plans.

The Institute suggests that the SP Bill adopts the engagement register in the NBE Bill, as it requires the regional planning committee to ‘establish and maintain an engagement register for the purpose of identifying any person who is interested in being consulted by the regional planning committee in the plan development process.’ However, clause 15(4) in the engagement register should be amended so that interested persons other than the parties already mentioned have the right to be consulted.

Spatial Planning (SP) Bill

32 Process must encourage participation

The process required by **section 30** must be designed to encourage participation by the public and all interested parties, particularly those who may be involved in implementing the regional spatial strategy.

Schedule 7 in the Natural and Built Environment (NBE) Bill

15 Engagement register

- (1) A regional planning committee must establish and maintain an engagement register for the purpose of identifying any person who is interested in being consulted by the regional planning committee in the plan development process.
- (2) The planning committee is not obliged to consult the persons identified in the register, but must act in good faith when considering matters known to be of interest to particular persons.
- (3) The following groups, however, do not need to register but are included as having a right to be consulted under this clause:
 - (a) government departments and ministries; and
 - (b) local authorities in the region; and
 - (c) requiring authorities; and
 - (d) iwi authorities; and
 - (e) customary marine title groups.
- (4) Except as provided in **subclause (3)**, a regional planning committee is not obliged to consult persons who are not registered under this clause.