

## POSITION PIECE: SPATIAL PLANNING UNDER THE PLANNING ACT

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### INTRODUCTION

Te Uru Kahika represents the sixteen regional councils and unitary authorities comprising Aotearoa New Zealand's regional sector. The name Te Uru Kahika reflects the work and vision of the regional sector: *thriving environments and thriving communities*.

We welcome the opportunity to support the Government's objective of building a more efficient, goal-oriented resource management system. We are committed to working constructively with central government to deliver a system that is faster to implement, simpler and more cost-effective to operate, and better at enabling economic growth within environmental limits.

We bring extensive experience of implementation and resource management at place. We are responsible for integrated management of land, air, coasts, and water resources, supporting biodiversity and biosecurity, providing for regional transport services, and building more resilient communities in the face of climate change and natural hazards. To fulfil these responsibilities we maintain strong, on-going relationships with Central Government, communities and tāngata whenua.

**This position piece provides our recommendations on how the spatial planning system could work under the new Planning Act (PA).**

**It is offered as a constructive contribution to the legislative development process<sup>1</sup>.**

This position piece provides our view on how spatial planning should be implemented under the new Planning Act). We focus on the pertinent Recommendations 21-24 in the Cabinet Paper [Replacing the Resource Management Act 1991 – Approach to development of new legislation](#). We agree that long-term, streamlined strategic plans are essential in the new system, enabling development and aligning land use and infrastructure planning and investment, all within the frame of environmental constraints - including those posed by natural hazards. Further, we agree that spatial plans must integrate planning decisions at the 'top of the planning system', resolving significant planning, development, and land use conflicts in the process. We also acknowledge

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<sup>1</sup> Te Uru Kahika plans to produce Position Pieces on other aspects of the resource management system, including environmental limits and regulatory planning.



the relevance of proposed National Direction packages 1 – 4 in developing our recommendations.

Our proposals and recommendations reflect our willingness to move beyond the status quo, supported by examples of practice which can be presented to aid further discussion. Collectively our proposals would constitute a spatial planning system that builds on what already works, removes unnecessary complexity, and supports innovation and local responsiveness. However, our proposals do not cover all aspects of the spatial planning system, with the most notable omissions being governance and decision-making, and long-term planning process arrangements, which may be picked up in a future round. We recognise that the content below spans the threshold between informing legislation design and the transition to implementation, with the latter requiring significant detail to be worked through and more time (and opportunity) to inform it.

Finally, while not discussed in the document below, it will be crucial that regional spatial plans work to the goals of both the Planning and Natural Environment Acts, to ensure appropriate higher-level integration (for goals, and decision-making principles) and planning certainty.

We look forward to further discussions with central government on this important topic.

## OUR RECOMMENDATIONS

### Organisations Responsibilities and Roles in the Spatial Planning Process:

**Recommendation 1:** The Planning Act should provide clarity on the institutional roles and responsibilities for preparing a Regional Spatial Plan (RSP) or RSP chapter of a combined plan for each region.

To achieve this, we recommend that the Planning Act:

- Enable councils within regions to determine collectively which council will lead the process, while recognising the unique arrangements of unitary authorities;
- Defines the key territorial authority and regional council roles associated with compiling content and decision-making;
- Mandate some specific options for each region from the start, including the role of central government and iwi authorities, and hapū with legal mandate, in the *spatial plan committee*;
- Provide for flexible arrangements for unitary authorities; and
- Include a specific requirement for a central government representative to be involved as the interface with government agencies such as NZTA, MHUD, MBIE, Education, Health, MfE, DIA and Conservation where input is required, especially for funding / investment reasons.



## Rationale:

The need for statutory direction across regions varies. Existing unitary authorities already have structures in place that could be transitioned to the new system. However, in most regions, there are multiple local authorities, typically a regional council and between three to eleven territorial authorities. Given this complexity, it is important that there is clear statutory direction from the date of enactment around the process to determine who is responsible for developing the first RSP to enable a rapid transition to the new planning system in each region.

### *Implementation options:*

We suggest statutory direction on roles and responsibilities be provided in schedules to the primary legislation and/or through associated National Policy Direction (NPD) and ministerial guidance. The direction will need to cover all elements of governance and relevant core process steps for an RSP, including as a minimum:

For all regions	For those with multiple territorial authorities
<p>Clear requirements for drafting and gaining agreement on a governance entity, terms of reference and decision-making processes with a focus on ensuring the establishment of Joint Committees (and any sub-committees or advisory groups) is efficient to avoid long appointment processes.</p> <p>Requirement that integrity of accountability for the governance entity lies with responsible council/s as opposed to other appointing bodies (such as central government agencies or iwi authorities).</p> <p>A requirement that elected member representatives make up most of the governance entity: This creates a clear distinction between governance and the more independent role of staff as advisors.</p> <p>Enabling participating councils to determine the required extent of engagement with iwi authorities in each region and an appropriate 'process agreement' for the RSP preparation for their unique context: Our consistent view is that having detailed input from tāngata whenua into planning from the start of the process leads to positive outcomes from both a planning and relationship perspective and should be enabled.</p> <p>The required engagement process for the RSP: There needs to be some flexibility around the early engagement processes, however minimum statutory requirements will need to apply once statutory powers are in place. It is essential that each RSP is informed by community, developers, infrastructure providers, and tāngata whenua to ensure buy-in and commitment to implementation longevity.</p>	<p>That the RSP process should be led by a Joint Committee of the local authorities in the region under the Local Government Act (LGA) 2002, with limited discretion over matters to be agreed between the local authorities such as appointment of members to that Committee.</p> <p>Direction that the lead council in each region host and provide secretarial support, including secretariat establishment and associated cost-sharing arrangements: participating councils would provide support as needed. Specifically, all councils should be required to provide proportional technical guidance and governance support to the RSP project to ensure timelines are met.</p> <p>A statutory maximum timeline for agreement and ratification of key decisions throughout the process by all the local authorities in each region, including adoption of the proposed and final RSP: If there are no deadlines for sequenced stages of preparing and adopting an RSP then in some large or diverse regions with many territorial authorities, there may be significant delays due to local context and issues.</p>



Roles and responsibilities should be designed to ensure collaboration, efficiency, integration and transparency in the preparation and implementation of RSPs.

Further discussion on the rationale for roles and responsibilities, and a list of suggested organisations, is provided for in **Appendix 1**.

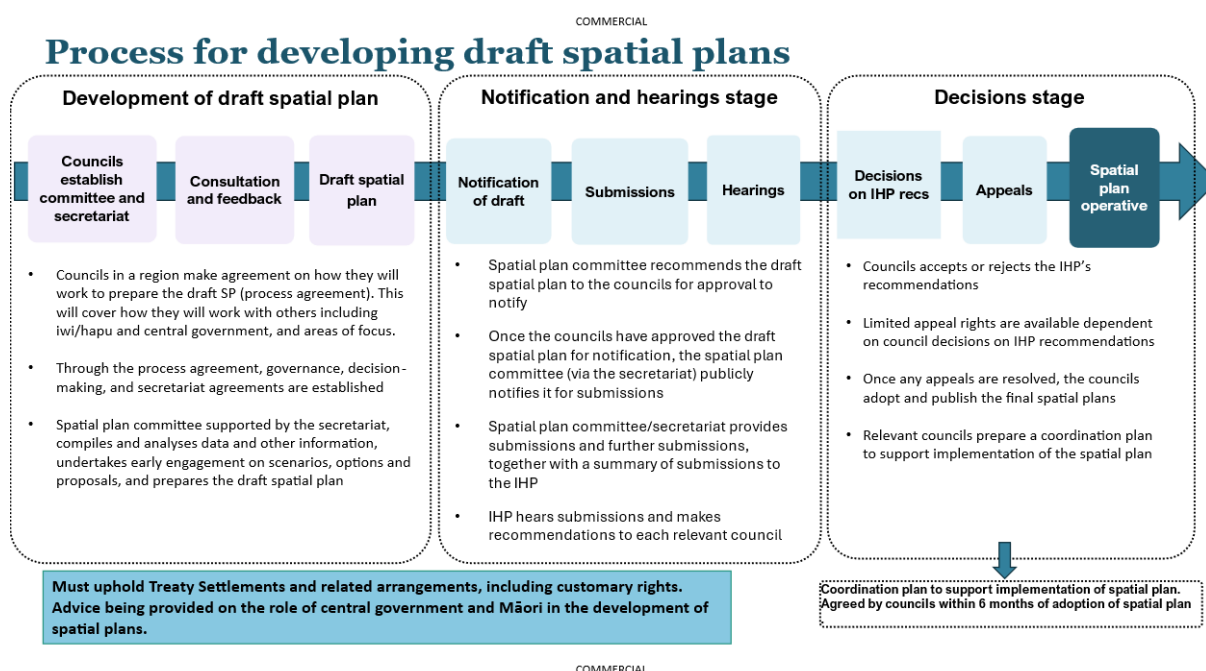
## Spatial Planning Process: Plan Development, Notification and Decision-Making

**Recommendation 2:** Preparation of a RSP should include specific mandatory steps with timeframes, while maintaining some flexibility to suit regional variances.

### Rationale:

Consideration of an effective and efficient process for preparing an RSP will inevitably traverse most of the same issues and options that were covered during consideration of the Spatial Planning Bill in 2023. Schedule 4 of that Bill prescribed a process for preparing a Regional Spatial Strategy that was then significantly amended following the select committee process at the time. A Departmental Report was provided to the Select Committee to assist with their deliberations; however, the Committee did not agree with the recommendations of officials on some matters of process - for example, on the issue of whether there should be mandatory face-to-face hearings of submissions on a proposed RSP.

A suitable process for preparing an RSP should include specific mandatory steps and the draft process (MfE June 2025) shown below provides a useful basis to work from.



The statutory process will need to have *some* flexibility to be changed to suit the context, issues and geography of each region, however there should still be timeframes set for key stages of the





process (e.g. minimum time periods for submissions, currently 20 working days<sup>2</sup>). Given the regulatory chapters of the combined district plan and natural environment plan (NE plan) are reliant on the strategic direction set by the RSP, efficient transition to the new planning system will require clear timeframes.

The cultural landscape of New Zealand is dynamic and often complex. Relationships with iwi often have many layers and require sensitive and informed approaches to engagement on council decision-making processes. The RSP process should recognise and support the role of iwi authorities, and hapū with legal mandate in decision-making, particularly where Treaty settlements already establish co-governance or joint management arrangements between councils and iwi for lakes and rivers, for example. Relevant strategic documents prepared under Treaty Settlements will need to have equivalent legal weight on the content of RSPs in the new system, particularly when these documents currently have influence on resource management through Regional Policy Statements (which will not exist in the new system).

Under the SPA, local authorities had very limited involvement in the development of regional spatial strategies. We make the following positive observations in relation to the proposed process under the Planning Act:

- It recognises councils' critical place-making role;
- It strengthens alignment with other council decision-making processes;
- It ensures that effective public consultation practices are maintained (and minimises risks of judicial review); and
- It provides opportunities for early engagement.

The proposed process also needs to enable high level integration of key land use and natural environment planning matters, including trade-offs and constraints; and ensure alignment of connected planning processes including infrastructure strategy, regional land transport planning, and long-term planning.

#### *Implementation options:*

We invite further discussion with officials over our recommendations for the RSP preparation process, using a truncated and more clearly defined version of what was required to prepare and adopt a Regional Spatial Strategy under the repealed Spatial Planning Act 2023. We make the following suggestions to assist with implementation:

- Provide direction on addressing cross boundary issues, where urban development, infrastructure or constraints traverse regional boundaries.

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<sup>2</sup> Under section 83 Special Consultative Procedure, Local Government Act 2002



- Ensure a clear and constrained timeframe for preparation of first-generation RSPs that reduces complexity and enables the preparation and adoption of RSPs across the country in a timely and efficient manner.
- Future urban growth areas (e.g. greenfield, residential, business and industrial land) and intensification areas in towns and cities will need to be determined through the RSP so the regulatory plan can live-zone these areas as appropriate through the subsequent stage of implementing the new system and national direction.
- For unitary authorities: we note further efficiencies are achievable in the preparation of the RSP in a unitary council setting. For example, there is less need for a secretariat to co-ordinate the planning functions across multiple councils, and there may also be merit in using existing Council committees to perform the role of the Spatial Planning Committee.
- There should be a process for efficiently changing RSPs provided from the outset. It is very likely that there will be a need to maintain and update the RSP in response to changing circumstances, new developments, and emerging issues.

There should also be recognition of the dynamic and often complex nature of the cultural landscape across New Zealand, with clear direction on the role of iwi authorities in RSP development.

## Implementation Plans

**Recommendation 3:** Implementation Plans and agreements are developed alongside RSPs to ensure commitments associated with strategic priorities, infrastructure and funding are well planned and provided for.

### Rationale:

Implementation plans and agreements should be developed alongside the development of RSPs with key partners (such as local government, central government and their agencies, Water Service Entities and other infrastructure providers) to ensure strategic priorities and system outcomes are achieved, activities are logically prioritised and programmed, and funding sources are identified and ultimately secured.

A critical failure of urban growth partnerships/growth strategies has been a lack of commitment to funding key elements in a timely manner. The legislation and RSPs must address the broader infrastructure and financing constraints to implement parties' intentions, which is a key dependency. We invite further discussion on whether implementation agreements should bind delivery partners as there are risks for all parties including local government if this is the case. We make the following suggestions in relation to implementation agreements for further discussion.



### *Implementation options:*

- Long-term cross-party commitments from central government will be important in these implementation agreements.
- Implementation agreements need to be formulated based on the premise of delivery at the level of greatest effect for community wellbeing, with sufficient mandate and resource to do so.
- Implementation and delivery of spatial objectives need local understanding and resourcing. This delivery requires co-design and partnership between all levels of government, iwi authorities, and community. Central government will need to be much more involved at these levels, rather than deferring implementation to local government as an unfunded implementation arm of central government.

We suggest further consideration of methods to encourage and incentivise land release through implementation plans. Currently, there are limited options available to local authorities to leverage the release of land and additional mechanisms to incentivise the release of land would be welcomed as part of the reform process.

## **Critical Interlinkages in the Future Planning System**

**Recommendation 4:** Ensure integration across legislation and council and government planning and funding functions, and provide clear direction on hierarchy and timing of key planning documents and decision-making.

### **Rationale**

There is potential for overlap and duplication of functions, particularly associated with the planning and funding of infrastructure. If not managed carefully, this could create issues with funding and delivering infrastructure to meet the requirements of the RSP.

Spatial planning is intended to promote the integration of regulatory planning under the Planning Act, with long-term planning under the Local Government Act 2002 (LGA) and regional land transport planning and associated funding and investment under the Land Transport Management Act 2003 (LTMA). To support spatial planning as an effective integration tool, the Expert Advisory Group (EAG) recommended that Long-term Plans (LTPs) and Regional Land Transport Plans (RLTP) programmes be required to align with spatial plans. The current processes for planning, funding, and delivering infrastructure projects is highly fragmented, with decision-making dispersed across central government, local government, and other entities with varying degrees of autonomy.

We agree the need to strengthen and clarify legislative links between the future Planning Act, LGA and LTMA - to improve the alignment of plans and processes across the three statutes as well as provide co-ordinated responses. We believe this will help provide strategic direction and certainty to developers and infrastructure providers.



We note that other legislation, such as the LTMA, requires development of strategic planning and funding documents with varying time horizons and replacement/review timeframes. An example is RLTPs (reviewed every three years and replaced every six), and to a lesser extent, Regional Public Transport Plans. While the RSP may be best placed to set the direction for transport priorities over a 30-year period, RLTPs are where a region identifies its funding request for transport infrastructure and services from the National Land Transport Fund, alongside funding identified through council LTPs. Currently, the Government Policy Statement on Land Transport (GPS) is released every 3 years and guides how the National Land Transport Fund is spent. If better alignment of growth and infrastructure is to be achieved, then sufficient legislative weight must be given to the priorities of future RSPs in transport funding processes and decisions under the LTMA. Careful thought will need to be given to changes needed to integrate new RSPs with the current land transport planning and funding systems across the new Planning Act, LTMA and LGA at local/regional/national levels - to achieve the integration outcomes sought.

The Local Government (Water Services) Bill begins to establish a parallel planning system for water services, which risks decoupling investment in water and wastewater infrastructure from broader infrastructure and land use planning, and council long-term planning. RSPs and Water Service Entity's plans require integration to ensure planned water and wastewater infrastructure are reflected in spatial plans signalling timing and sequencing of infrastructure to be coordinated to support development.

The EAG recommended that existing spatial plans, Future Development Strategies (FDSs) and regional/sub-regional plans be deemed transitional plans pending adoption of the regional spatial plan. We support the full consideration of the implications both to deem and not to deem, including ramifications for transition to the new resource management system.

*Implementation options:*

- Ensure the RSP integrates and aligns regulatory planning with infrastructure planning and investment by requiring LTPs and RLTPs to align with spatial plans. This may require an iterative process i.e. a *significant* change to an RSP may require a change to the RLTP or LTP and vice versa.
- Include provision in the Planning Act for RSPs to be updated as appropriate, including to reflect changes in National Policy Direction and to maintain alignment with regulatory plans, LTPs, RLTPs and other strategic planning documents.
- Review and define the scope of Regional Land Transport Plans through a consequential amendment to the Land Transport Management Act, to avoid confusion and duplication.
- Recognise the reciprocal relationship between RSPs and LTPs and RLTPs in legislation. This will allow the RSP to recognise or adopt the existing commitments and priorities set out in LTPs and RLTPs to ensure consistent planning outcomes.
- Clearly state the hierarchy between overlapping RLTP and RSP functions.





- Integrate the RSP with other strategic planning processes and funding. The LTMA is the primary mechanism for a significant amount of infrastructure funding in New Zealand. Further consideration is required on recognising the interrelationship between the RSP, LTP and RLTP (particularly in respect to funding functions) in the legislation to collectively fund RSP outcomes.
- Include engagement with Regional Transport Committees as part of development of the RSP.
- Implement a three-year review cycle for the implementation plan to align with updates to funding in RLTPs and LTPs. This would then need to be complemented with the ability to amend the RSP at year six to pick up any critical amendments resulting from funding decisions.
- Integrate water and wastewater infrastructure planning required to support development with regional spatial planning and consider giving the RSP legal weight over WSE plans.
- Consider implications of recognise existing spatial plans, FDSs and regional/sub-regional plans as transitional plans pending adoption of a regional spatial plans; or moving directly to the new system.

To assist, we provide additional context and examples to support the above comments and implementation suggestions in **Appendix 2** of this position statement.

## Optional and Mandatory Matters

**Recommendation 5:** limit the list of mandatory matters to key matters common to all local authorities, with flexibility to incorporate other matters of regional significance and/or strategic importance.

### Rationale:

Direction from Cabinet decisions states that RSPs will be required to address a range of mandatory and optional matters (as outlined in the figure below). The Bill will need to confirm how much discretion is left to the responsible governance entity in each region to determine which matters to include in their RSP. There is a risk in listing all mandatory matters in the Bill that it will inevitably include too many issues for some regions but miss other issues that are strategically important in other regions (for example, urban-dominated versus largely rural-facing regions).

We recommend the Bill requires every RSP to identify and provide for a *limited range* of key matters with scope for RSPs to provide for other matters that are of strategic importance to a region. Sections 15-19 and Schedule 4 (process steps) of the now-repealed Spatial Planning Act 2023 (SPA) provide a useful starting point and could be amended to suit the purpose and system outcomes of the Planning and Natural Environment Bills, noting that further detail of mandatory



and optional matters for RSPs can be confirmed and updated through NPD after legislation is passed. The new Going for Housing Growth Pillar 1 proposals demonstrate how further clarity on RSP requirements will need to be confirmed through subsequent direction and standardisation. This approach is welcomed, as it will recognise the diversity of regions across New Zealand, while avoiding over-prescription in the Bill.

The high-level purpose of an RSP is to enable development within environmental constraints and better align land use and infrastructure planning and investment. We consider RSPs should have a wide scope that focuses not only on urban development and infrastructure, but on all matters of national and regional strategic importance to ensure the high-level purpose of an RSP is achieved.

With that in mind, we also see the need to align RSPs with climate change adaptation responses (natural hazard and non-natural hazard, including identification of high-hazard areas through constraints mapping) and consider this should be a mandatory matter for RSPs.

COMMERCIAL

Scope of spatial plans – mandatory and optional matters

- Spatial plans will primarily focus on **urban development and infrastructure** within environmental limits and constraints (see ‘mandatory matters’).
- **Limits and constraints** will be applied throughout the entire region to inform spatial planning layer and more detailed regulatory layers of the combined regional e-plan.
- Spatial plans may also identify **"other matters"** where they are consistent with national direction and meet a statutory test related to national or regional significance.
- Other matters could include things like:
  - aquaculture and renewable energy areas in the CMA
  - major environmental projects (eg, *blue-green networks*) to help manage and offset impacts of development, or create headroom for growth
  - strategic land use changes needed to improve freshwater limits or manage forestry issues.

Scope of spatial plans
<b>Mandatory matters</b>
Well-planned future urban development areas, including strategic priority areas for public investment in the short, medium and long-term
Development areas that are prioritised for public investment
Existing and future key infrastructure, including corridors and strategic sites
Other infrastructure services that may be needed to serve future urban areas (eg, schools, open space and community facilities),
Existing and planned uses that require separation from incompatible activities (eg, heavy industrial land, quarries and ports)
Environmental limits and other constraints (eg, natural hazards, highly productive land etc)
The gross pattern of urban, rural, industrial and other development types required to inform scenarios and options for future urban development and infrastructure
Statutory acknowledgements from Treaty settlement legislation relevant to the region, and sites and areas of significance to Māori (SASMs)
<b>Optional matters</b>
Other matters provided they meet a significance threshold and are consistent with national policy direction (could be located in urban, rural or natural areas or in the CMA).

COMMERCIAL

Constraints Mapping Including Environmental Limits and Other Matters

**Recommendation 6:** Standardise constraints mapping requirements, including supporting policy in the RSP, particularly for certain constraints which may not always be spatially based.

**Recommendation 7:** Apply constraints mapping across all regional landscapes, explicitly ensuring mapping extended beyond urban boundaries.

Rationale:

Some constraints may not be able to be spatially mapped, for example, climate mitigation through greenhouse gas emission reduction or demographic changes that increase demand on social housing. Additionally, some spatial constraints may also require supporting text to



comprehend the nature of the constraint mapping. The commentary would ensure that the constraint is understood and then applied in the appropriate manner. Examples could include the basis for the mapping of specific hazards or the identification of the values that contribute to a landscape/feature being outstanding.

To accommodate this, the RSP may need to include supporting text and/or high-level policy to guide the combined district plan and natural environment plan. We provide suggestions relating to environmental attributes and how these should be resolved in Te Uru Kahika's Environmental Limits position piece. To assist further, we have also provided a suggested list of constraints as a starter, that should be considered for inclusion within the RSP, in **Appendix 3** of this document.

A clear mandatory requirement to undertake robust constraints mapping across regions is necessary to ensure the best possible integration of higher-level land / strategic use and natural environment planning considerations to inform regulatory planning to follow. Constraints mapping must inform higher-level decisions deciding the location and scale of developments and infrastructure in the spatial plan. However, we are mindful that constraints mapping alone does not identify areas that are suitable for development which needs to be informed by a range of factors.

## Spatial Planning Form

**Recommendation 8:** utilise Part 2 of the Spatial Planning Act 2023 to guide the form of the RSP, with particular attention given to policy, objectives or supporting commentary to provide context to map layers as well as to inform the combined plans and NE plan.

**Recommendation 9:** apply the RSP to regional boundaries and include processes to address cross boundary issues.

**Recommendation 10:** expand the scope of RSPs to provide strategic direction for the use, development, and protection of natural resources.

**Recommendation 10:** consider the potential for RSPs to address management of coastal environments.

### Rationale:

Part 2 of the SPA 2023 is a useful starting point for considering the form of RSPs. It is logical for RSPs to apply and align with the boundary of a region, however, a process may also be needed to address cross boundary issues where these exist. Depending upon the nature of mandatory information, it may be beneficial to retain the flexibility for sub-regional RSPs for large and diverse regions as this would enable site specific information to be identified and responses to be developed.

We understand the RSP is intended to spatially identify development areas and infrastructure—essentially forming a 'map-book'. To ensure it functions as intended, we believe further direction is needed in several areas. At a minimum, this should include supporting commentary, and ideally, objectives and policies to guide the combined plan and natural environmental plans. The



commentary should also explain how the spatial information informs these plans (referred to as the 'spatial implications of environmental constraints' in the EAG report). This is essential if the RSP is to provide a legal mandate for a planning hierarchy, aligning with international practice and current regional and district approaches that use spatial mapping to support regulatory interventions. The RSP's stated scope appears limited to urban growth and infrastructure. We make three key points:

- **Growth Management:** As a key tool for councils, the RSP should address anticipated, out-of-sequence, and unanticipated growth to guide communities on where development is supported or not.
- **Integrated Management:** With functions split between the Planning Act and NEA, integrated management is essential. Expanding the RSP's scope to include strategic direction for the use, development, and protection of natural and physical resources would support this.
- **Coastal Marine Area (CMA):** Including the CMA in the RSP should be considered. Coastal space is publicly owned and allocated through regional coastal plans, which help enable resource use (e.g. aquaculture), manage activity conflicts, and protect high-value areas. Spatial planning is well-suited to coastal management.

Each RSP should be provided on a digital platform, preferably on a national basis to ensure consistency in approach. A national platform would also have the potential to enable a single spatial strategy for the country, at least for the content of RSPs that is mandatory.

#### *Implementation options*

- Provide a process for addressing regional cross-boundary issues.
- Include direction that requires, as a minimum, supporting commentary as context for spatial layers and provide a pathway for supporting objectives and policies to be included where appropriate.
- Include direction that ensures RSPs provide the framework for identifying anticipated or out of sequence growth, along with provision for unanticipated urban growth, particularly where it supports well-functioning urban environments.
- The regulatory and environment plans should provide the framework for implementing direction in the RSP by translating identified constraints and development opportunities into appropriate zones and other regulatory provisions.
- Expand the scope of RSPs beyond urban growth and infrastructure to ensure they achieve their high-level purpose to enable development within environmental constraints and better align land use infrastructure planning and investment i.e. an integrated management approach.





- Consider the merits of incorporating coastal marine areas in RSPs.
- Provide a national digital platform for RSPs to enable consistency across the country.

## Degree Of Statutory Weighting Required

**Recommendation 12:** RSPs should be consistent with National Planning Direction and take into account other national strategies and plans.

**Recommendation 13:** RSPs should have strong legal weight over the regulatory plans. The environmental and district plans should, as a minimum, be consistent with the RSP.

**Recommendation 14:** statutory documents prepared under other legislation (such as the LGA or LTMA) should be required to 'be consistent with' the RSP to reflect the inherent political nature of budgetary funding at the local level.

**Recommendation 15:** development of the RSP should precede preparation of the environment and regulatory plans.

### Rationale:

Clear direction needs to be provided regarding the relationship between national level and regional level instruments. This is also true for the relationship hierarchy between RSPs, combined plans, the natural environment plans, funding plans and other statutory documents prepared by councils. This view is informed by the details provided in the Regulatory Impact Statement and EAG report. In short, the RSP should have strong legal weight over the regulatory components of the plan as well as transport and funding plans. This will ensure integration, while also enabling flexibility.

We provide our initial views on the appropriate relationship between various national and local regulatory instruments below.

**National instruments:** The Regulatory Impact Statement highlighted that further policy work is required on the potential relationships between a national-level spatial plan, NDP and other national-level instruments. RSPs should be consistent with national instruments and take into account other national strategies and plans. This weighting and the appropriate strength afforded to national direction in RSPs should be given further consideration and clear direction provided to limit confusion.

**Other legislation:** It will be important for RSPs to have strong legal weight over the regulatory plans and for this weighting to be explicit. The EAG's proposed 'inform'-relationship to transport and funding plans is weak and will not promote the intended role of spatial planning to integrate and align regulatory planning with infrastructure planning and investment. A stronger weighting also serves to reduce the risk of decisions under the RSP or regulatory plans being relitigated by providing certainty to developers and investors. Providing a 'be consistent with' direction for funding plans will retain flexibility for central and local government budget processes to consider a broad range of issues, including those beyond the scope of the resource management system.



### *Implementation options:*

We offer the following options for weighting of regulatory and funding plans to the RSP:

- Regulatory plans to **'give effect to'** or **'be consistent with'** the regional spatial plan;
- Funding plans to **'align with'**, **'be consistent with'** or **'take steps to implement'** the spatial plan.

The RSP should precede the preparation of the environment and district components to have best effect.

## Appeals

**Recommendation 16:** Appeal rights on the RSP are limited to questions of law only to the High Court. These may relate to disputes about how the independent hearing panel has interpreted the law in carrying out its duties.

### **Rationale:**

Decisions about the legal weight of the RSP have implications for the decision-making process, including whether appeal rights are required.

The EAG recommended that the spatial plan provisions be 'given effect' through the regulatory plan. This strong legal weighting requires a more robust appeals process. In our view, appeals on merits to the Environment Court are not required, especially if the lesser 'be consistent with' provision is utilised.

We note proposal set out in the Blueprint, which includes limited appeals, and a robust process with no appeals. Under the SPA, appeals were not provided for but judicial review and Environment Court declarations on statutory interpretation issues were available. A limited approach such as this would provide an appropriate level of direction and certainty.

RSPs are indicative plans and do not bind individual landowners, unlike site-specific regulatory plans. Therefore, a formal appeals process is unnecessary. Strategic and funding decisions are inherently political and should not be subject to Environment Court appeals—judicial review is more appropriate. In our experience, merit appeals can discourage early engagement, allowing influential parties to bypass initial processes and challenge outcomes later. This risks undermining community-supported policy positions and could occur under the RSP process.

Land use regulation in the combined regulatory and natural environment plan components is more likely to impact private property rights. Therefore, retaining limited appeal rights for these plans may be appropriate. Appeals should focus on how RSP provisions are implemented (e.g. the exact location of a transport corridor), not on re-litigating agreed strategic direction (e.g. the need for the corridor).

Robust early engagement and clear consultation requirements must enable fair and appropriate community input to the spatial planning process. This coupled with a strengthened Independent



Hearings Panel (IHP) process reduces the need for broad appeal rights. We expect the Planning Act to set minimum process requirements, including submissions on draft plans. The IHP should hear unresolved issues and proposed amendments, and direct mediation and expert caucusing to reduce process time and costs, with appropriate time built in to support early engagement between parties.

#### *Implementation options*

- Limit appeal rights on RSPs to the High Court (i.e. only questions of law)
- Provide for limited appeals to the regulatory and environment chapters, where they do not give effect to or are inconsistent with the RSP.
- Appeals on the regulatory and environment plans should be focused on the implementation of the RSP provisions and discourage re-litigation of agreed strategic direction.
- Ensure timeframes provide adequate time for early engagement, consultation and submission processes.
- Provide for mediation as part of a robust Independent Hearings Panel process.
- Ensure the Planning Act sets out core process requirements and minimum steps for plan development.



## APPENDIX 1: ROLES AND RESPONSIBILITIES

Key groups to confirm roles and responsibilities for include, with some examples shown:

Organisation	Roles and responsibilities
Regional and Unitary Authorities	<p>Must align their long-term plan, infrastructure strategy, regional land transport plan, and any regional public transport plan with the RSP and its coordination plan.</p> <p>Primary responsibility for the RSP Joint Committee and the project team and secretariat.</p>
Territorial Authorities	<p>Must align their long-term plans and annual reports with the RSP and its coordination plan.</p> <p>Required to assist the RSP Joint Committee by providing information or technical support to the project team and secretariat.</p>
Central Government	<p>Requirements for Ministers to consult relevant stakeholders before making regulations or issuing directions.</p> <p>Central government provides strategic priorities and alignment with funding plans.</p> <p>Ministerial intervention role: powers to intervene by directing amendments, reviews or other actions related to RSPs.</p>
Māori Groups	<p>Māori groups, including iwi and hapū with legal mandate, should be involved through engagement/participation agreements.</p> <p>RSPs should provide for Māori interests, including customary marine title areas and identified Māori land.</p>
Other stakeholders	<p>Interested parties, including infrastructure providers, non-governmental organisations, and private entities, who may be required to participate in the preparation and implementation of RSPs.</p>

### Further discussion

Without clear guidance on roles and responsibilities, varied and bespoke RSP governance models are likely to emerge across regions, leading to inefficiencies, inconsistent approaches, and delays in transitioning to the new combined plans. This will create short-term uncertainty for





the development and infrastructure sectors while RMA plans remain partially in effect. While regional variation is expected, significant efficiencies could be gained by mandating specific governance options from the outset—such as defined roles for central government officials and iwi authorities on spatial plan committees. Additional efficiencies may also be possible in unitary authority settings.

We recommend including a provision similar to section 67 of the Spatial Planning Act 2023 (Duty to assist Regional Planning Committee) in the new legislation. This would require network utility operators and requiring authorities to provide information and technical support for RSP development, helping to address delays in accessing data on existing infrastructure and will support formal central government representation in RSP decision-making. The EAG did not recommend mandatory representation but provided for local agreement. We support requiring a government representative in an advisory—not decision-making—role to coordinate input from key agencies (e.g. NZTA, MHUD, MBIE, Education, Health, MfE, DIA, Conservation), especially where funding and investment are critical.



## APPENDIX 2: NEED FOR INTERLINKAGES BETWEEN THE FUTURE PLANNING SYSTEM AND EXISTING LEGISLATION

We make the following observations and provide further context regarding linkages between the new spatial planning system and other planning frameworks such as transport planning and Long-term Plans.

### Transport planning:

- We foresee an overlap and duplication of functions – the RLTP under the LTMA sets a region’s strategic objectives/outcomes and priorities for land transport over a 10+ year planning horizon. The RSP could duplicate this function in respect to the strategic planning and integration of transport infrastructure. We believe the scope of the RLTP may need to be further defined under LTMA amendment to avoid any confusion.
- Planning hierarchy – the RLTP and RSP must be consistent with each other. As RLTPs play a key role in determining spatial outcomes for land transport and regional funding priorities, we recommend that the reciprocal relationship is equally recognised in legislation. This will allow the RSP to recognise or take into account the existing commitments and priorities set out in the RLTPs to ensure consistent planning outcomes.
- Integration of processes and funding – the integration of the RSP with other strategic planning processes including transport planning and funding under the LTMA will mean that there is a range of different funding sources for implementation of RSPs. We recommend that the legislation provides clearer messaging around funding roles and responsibilities in the development of RSP Implementation Plans. Integration of RSPs with LGA planning needs to be provided for, and there needs to be an explicit and strong link between RSP Implementation Plans and the RLTP under the LTMA. For example, whilst an Implementation Plan could identify major transport infrastructure and responsible agencies, the detailed funding plan should sit within the RLTP to ensure the alignment of funding outcomes.
- Because the LTMA provides the mechanism for a significant amount of infrastructure funding in New Zealand, it is very important that the RSP, LTP, RLTP interrelationship (particularly in respect to the funding function) is recognised in the legislation to collectively fund RSP outcomes. This issue needs further thought and strengthening, also in regard to funding climate change outcomes. There is a real opportunity here to integrate funding sources to achieve RSP outcomes.
- Interested party consultation – interested party consultation requirements for developing an RSP and implementation plan should include early engagement with Regional Transport Committees, which are statutorily tasked under the LTMA to



develop RLTPs and determine regional funding priorities for major transport projects.

- Timeframes and engagement – we support the long-term planning horizons for the RSP but note that the RLTP under the LTMA has a six-year planning cycle (effectively refreshed every three years because of the need to update the regional land transport programme). A three-year review cycle for RSP implementation plans should be required and it should tie in with the RLTP review cycle to ensure priority implementation actions are aligned. There needs to be plan agility to ensure consistency across the new legislation/ LTMA/LGA interface. Planning documents under the legislation should follow the same timeframes as other strategic regional documents for consistency.
- Given the importance of integration between the LTMA and the two new proposed statutes, consistency between them all is equally important. This includes:
  - Terminology and language.
  - Transport-related standards in national direction.
  - Definitions in the One Network road network classification system.
  - An indication of which RLTP functions will take precedence.
  - How transport planning will inform resource management planning and vice versa.

#### Infrastructure planning and investment (i.e. LTP and RLTPs)

The EAG recommended that RSPs inform central government funding and budget processes (e.g. by requiring RSPs to be considered when preparing the Government Policy Statement on Land Transport and the 30-year National Infrastructure Plan). Under the previous legislation, the Minister under the LTMA must take into account any relevant RSP when preparing or reviewing a GPS on land transport. The EAG also recommended that plans be amalgamated into a national spatial plan, which is intended to act as a tool to support integration of central government and local authority planning and investment. Our view is that a national spatial plan provides a vehicle for central government to communicate its investment priorities, which would inform the development of plans. Integration would further be supported by central government involvement in spatial planning processes.

An important role of spatial planning is to integrate and align regulatory planning with infrastructure planning and investment. To support spatial planning as an effective integration tool, the EAG recommended that LTPs and RLTPs be required to align with spatial plans. The EAG views this as an ongoing and iterative process. For example, a significant change to an RSP may require a change to the relevant LTP or RLTP and vice versa.



The current processes for planning, funding and delivering infrastructure projects is highly fragmented, with decision-making dispersed across central government, local government and other entities with varying degrees of autonomy.

To support transparency of decision-making, the EAG recommended that local authorities be required to publicly identify the extent to which their LTPs and RLTPs align with the relevant RSP, any barriers to achieving alignment, and what is going to be done about any misalignment. Under the previous legislation, consequential amendments to the LTMA 2003 required that a regional transport committee must be satisfied that its RLTP is consistent with the relevant RSP. The Planning Act should provide for RSPs to be updated on a regular basis, including to reflect changes in NPD and to maintain alignment with regulatory plans, LTPs and RLTPs.

### Long-term Plans

The EAG recommended that **LTPs** would be required to align with RSPs. A significant change to an RSP may require a change to the relevant LTP and vice versa. Under the previous legislation, councils were required to set out the steps to implement or progress the key actions identified in the RSP for which the local authority is a lead in its LTP. Similarly, councils were required to include a statement on the local authority's progress in implementing or progressing those key actions in its annual report under the LGA. We would support a similar provision being included in the legislation.

Long-term plans and regional land transport plans will play a role in implementing the RSP. Implementation plans and agreements will be key to ensuring that funding decisions are coordinated by local authorities, infrastructure providers and central government, and that resourcing is provided to implement the RSP over time.

### Water Service Entities' plans

The Local Government (Water Services) Bill begins to establish a parallel planning system for water services, which risks decoupling investment in water and wastewater infrastructure from broader infrastructure and land use planning. The Government has proposed that wastewater and stormwater environmental performance standards prevail over national environmental standards, national policy statements, the New Zealand coastal policy statement, regional plans, regional policy statements and district plans.<sup>3</sup> It is also proposed that LTPs are prohibited from including information relating to water services.<sup>4</sup>

Under the previous legislation, Water Service Entities (WSEs) were required to take into account the relevant RSP and implementation plans when preparing its statement of intent and asset management plans must not be inconsistent with the relevant RSP. While we welcome the Government's revised approach to Local Water Done Well, we have concerns around the lack of integration with water and wastewater infrastructure planning required to support development.

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<sup>3</sup> Clause 269, Local Government (Water Services) Bill

<sup>4</sup> Clause 181(2) states that "a territorial authority that is required to comply with this Part must not include information relating to water services in the following documents ...(b) a long-term plan prepared under section 93 and Schedule 10 of the LGA 2002".





There is a need to ensure that the RSP also has strong legal weight over WSE's plans through similar mechanisms.

There is also a need to ensure that the WSE entities are required to reflect planned water and wastewater infrastructure in the RSPs so there is coordination with the timing and sequencing of infrastructure required to support development. There should be clarity on how infrastructure 'prerequisites' will be reflected in the RSPs so that this can be linked to proposed funding mechanisms, particularly the proposed Development Levy.

### Transition

The EAG recommended that existing national direction, spatial plans (including existing parts of RPSs that have a spatial component, FDSs developed under the NPS-UD, and some other spatial plans if robustly prepared in accordance with consultation principles under the LGA), regional plans and district plans be deemed to be national direction, spatial plans, natural environment plans and district plans under the new Acts. The EAG's recommendation that current / existing regional / sub-regional plans such as the Auckland Plan, Future Proof, Smart Growth and future development strategies be deemed transitional chapters pending adoption of a region-wide spatial planning chapter is a sensible approach.



### APPENDIX 3: LIST OF KEY CONSTRAINTS TO BE MAPPED

In this appendix we provide more detail on the possible constraints and attributes we consider could be mapped through the RSP. The two tables are presented as a starter for discussion and by no means represents a finished product (all possible constraints), nor does it present consideration of possible mitigations to enable constraints to be considered as potential opportunities.

To that end, the second table provides a list of attributes, where it is still possible to develop with careful consideration of the related constraints and possible mitigations.

We welcome further discussion on this and can provide additional information if desired.



Constraint	Attributes and recommendations
Flood prone areas/hazards	<p>Must include:</p> <p>Flood zones (High risk flood zones where available or 1% AEP, with further consideration given to seal level rise)</p> <p>Consideration given to including:</p> <ul style="list-style-type: none"> <li>- Overland flow paths</li> <li>- Coastal erosion, coastal inundation, and liquefaction where data is available</li> <li>- Land instability risk / landslide.</li> </ul>
Significant ecological sites	<p>Significant natural areas (SNA), including QEII covenants;</p> <p>Indigenous vegetation and fauna;</p> <p>Wetlands, including natural inland wetlands, coastal wetlands, lakes, streams, rivers;</p> <p>Natural heritage;</p> <p>Outstanding Natural Features and landscapes;</p> <p>Notable trees;</p> <p>Volcanic viewshafts;</p> <p>Height sensitive areas;</p> <p>Ridgeline protection;</p> <p>Ecologically significant marine sites;</p> <p>Geothermal areas and vegetation;</p> <p>Coastal natural character;</p> <p>Areas of outstanding natural character</p>
Protected areas	<p>Archaeological and heritage sites</p> <p>Culturally significant sites / sites of significance to mana whenua, Wāhi Tapu</p> <p>Special character areas (residential and business)</p> <p>Reserves and DoC land</p> <p>QEII trust covenants</p> <p>Designations (from district plans)</p> <p>Infrastructure corridors</p> <p>Habitat corridors</p> <p>Outstanding natural features and landscapes.</p>
Steep slopes, land suitability	Erodible soils
Highly productive soils	Elite soils (LUC 1,2 and 3).



Transportation	National Transportation Routes in the coastal marine area
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Attribute	Rationale
Drinking water catchments	National Environmental Standard for Sources of Human Drinking Water requires careful management of development in catchments to protect quality of drinking water. Developments in these catchments will need to carefully manage the three waters. Groundwater protection areas or source water protection areas.
Flood prone areas (outside of high risk flood zones)	Subdivision, use and development should be managed to reduce risks for natural hazards to an acceptable level. Residual risk will need to be considered in developing these areas.
High class soils (LUC 2, 3e1 & 3e5)	A decline in the availability of high-class soils needs to be avoided. Restricting the development of high-class soils for urban purposes retains the productive capability of the land and the ability to provide for food production.
Peat soils	Peat soils need to be carefully managed to reduce the rate of subsidence and carbon loss, and adverse effects on adjoining land through lowering of the water table.
Erodible soils (based on NPS Forestry erosion susceptibility mapping of <u>moderate</u> risk)	Moderate erosion risk should be managed to reduce the risk of landslides (natural hazards) and also to manage sedimentation that can impact on water quality. This constraint may be more important during the construction phase than the in the post development phase.
Land within, and adjacent to, drainage networks	The built environment should be managed to maintain the operational effectiveness of existing infrastructure. Development will need to be managed to ensure no storm water discharge to drainage networks, particularly where existing networks are not designed for, and have no capacity to take up, additional urban storm water.
Areas of indigenous biodiversity that are not captured by 11.2	Ensure maintenance and protection of indigenous biodiversity values. These are areas of indigenous vegetation that are not deemed as significant but provide opportunities to maintain and enhance indigenous biodiversity values.
Mineral resources	Manage the built environment to consider future access to mineral resources.
Pest plants	Development will need to consider the avoidance or management of restricted sites to prevent spread of pest plants as per the Biosecurity Act.



Riparian corridors (20m either side of waterway)	Consideration for riparian corridors within development areas would assist with maintaining water quality, bank stability, amenity and ensuring public access to and along rivers to be maintained and enhanced.
Contaminated land	<p>Require identification and management of contaminated land to avoid unacceptable risk. The remediation of a contaminated site is likely to add time and financial constraints on the development of land.</p> <p>Where appropriate include geohazards (contaminated land including closed landfills and settlement risk/peat soils)</p>

