

POSITION STATEMENT

A Future Planning System for New Zealand

5th April 2024

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Planning is essential for a better New Zealand

Te Kōkiringa Taumata | New Zealand Planning Institute (NZPI) is the voice of planning in New Zealand. It is the professional organisation representing this country's planners, resource managers, urban designers, and environmental practitioners. Planners have a critical role in shaping New Zealand's future by helping to develop solutions to key issues, such as population growth, infrastructure needs, pressure on natural resources and environments, demographic change and transport



TE KŌKIRINGA TAUMATA
NEW ZEALAND PLANNING INSTITUTE

INTRODUCTION

In the face of ongoing review and reform of the planning system in New Zealand, Te Kōkiringa Taumata New Zealand Planning Institute has prepared an outline of what we think the essential aspects of a planning system for New Zealand are. This view is informed by experience as practitioners within the current and historic systems, experience with overseas systems, and academic research on planning systems. Our purpose is to set out a foundation for the development of an equitable, effective, and enduring planning system.

OVERVIEW OF NZPI'S POSITION

Planning is a profession that builds communities, protects environmental bottom lines, enhances economic value, and improves the choices for where and how people live, work and spend their leisure time. It is grounded in the knowledge that people and communities are part of the wider environment, in which everything is interconnected. The overall aim for planning is to see the wellbeing of the community and the environment flourish.

New Zealand society faces a number of threats to the wellbeing of our communities and environment, including climate change, natural disasters, water quality, inadequate infrastructure, insufficient housing, social inequality, loss of biodiversity, and insufficient food production. Planning is a key component of addressing these issues. We need a planning system that enables innovative and creative ways to overcome these issues, rather than acting as a roadblock.

It is important that the planning system accords with Treaty of Waitangi obligations and integrates with te ao Māori. The principles of partnership, participation and protection should be imbedded in the system.

Plans are at the heart of our planning system. These documents should provide strong guidance for decision-making on development and environmental management. They need to provide certainty, of outcomes sought and of process. Plans should be informed by good data, including from monitoring of progress towards outcomes. Timely review of plans to understand what's working and what's not is essential.

The wider planning system needs to support the implementation of plans and the outcomes they seek. This wider system includes integrated legislation that works together rather than in isolation, strong leadership from central and local government, the use of incentives and other non-regulatory measures alongside rules and regulations, comprehensive training and support for those working within the system, and robust monitoring and evaluation frameworks.

The legislation that supports the planning system should not be overly complicated. It needs to clearly set out the rights and obligations of all involved. It also needs to provide the mechanisms and tools to enable effective management of development and protection of environmental bottom lines. The legislation should prescribe aspects of process that are essential for upholding the core values and principles of the system, but not be overly prescriptive of other aspects of process. The right balance needs to be struck between fair process and timeliness of decision-making, so that outcomes are enduring.

1. STRATEGIC NATIONAL DIRECTION

Strategic priorities for the economic prosperity of New Zealand, including for infrastructure and housing, and direction on the resolution of conflicts between those priorities and with the natural environment, should be set at the national level.

We support a planning system for New Zealand that provides consolidated, clear, consistent and considered national direction on the Government's strategic priorities. These should cover the natural and built environment, including the coastal marine area, and guide how tensions or conflicts between priorities are weighed and balanced.

- The benefits of strong strategic national direction include:
- Faster and more efficient processes for projects that align with national priorities.
- Certainty and clear signalling of expectations relating to national priorities.
- Consistency of approach to national priorities throughout the country.
- More reliable achievement of outcomes for national priorities.
- Greater efficiency for local planning processes.

The current system has left too many of the strategic and hard decisions to regional and local level planning without adequate national direction. This results in protracted and challenging processes that take significant time to resolve, as well as inconsistent approaches and outcomes throughout the country.

In our view, it is both inappropriate and inefficient for regional and local councils to determine how to resolve competing national priorities region-by-region and district-by-district. Rather, the role of national direction should be to set priorities for the outcomes sought, including means and methods of achieving these. This provides a strong framework to ensure local decision-making does not compromise national priorities and outcomes. We consider this to be an appropriate split in functions between national and regional/local planning.

Having consolidated, clear, consistent, and considered national direction will provide the necessary high-level certainty to enable economic growth to occur, within the constraints necessary to retain the life-supporting capacity of our environment for present and future generations.

2. SPATIAL PLANNING

Spatial planning is a key part of an effective system. National level spatial planning would enable clear and efficient regional level spatial planning.

Spatial planning that has legal weight is currently a significant gap in New Zealand's planning system. This is a significant issue for the provision of infrastructure and housing, in particular. We need the tools and mechanisms for effective spatial planning to be introduced to the system.

Spatial planning allows crucial decisions to be made, including on:

- where growth should occur
- how and when growth will be provided with infrastructure
- funding for growth and infrastructure
- provision for primary industries, such as food production, to support growth
- where the natural environment needs to be protected.

Spatial planning will result in land use plans that provide clear capacity for housing and employment in the right locations, supported by the necessary infrastructure and industries.

NZPI considers the planning system should be supported by a national spatial plan that sits alongside national direction, and then disseminated and elaborated on through regional spatial plans. A national spatial plan would provide an overview across all issues and a spatial lens for helping to resolve conflicts between national priorities. It would be an important tool in ensuring consistency across the country and provide meaningful direction for regional planning.

Good quality, accessible data is an essential part of an efficient and effective planning system. A national spatial plan would provide the opportunity for the creation and management of national databases and digital tools. This would be a significant advancement for planning in New Zealand and has the potential to greatly improve transparency, confidence, and certainty.

Alongside national spatial planning, we support spatial planning occurring at a regional, and where necessary, cross-regional level, in recognition of integration and that boundaries of concern overlap.

Spatial plans are made more effective when they are supported by agreements between the parties who will be involved in their delivery. These parties include iwi and hapū; local, regional and central government; infrastructure providers; productive industries, and others. The system needs to support collaboration between these parties and enable agreements between them. It also needs to enable public engagement in spatial planning.

We also support the concept of City Deals as a way to align central and local government funding and planning for infrastructure and growth, but in our view, these do not replace the need for national and regional spatial planning that also address our rural environments and the coastal marine area.

3. CHANGING CLIMATE AND ENVIRONMENT

Adapting to the effects of natural hazards and climate change and improving the resilience of our communities should be embedded into the resource management system.

The planning system needs to support the Government's priority to achieve Net Zero by 2050 and prepare our communities for our changing climate and environment.

Where and how we grow our cities and economy, and how our rural land is used, has a direct impact on carbon emissions. Planning therefore has a significant role to play in mitigation of climate change, alongside other disciplines and systems. The planning system needs to enable integrated and cohesive action towards achieving Net Zero.

Climate change impacts all aspects of our environment, including water availability, the extent and quality of our indigenous biodiversity, our landscapes and recreational resources, where and how we farm and produce food, and energy security, among other things. Consideration of climate change therefore needs prominence in a planning system for New Zealand.

Recent natural hazard events have highlighted the need to do better to avoid the loss of lives and the negative impact on economic growth and the environment. We support a system that provides the tools and mechanisms to assess risk on a nationally consistently basis, respond to the impacts of natural hazards and climate change, and increase our resilience. We need to be able to locate communities out of harm's way and make decisions that address existing development located in areas at risk from natural hazards and climate change.

Responding to climate change offers significant potential for enhancing economic prosperity in the long term. By applying nature-based solutions and strategies such as 'making room for the river' we can achieve environmental enhancement at the same time as reducing the future economic and social costs of climate change and natural hazard events.

We want to see a planning system that provides clear national leadership and includes mechanisms that will deliver an enduring and equitable transition to a climate and natural hazard resilient future.

4. PLAN-LED SYSTEM

Certainty and efficiency for all parties will result from fewer, more concise and directive, forward looking planning instruments, with the need for fewer resource consents.

NZPI supports a shift to plans prepared at the regional level, supported by national direction, rather than the current district level. Integrated land use and environmental plans will provide for a more holistic approach to planning. This approach will better enable economic growth within the constraints necessary to retain the life-supporting capacity of our environment for present and future generations.

We also support a system that is 'front-loaded', where critical decisions are made and conflicts are resolved at the plan development stage, rather than leaving those decisions to be made on a consent-by-consent basis. This is essential for overcoming cumulative effects, particularly for issues such as water quality and indigenous biodiversity.

This approach has the following benefits:

- Fewer plans for users to interact with.
- Plans that are more concise, directive, and forward-looking, and allow more flexibility and innovation.
- Less duplication of plan provisions throughout a region and nationally.
- Plans that are focussed on what we want to achieve nationally and regionally.
- Integrated planning for water, biodiversity, climate adaptation, wellbeing, and economic prosperity.
- A reduction in the number of resource consents required, because key issues have been resolved at the plan development stage.
- Focused use of the consent process, for proposals that require consideration because they may, or do not, sit comfortably with the direction and outcomes set out in the plan.

To be effective, these plans need to be developed in a way that involves early and meaningful engagement with iwi and hapū and those people and communities to which the planning documents relate. To the extent possible, the process to develop and decide on planning documents should be inquisitorial, rather than the current adversarial approach. An adversarial approach leads to unnecessary delays, costs and litigation.

Monitoring and evaluation are an essential part of the policy development cycle. Plan development needs to be informed by monitoring and analysis of progress towards outcomes, and of whether the outcomes continue to be appropriate. We also need a responsive system that enables us to make corrections and changes in a timely manner, particularly in response to a changing climate. Good quality, accessible, nationally consistent data is an essential aspect of this feedback process and provision should be made to enable this.

The current system has an inordinate focus on the use of rules and regulations. Non-regulatory measures, such as incentives, education, voluntary programmes, etc, are part of the wider system of planning and working towards achieving outcomes. Greater use of non-regulatory measures should support a reduction in the use of rules and regulations. New powers and mechanisms are needed to enable the planning system to embrace the use of these non-regulatory measures.

5. UNDERPINNING OF THE SYSTEM

The resource management system should be based on just and equitable processes and democratic decision-making principles and should uphold rights and obligations under the Treaty of Waitangi. Nationally consistent and robust data collection and management and the use of digital and emerging technologies should be at the core of the system.

An important part of planning is the balancing of wider public interest outcomes with the interests of individuals, businesses, communities and the environment. The planning system needs to allow for fair and equitable consideration of all these interests. Currently, adversarial processes take significant time and resources to resolve. Changes are needed so that the system empowers engagement with communities, inquisitorial processes, and good quality decision-making, without significant costs and time. The process for notified resource consents needs particular attention.

When it comes to the interests of the environment, we support strong environmental bottom lines that ensure the protection of the life supporting capacity of our environment for present and future generations. Management of cumulative effects needs to be drastically improved, particularly for water quality and indigenous biodiversity. Protecting the life supporting capacity of our environment is essential for social, cultural and economic prosperity.

Improvements are needed to the quality of decision-making on planning matters. Good quality decisions are robust and enduring and are less likely to result in appeals to the courts, making for faster resolution of matters. Improvement is required for all types of decision-making, including decisions made by council officers, elected representatives, and commissioners. Means such as the certification or registration of council officers for decision-making and the review of decisions by the Ministry for the Environment or another national body should be investigated. For commissioner decision-making, we propose a national body that oversees the training, accreditation and appointment of independent commissioners to ensure quality decision-making.

5. UNDERPINNING OF THE SYSTEM (CONTD.)

Litigation has marred the current system. We recommend the role of the courts be refocussed on judicial oversight. The focus of the Courts should be on points of law and ensuring that natural justice and fair process are followed. NZPI believes that decision-making should occur as close as possible to those who bear the costs and benefits of the consequences of those decisions, and not by the Courts.

The planning system needs to enable to the Crown, councils and Māori to fulfil their roles as Treaty partners. The current spectrum of delivery and implementation methods to enable iwi and hapū to engage in and make decisions for Māori outcomes needs to be enabled and built on. Particularly, we support the continued recognition and use of iwi and hapū management plans and mana whakahono a rohe.

Honouring the Treaty of Waitangi also requires an increase in capacity and capability of iwi and hapū, and mana whenua planners, to participate in the system in a meaningful way. This will require time and funding, with significant investment needed from the central government. There is also a need for capability and capacity building of Pākehā participants in the system, in te ao Māori and the Treaty of Waitangi.

Digital transformation of the planning system will add confidence, efficiency, effectiveness, and certainty for applicants and decision-makers. Good quality information needs to underpin decision-making, and a centralised approach to data collection and management is the most efficient approach. Data accessibility needs to be a key underlying principle of the system. Digital transformation also means delivering user-orientated digital tools and services that meet modern expectations. A modern data system should be able to provide actionable insights into growing the economy and improving our environment and its management. The planning system needs to embrace the potential digital transformation has for process improvements, which will improve outcomes for all participants.

6. CENTRAL GOVERNMENT SUPPORT FOR IMPLEMENTATION

National leadership and support are critical for the successful implementation of the resource management system.

NZPI believes that many of the problems attributed to the current system are a result of how the legislation has been implemented, rather than the legislation itself. The same applies to the national policy statements and national environmental standards currently in place.

Over the years, the Minister and the Ministry for the Environment have alternated between more and less active roles in overseeing the implementation of the system. In our view, the system has been most effective when a more active role has been taken. The primary purpose of an active role is to ensure that the intent of the legislation and associated national direction is effectively and efficiently implemented on the ground.

This active role in overseeing implementation includes the following functions:

- Reviewing draft plans.
- Making submissions on resource consents and plans.
- Directing plan changes.
- Monitoring of system performance.
- Working alongside organisations like NZPI to deliver training and guidance.
- Providing advice to all parties working within the system.
- Working directly with councils, iwi and hapū in policy design.

These overseeing functions are separate to central government's role within the system of providing national direction, which is discussed in section 1 above.

Development of legislation needs to occur alongside development of implementation support. The planning system is more than just the legislation, and legislation alone will not change practice or improve outcomes.

NZPI supports central government strengthening its implementation role and working alongside regions and their communities to achieve good outcomes on the ground. Central government needs to play a key leadership role for national priorities, and needs to speak with a single, coordinated voice across Ministries. Leadership requires engaging and intervening where necessary to ensure that these priorities are achieved and not undermined.

Monitoring and evaluation of the system is critical to ensure its overall intent is being achieved. Central government needs the tools and mechanisms to actively monitor and evaluate implementation and progress towards outcomes, in conjunction with councils, iwi and hapū, and other relevant organisations. National standards and requirements for consistent and robust data collection and management are needed, to enable the digital transformation of the system.

NZPI sees benefit in central government considering the future of local government alongside the future of the planning system. The structure of local government, and the nature of its relationship with central government, is a critical part of a planning system based on democratic decision-making. Reform of the planning system will only get so far if it is done without consideration of the future of local government.