



4 August 2021

Hon Eugenie Sage
Committee Chairperson
Environment Committee
Parliament Buildings
Wellington

Tēnā koe Hon Sage

NATURAL AND BUILT ENVIRONMENTS BILL – EXPOSURE DRAFT

Thank you for the opportunity to submit on the exposure draft of the Natural and Built Environments Bill (the Bill) currently before the Environment Committee.

The reform of the resource management system provides opportunity to address many of the issues we see in the current system. Work under the Resource Management Act 1991 has struggled to appropriately protect the natural environment of Aotearoa and has been cumbersome to interpret and challenging to manage due to the complex accountability arrangements in place. As engineers we work across all layers of the system and observe inconsistent standards, diverse interpretations of the Resource Management Act 1991 and fragmented leadership. We are troubled to see the resulting decline in our natural environment and the inefficiencies of the system.

This Bill is one output of the resource management reform work. We recognise Government is also developing a Strategic Planning Act and a Climate Change Adaptation Act. Additionally, the Bill before the Committee is incomplete. To this end, we will keep our comments on the Bill short and engage in ongoing work as appropriate.

Strengths of the Bill

We support the following components of the Bill:

- the introduction of Te Oranga o te Taiao (clause 5)
- strengthening Treaty requirements (clause 6)
- the introduction of environmental limits (clause 12)

These components of the Bill have the potential to realise some of the reform's objectives, notably the protection and possible restoration of the natural environment, enabling environmental biophysical limits, giving effects to the principles of Te Tiriti o Waitangi and provide great recognition of te ao Māori.

Weaknesses of the Bill

This said, we cannot see how the Bill, as it is drafted, will reduce complexity, increase system efficiency and enable improvements in housing supply, affordability and choice, and the timely provision of appropriate infrastructure, including social infrastructure. These are objectives of the reform work. In particular, we cannot see how the Bill will improve system efficiency and effectiveness – a key objective of this Select Committee Inquiry.

It is our view that the Bill, as it is drafted, fails to deliver clarity on the following:

1. how environmental limits will be set, including who will be involved in these processes and how decisions will be made
2. how consent processes will be undertaken
3. roles, responsibilities and accountabilities in the system
4. transparency on how the system will be resourced

We cannot operationalise a new resource management reform system without clarity on the points above. To us the points above must be included in this Bill, as the primary replacement for the Resource Management Act 1991.

Concerns with current drafting

In addition to the key omissions above, it is our view that the Bill, as it is drafted, contains considerable ambiguity that will distract from the aim of improving system efficiency and effectiveness. One example is clause 18(c) to “ensure appropriate public participation in processes undertaken under this Act, to the extent that it is important to good governance and proportionate to the significance of the matters at issue”. While the intent of this clause is good (public participation), the Bill leaves the interpretation to “relevant persons” to decide what makes up good governance and proportionate participation. Each player in the system will need to design frameworks for the interpretation of this clause. As we work across regions, these interpretations will be different. It would be far better for Government to set requirements and limitations, including timeframes, for public participation.

Next steps

Thank you for the opportunity to provide comment on the Bill before the Environment Committee. We would value an opportunity to discuss the Bill with the Ministry for the Environment, to understand better how our concerns will be addressed. We will also continue to watch the work of the Committee and the Ministry for the Environment, providing feedback as we can. We remain hopeful that this work will lead to better outcomes for Aotearoa.

In the interim, if we can be of any assistance, please do not hesitate to contact me by emailing richard.templer@engineeringnz.org or 021 22 000 50.

Ngā mihi

A handwritten signature in blue ink that reads "R. Templer". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Dr Richard Templer
Chief Executive