



Submission by

Civil Contractors New Zealand

on the

Exposure draft Natural and Built Environments Bill

August 2021

Contact Details:

Peter Silcock

peter@civilcontractors.co.nz

027 448 7036

www.civilcontractors.co.nz

21 Fitzherbert Tce, Thorndon Wellington 6011

Civil Contractors New Zealand would like the opportunity to appear before the Committee if oral submissions are to be heard.

About Civil Contractors New Zealand Inc

Civil Contractors New Zealand (CCNZ) and its members welcome the opportunity to provide input and feedback on the Exposure draft of the Natural and Built Environments Bill.

CCNZ is a membership-based organisation, working on behalf of 420 member companies that engage in the construction and maintenance of civil infrastructure such as transport, three waters, energy and communications infrastructure, and more than 200 associate member companies that provide civil infrastructure companies with equipment and services.

Infrastructure and the Environment

Infrastructure has many positive impacts on every New Zealanders quality of life, our ability to work and play, to have internationally competitive businesses and minimises the impact we have on the environment (e.g. wastewater treatment) and the impact the environment has on our quality of life (e.g. flood protection works).

It is essential we design, build and maintain infrastructure that meets or exceed the expectations of future generations. Construction by its nature modifies the environment, however CCNZ expects members to manage and minimise negative impacts on the environment through the application of controls and professional standards.

RMA Reform

We support the reform of the Resource Management Act, and agree that the current Act has not halted a steady decline in the natural environment and at the same time has added substantial time and costs to the process of construction and maintenance of our infrastructure. The RMA has held back our development and enabled commercial and personal interests to stop or delay and substantially increase the costs of infrastructure developments and construction projects.

The implementation of a more robust policy and planning framework will achieve a consistent approach to how current deficiencies in the system are addressed. A fit for purpose resource management process which starts with effective planning will greatly improve the lives of New Zealanders.

Environmental protection must be balanced with access the resources needed for infrastructure construction, such as aggregate supplies and water, which in turn enable better outcomes through management of wastewater and more efficient transport systems.

Prohibitive consenting costs and timeframes are in nobody's interest, while good environmental and construction outcomes are. As an example, the construction of a seawall can prevent damage to a road during a major storm, a stopbank can prevent a riverside community from being flooded in times of heavy rain, or a drainage system can prevent discharge of waste into the natural environment.

Long term planning is needed to ensure future generations do not incur significant ongoing increases in construction and infrastructure costs, and the good outcomes infrastructure enables. These are wide-ranging, and could range from the need to ship aggregate long distances to fulfil project needs as quarries cannot be consented in a region to rising land costs from lengthy delays to a major project while its consenting conditions are debated. They ultimately impact on the economy and are met by the wider community through increased construction costs, and through rates and taxes that fund infrastructure costs.

CCNZ is very supportive of legislation that protects the environment and provides for this generation and for those that will follow. This legislation should balance the need to protect the environment with community and social wellbeing, which includes enabling and supporting the construction and maintenance of infrastructure, commercial and residential buildings and parks and recreation areas.

The Natural and Built Environments Bill

We are pleased to see natural and built environments being recognised, alongside each other, in the title of the Bill. We need legislation that allows development to occur in a planned and systematic way that minimises impacts on the environment.

While CCNZ supports much of the contents and the overall direction of the, Bill including protection and enhancement of the natural environment, our main concern is that the exposure draft does not adequately balance this with the needs of developing and maintaining the country's built environment.

The key feedback points we wish to emphasise are:

- 1. Provide for natural and built environment outcomes**

The draft provides for environmental outcomes but not development outcomes. There should be a mechanism to allow for interests, whether they are compete or not, to be considered.

- 2. Reduce time and costs**

There is no obvious mechanism to reduce the time and cost of granting resource consents for construction and infrastructure projects. The RMA hasn't delivered on desired environmental or development outcomes and has resulted in significant costs and delay in time to construction and infrastructure projects.

It is not clear how this critical issue will be addressed through the proposed Bill. Mechanisms within the Bill that allow for acceleration of the planning process are needed. This should include a clear and effective conflict resolution process.

- 3. Balance Outcomes**

CCNZ supports a regime that protects and enhances the environment. Activities should minimise the impact to the natural environment and appropriate control measures should be

put in place to ensure this is an outcome. However, the system needs to be able to assess the wider community benefits, the potential negative impacts and how potential negative impacts can be eliminated or controlled and mitigated. It is not clear how the proposed Bill will achieve this balance or control the relationship between natural and built environments.

The recent National Environmental Standards for Freshwater regulations are a good example of this lack of balance. The outcome was unintended consequences for industries such as quarrying, which underpin the construction industry and a number of the government key policy initiatives around well-being including housing, infrastructure and significant health and education building programmes.

The lack of a balanced view between the natural environment and the built environment and development have now seen Government departments working through to unwind some key provisions of the National Environmental Standards for Freshwater regulations.

4. Reduce complexity

CCNZ is concerned that the introduction of the three Acts will add significant complexity to the development process, creating conflicting, overlapping and duplicated requirements will add cost and time. There is a critical need to ensure the three Acts work together efficiently and effectively.

5. Consistent Pipeline of work

CCNZ members respond to the needs of clients in terms of the type of infrastructure they build and maintain. However, if the type of infrastructure and the associated skills and capital equipment requirements change there needs to be sufficient time for these skills to be developed and equipment secured.

Having a strong and reliable pipeline of work is critical to having the right resources at the right time. This substantially reduces costs though avoiding boom-bust cycles. The current RMA creates uncertainty, lacks responsiveness, undermines certainty that projects will go ahead as planned, and substantially extends the time and costs of projects.

6. Natural and built environment outcomes

The current wording of the draft clause 8 focuses on environmental outcomes not natural and built environment outcomes.

7. Public Works Act

Public Works Act requires a review to allow for improved outcomes for construction and infrastructure.

8. Defining National Significance

There is a need to define through a framework how “matters of national significance” are agreed upon.

Feedback on the Bill

Clause 5: Purpose of the Act

The purpose as described in Clause 5 is not balanced with the needs to provide for development to balance the needs of the natural and built environment. As currently worded this clause does not balance the needs of Aotearoa and communities particularly around the need for housing, places of work and recreation and infrastructure that support well-being and an efficient economy.

Construction and maintenance are a key element of this built environment. The current wording and lack of balance will add to the cost and time burden for individuals, companies, and the government funding building projects. While the proposed Strategic Planning Act is designed to give effect to the purpose of the NBA when it comes into force, it is important that the balance is recognised and clearly stated upfront in the NBA.

For there to be development and growth there will need to be some disruption to the natural environment. How this is managed is important, and the unintended consequences of the current stated purpose will be to stifle, or significantly delay and increase the costs of construction and development.

CCNZ supports provisions for the protection of the environment, but we need to ensure we have workable laws and processes that enable the country to advance and develop.

Clause 7: Environmental Limits

While CCNZ supports the setting of environmental limits, there cannot be a one size fits all approach. CCNZ would recommend that provision be made for specific environments to have limits based on their intrinsic properties.

The use of site-specific evaluations and a framework for conducting these would allow for a methodology of achieving workable outcomes.

Clause 8: Environmental Outcomes

CCNZ supports an outcomes-based approach. However, the outcomes mandated need to be workable by all stakeholders rather than just being focused on “environmental outcomes”.

The current wording means plans need to cover for example infrastructure, but the outcomes related to infrastructure are environmental. Given that the overall purpose of most infrastructure projects will be on the wellbeing of communities rather than the wellbeing of the environment, the provisions will be problematic and are likely to halt infrastructure projects delivering substantial development and economic benefits.

We believe Clause 5 should be named “National Policy Outcomes” and the first sentence prior to the various dot points should read “Clause 8 states that the NPF and all plans must promote environmental, economic, and wellbeing outcomes on the following topics”. This will align the topics to meeting outcomes on a range of factors that will support environmental protection alongside other outcomes.

We are pleased to see that the list of topics that the NPF and all plans must promote includes various economic and social outcomes and wellbeing.

Where the outcomes cannot be achieved to the desired standards or aren't reasonably practical to achieve from all parties there should be a forum or disputes process that allows for the needs of all stakeholders to be adequately reviewed and addressed.

Clause 10: Purpose of national planning framework

Section 129 talks about matters of national significance and that the National Planning Framework will help achieve the purpose of the NBA. Yet the purpose of the NBA as stated in section 89 and 90 only gives direction to environmental outcomes. Matters of national significance will be wide ranging, not just environmental.

Matters of national significance and the direction of set for what will be competing interests at times is critical to the successful implementation of a national planning framework. CCNZ recommends “matters of national significance” be defined and a process put in place to ensure the outcomes are in the wider interests of the nation.