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Civil Contractors New Zealand submission to the Environment Committee on the Natural and Built Environment Bill, and the Spatial Planning Bill

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Introduction

Thank you for the opportunity to submit on the Natural and Built Environment Bill and the Spatial Planning Bill. CCNZ wishes to appear before the Environment Select Committee to be heard on this submission in further detail.

Civil Contractors New Zealand (CCNZ) is an industry association representing the interests and aspirations of more than 700 member businesses and organisations, including 450 large, medium-sized, and small businesses in civil engineering, construction, and general contracting. Our 260 associate members provide valuable products, support, and services to contractor members. We live and work in all communities across New Zealand.

Our members play a vital role in the development of our country, our economy, and our way of life. The are responsible for the physical construction and maintenance of NZ's transport networks, water networks that bring fresh water to houses and wastewater to treatment plants, cables that bring the internet to homes and businesses, ports, airports and private developments.

These are the services a modern and developed economy must have to compete efficiently in world markets and to deliver high living standards and wellbeing for all New Zealanders. Because of the breadth of work environments, civil contractors have an extensive understanding of how the environment is protected in practical terms. They work to construct wetlands as part of projects, as well as maintaining riverbanks, parks and great walks.

In short, resource management is relevant to civil contractors because the construction and maintenance of infrastructure and buildings is a use of land and the environment.

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CCNZ acknowledges the widely held view that the Resource Management Act 1991 (RMA) system as it stands is broken. It is litigious, expensive, and time consuming, for both resource consenting and planning.

It has created significant cost, both for those seeking consent for development and those seeking environmental protection, because it lacks effective mechanisms for conflict resolution, often leading to a costly stalemate where development is sought.

CCNZ acknowledges the Government's resource management reform (RM reform) objectives, and seeks the following from RM reform:

- Consenting pathways that enable the construction, operation and maintenance of infrastructure and the built environment, for both large and small projects
- Efficient and effective and affordable consenting, planning and other regulatory processes, also to avoid unnecessary delays in regulatory processes
- The above to apply to civil construction at all scales, from small earthworks to multi-firm construction alliances for nationally significant projects
- Ability to manage trade-offs or conflicts between RM reform objectives, eg between protection of, and the use and development of the natural and built environment
- Effective mechanisms to balance the environmental cost of development against the benefits infrastructure delivers for our society
- Access to raw materials that enable infrastructure construction, such as aggregate, steel and concrete, and efficient repurposing of construction and demolition waste, whether through recycling or through identified sites for enabling infrastructure - eg cleanfills
- Upholding of property rights, including for existing infrastructure and buildings

CCNZ welcomes the opportunity to submit on the Natural and Built Environment Bill (NBE Bill), and the Spatial Planning Bill (SP Bill).

We note our broad support for the submissions made by BusinessNZ, Infrastructure NZ, and Te Waihanga - NZ Infrastructure Commission.

The CCNZ submission is structured as follows:

- Executive summary
- Submission
- Recommendations

EXECUTIVE SUMMARY

Overview

CCNZ considers the NBE and SP Bills contain much that is positive for delivering on New Zealand's objectives for infrastructure and the built environment, in particular:

- Consenting pathways for significant infrastructure and construction, which improve on the RMA
- Strategic spatial planning, followed by detailed planning at regional scale, with early input from infrastructure providers
- The promise of effective national direction and conflict resolution for infrastructure among RM reform outcomes via a national planning framework (still in development)

That said, CCNZ considers the NBE Bill, as written, to be unworkable in terms of meeting the civil construction industry's objectives, as set out in the introduction to this submission.

In light of the tight timeframe for enacting new statutes ahead of the 14 October 2023 general election, we consider time is lacking to fix the numerous shortcomings of the Bills to deliver fit-for-purpose protection, use and development of the environment.

The value of this reform programme is to overcome the shortcomings of the current legislation, which creates conflict, significantly delays necessary development, does not adequately protect the environment, and adds cost. It's an open question whether the current RM reform achieves these aims.

Headline recommendation

CCNZ recommends the Government rescind the NBE Bill, amend the SP Bill accordingly, retain the positive aspects of the Bills, and incorporate them into the RMA.

Much of the value of this legislative reform is contained in the ability of the SP Bill to plan effective regional spatial strategies (RSSs) that protect the environment and identify appropriate areas for development, along with the ability of the National Planning Framework (NPF) to resolve conflicts.

We propose New Zealand should not be subjected to decades of cost and uncertainty in defining novel terms contained within the NBE, and how they are applied to our society through litigation. This approach will result in years of impasse.

Instead, we should consider how the existing RMA can be amended to be complemented by the regional planning the SP Bill enables, and the effective conflict resolution mechanisms the yet-to-be-developed NPF is purported to contain. This approach will capture the value of the reforms in conflict resolution, and effective spatial planning.

Key concerns

We consider the NBE Bill to be unworkable in its current state. Whether it can function as an effective piece of legislation in any form is currently entirely dependent on the NPF, which is yet to be developed. While the current situation is unsatisfactory, the NBE Bill has the potential to halt development and create a decade of uncertainty.

We support Infrastructure NZ's proposals around the SP Bill. In contrast to the NBE, this Bill is succinct and functional, and it is practical and useful because it requires long-term planning and consideration of land use in a more structured way, providing good potential for site identification for 'node-based' enabling infrastructure networks across the length and

breadth of the country – something that is currently happening sporadically at best, at significant added cost to the construction of horizontal infrastructure projects.

We make proposals in this space for clarity, and workability. Conflicts between achieving RM reform objectives are inevitable, and it is unknown how the new system will address this, because the NPF – which is responsible for this matter - is not available for perusal, being in development.

There is a lack of detail on how the Bills will be implemented in practice, a lack of local voices and sector expertise within the planning and decision-making process, and how local councils may implement the new planning regime and finance or fund infrastructure in future plans is unclear.

More broadly, the lack of an NPF creates uncertainty for submitters on how the new system will deliver on RM reform objectives, and whether it will enable infrastructure investment.

CCNZ supports the provision of existing-use rights for much infrastructure in the NBE Bill. We seek a broadening of scope, as well as exemption from resource consent reviews, to provide certainty for owners, operators and investors, and enable them to manage regulatory risk.

There is also need for greater clarity on roles and responsibilities within government agencies/ministries, including on what grounds the Minister may be entitled to intervene.

We need to ensure adequate ‘checks and balances’ to balance ministerial decision-making with local/regional views, lest the decision making process become subject to political whims rather than the best interests of the country. We recommend limiting Ministerial powers to intervene if a plan is inconsistent with the NPF, lest the process become a political football.

On our reading of the Bills, it is not clear that the new system will be more efficient in terms of cost and time to participants than the RMA system.

CCNZ understands that it could take 10 years for the new system to become fully operational, during which time the RMA will continue to apply.

The NBE Bill’s purpose is unclear: the novel term “te Oranga o te Taiao” is inadequately defined, and in practice will be for local Māori to define, locally, giving rise to potentially hundreds of different definitions for the environment around the country.

This Bill fails to define a range of terms, many of them novel in the resource management context. This will require litigation at affected persons’ expense to resolve, and is, therefore, poor lawmaking.

The NBE Bill fails to provide clarity on environmental limits and targets, in particular, whether and how development can occur in respect of these limits.

One way to interpret this lack of clarity is that Government intends to prevent any breach of a limit under any circumstances – except for certain infrastructure – which risks preventing almost all land use and development in most of New Zealand outside of urban boundaries.

Even if this is not the intent, providing clarity will be left to successive governments and regional authorities, which may take a risk-averse approach, thereby preventing the

development New Zealand needs to overcome its infrastructure deficit. Alternatively, future governments could shift work programmes drastically, based on their political inclinations, thereby disrupting coherent work programmes.

Another impact is that developers require certainty to invest, and are unlikely to have much appetite to go to court to test the new legislation at their own cost. The introduction of additional punitive measures needs greater clarity in the context of adverse publicity orders and appeal rights to the Environment Court – how will the appeal process work in practice?

Government commitment to adequately resourcing consent authorities and consenting teams will be vital, if the Bills are implemented. If these teams are under-resourced, this could significantly delay the process.

On our reading of the Bills, we are unable to assess whether this is an issue, or whether it will be feasible and practical to ensure the resourcing for the operation of the new system. But it is an example of where the system may not be able to operate as intended due to under-resourcing. This concern may be addressed via local government reform, noting CCNZ lacks has little insight into this reform.

Enabling infrastructure is a further consideration. Lack of adequate provision for enabling infrastructure such as quarries and cleanfills in close proximity to projects will greatly increase costs, and indirectly stop future infrastructure development in its tracks – an issue the SP Bill and the NPF have the potential to overcome if correctly enacted.

We are already seeing increased carbon dioxide emissions, and increased wear and tear on transport networks due to a lack of provision for cleanfill and quarry sites. In Wellington, for example, contractors are often forced to cart cleanfill outside of the region due to the lack of consented cleanfill sites – at a huge cost to ratepayers, taxpayers and contractors alike, and with increased emissions and wear and tear on the roading network.

SUBMISSION

Purpose of the NBE Bill

Reproduced below is **clause 3** of the NBE Bill:

> The purpose of this Act is to—
>
> (a) enable the use, development, and protection of the environment in a way that—
>
> (i) supports the well-being of present generations without compromising the well-being of future generations; and
>
> (ii) promotes outcomes for the benefit of the environment; and
>
> (iii) complies with environmental limits and their associated targets; and
>
> (iv) manages adverse effects; and
>
> (b) recognise and uphold te Oranga o te Taiao.

This provision looks similar to section 5, RMA, with the additions of promoting "outcomes", complying with "environmental limits and their associated targets", and recognising and upholding the novel of concept of "te Oranga o te Taiao". This is defined in **clause 7** as:

> (a) the health of the natural environment; and
>
> (b) the essential relationship between the health of the natural environment and its capacity to sustain life; and
>
> (c) the interconnectedness of all parts of the environment; and
>
> (d) the intrinsic relationship between iwi and hapū and te Taiao

This is a vague definition, in particular, limb (d) of the definition, which will be for local Māori to determine, locally. Given at least 120 iwi throughout the country, and many hundreds of hapū, New Zealand could face a myriad definitions of te Oranga o te Taiao, and, therefore, a myriad purposes to the NBE Bill. Imagine the challenge that would present to civil contactors delivering a network infrastructure project spanning several rohe of different iwi and hapū.

The text at issue is unsatisfactory, and potentially unworkable for land and resource users and developers, and needs amendment.

Clause 5 on outcomes is largely supported, noting it is a list of 18 items, of which six refer to the built environment and infrastructure (including to deliver resilience to the effects of climate change).

We question the use of the term "infrastructure services". Surely, "infrastructure" offers more clarity.

The climate change-related provisions, **clause 5 (b) (i)** and **clause (b) (ii)**, relate to mitigation, matters that should be addressed under existing climate change legislation. That is because climate change is a global issue, and New Zealand has made international commitments to play its part in the global response.

The lack of a hierarchy between outcomes is supported, as this approach acknowledges there is a balance between the objectives and one should not override another.

Clause 6 (1) sets out decision making principles:

> "To assist in achieving the purpose of this Act, the Minister and every regional planning committee, in making decisions under the Act, must—
>
> (a) provide for the integrated management of the environment; and
>
> (b) actively promote the outcomes provided for under this Act; and
>
> (c) recognise the positive effects of using and developing the environment to achieve the outcomes; and
>
> (d) manage the effects of using and developing the environment in a way that achieves, and does not undermine, the outcomes; and
>
> (e) manage the cumulative adverse effects of using and developing the environment."

Missing from this list – from the point of view of civil contractors and their clients - is to uphold property rights, to provide certainty for investment in, and the ownership, operation and maintenance of infrastructure and the built environment.

The NPF will be of critical importance in resolving conflicts between these objectives. From a civil contractor's perspective, whilst compliance and enforcement are important to protect the environment, so too is the NBE Bill's objective of facilitating development, without which we cannot hope to overcome the country's current infrastructure deficit, which is acknowledged across the political spectrum.

Our members are concerned the introduction of new civil penalties, profit-stripping provisions and adverse publicity orders will mean it becomes even more expensive to deliver urban development and may lead to a disproportionate financial 'hit' on the contractors / subcontractors executing them. Alternatively, it could reduce the amount of projects able to be delivered by greatly increasing risks and costs for our clients in central and local government, as well as the private sector.

Definitions

CCNZ refers to the Legislative Design Advisory Committee guidelines, which state on page 14: "Designing legislation that users can find and **use easily** is critical for both the rule of law and its efficacy" (emphasis added).

The NBE Bill fails to define the following novel terms in this legislative context - "minimise", "redress", "trivial", "mana", and "mauri". This will require litigation to resolve, at affected persons' cost, which denies natural justice to those persons.

The Auckland University of Technology defines "mātauranga Māori" as "Māori knowledge and is closely aligned to the period of pre-European contact as it encompasses traditional concepts of knowledge and knowing that Māori ancestors brought with them to Aotearoa/New Zealand".

In contrast, the inference from schedule 3 of the NBE Bill is that mātauranga Māori falls within a definition of "science". Clarity of meaning is required for mātauranga Māori.

"Te Oranga o te Taiao" is discussed above.

The definition of "infrastructure" in **clause 7** is:

> the structures, facilities and networks required to support the functioning of communities and the health and safety of people and includes:
>
> (a) infrastructure provided by a requiring authority; and
>
> (b) infrastructure provided by a network utility operator; and
>
> (c) eligible infrastructure within the meaning of section 8 of the Infrastructure Funding and Financing Act 2020; and
>
> (d) activities undertaken by Kāinga Ora under section 131 of the Urban Development Act 2020; and

(e) nationally significant infrastructure within the meaning of section 9 of the Urban Development Act 2020; and

(f) district or regional resource recovery or waste disposal facilities; and

(g) a relevant school or institution as defined in the Education and Training Act 2020; and

(h) a hospital care institution within the meaning of section 58(4) of the Health and Disability Services (Safety) Act 2001; and

(i) fire and emergency services facilities

Missing is the inclusion of "lifeline utilities", mentioned in **clause 66**, and it is not clear that corrections or defence facilities are included within this definition. This definition needs improvement.

Effects management framework and environmental limits

Land and resource users and developers need to be able to breach an environmental limit, locally and temporarily, to conduct their work, whether this be earthmoving or laying foundations for the built environment. This must happen either under an exemption provided for certain infrastructure, or provided they deliver "no net loss", or a "net gain" over time for specified environmental values (refer to **clause 61** and **clause 62**).

The NBE Bill does not appear to provide this necessary avenue to land and resource users and developers, except in respect of providing exemptions (discussed below, under infrastructure).

Consider:

- **Clause 3 (a) (iii)** states "The purpose of this Act is to enable the use, development, and protection of the environment in a way that **complies with** environmental limits and their associated targets"
- **Clause 154 (4) (a)** states that "an activity is a prohibited activity **if it would breach** a limit specified in the national planning framework or a plan"
- **Clause 223** states that a resource consent cannot be granted if it is "**contrary to** an environmental limit or target" (emphasis added)

At issue is that indigenous biodiversity in New Zealand will be at or near a limit almost everywhere in the country outside of urban boundaries, drawing on earlier work on a draft National Policy Statement for Indigenous Biodiversity as a guide.

Our assessment is that the wording of the NBE Bill will prevent almost all land use and development in New Zealand outside of urban boundaries, except for certain infrastructure. Due to this, the Bill is unworkable, and potentially unfixable within the timeframe available before enactment.

Infrastructure

The NBE Bill contains numerous provisions spread through the Bill, intended to enable infrastructure. They cover, for certain infrastructure only:

- exemptions for certain infrastructure from the effects management framework (**clause 64**)
- exemptions from limits and targets (**clause 44, clause 45** and **clause 66**)
- national direction in the proposed national planning framework (**clause 58**)
- a fast-tracking process for consenting (**clause 315**, **clause 316** and **clause 318**)
- the continued ability to acquire land under the Public Works Act 1980 (**clause 142**)
- protection of existing and new designations from interference from conflicting land uses (**clause 17**)
- streamlined provisions covering designations and "construction and implementation plans" (Part 8, sub-part 1, **clauses 497-540**)
- continued ministerial call-ins for nationally significant projects (**clause 329**), and
- direct referral to the Environment Court (**clause 166**)

CCNZ supports the above provisions. We note, however, they take the form of carve-outs to enable activities that otherwise may well not be able to proceed. Owners and developers of large projects such as major highways and tunnels will be satisfied, while those relating to small and medium-sized projects will not. Recognition of regionally significant infrastructure as well as nationally important infrastructure may go some way to filling this gap.

We make the following additional comments:

Clause 66 states, in part:

> Exemptions applying under section 64 may be made only for the following types of activities:
>
> (h) activities lawfully established immediately before the commencement of section 62(1) (whichever is applicable):
>
> (i) subdivision:
>
> (j) activities that will contribute to an outcome described in section 5(b):
>
> (k) defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990:
>
> (l) activities managed under other legislation, as long as the responsible Minister is satisfied that the other legislation provides an appropriate level of protection:
>
> (m) the lines and associated equipment used or owned by Transpower to convey electricity and for associated activities, including access tracks and maintenance activities:
>
> (n) infrastructure operated by a lifeline utility operator as defined in the Civil Defences and Emergency Management Act 2002 and any directly associated activity:
>
> (o) activities that will provide nationally significant benefits that outweigh any adverse effects of the activity:

This list is unlikely to be comprehensive enough to provide exemptions for the activities that need an exemption. More broadly, the different sets of lists of infrastructure in different parts

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of the Bill make the Bill confusing to read and understand. In addition, there must be provisions for regionally significant infrastructure, otherwise our regional communities may be unable to develop the infrastructure they require.

CCNZ supports the four categories of activities listed in **clause 153**, permitted, controlled, discretionary and prohibited, and supports the removal of non-complying activities. This proposal provides clarity and clear consenting pathways, currently lacking under the RMA.

Clause 205(2)(c) in the NBE Bill requires a decision maker (either the Minister when developing the NPF or the Regional Planning Committee) to mandate public notification of resource consent applications where "there are relevant concerns from the community".

"Relevant concerns" is undefined and therefore the decision will be entirely subjective, an approach that has the potential to undermine developments indefinitely. We recommend that "relevant concerns" be defined so there is an objective standard for public notification.

Clause 266 specifies the durations of resource consents, which is appropriate. We note, however, **clause 275** limiting the consent duration for "the taking, using, damming, or diverting of water" to 10 years, which will prevent investment in new hydroelectric schemes. It is noted that existing hydros are protected in this respect under **clause 276**.

We are concerned about **clause 302** on permitted activity notices, in particular the ability for a consent authority to decline them. This defeats the purpose of a permitted activity, which is to carry out an activity as of right, subject to conditions and compliance with them. By all means, the proponent of a permitted activity should notify a consent authority of their intentions, and that should be the extent of the matter, to avoid imposing unnecessary uncertainty on developers.

CCNZ supports **clause 505** which provides a process for the simultaneous consideration of a notice of requirement for a designation, and a construction and implementation plan.

We support **clause 523**, which provides for an unused designation to lapse after 10 years. This is an appropriate duration.

CCNZ supports the proposed changes to the provisions for emergency works, and the regulation-making powers under **clause 854**. These should be extended in scope to provide for works to *prevent* an emergency, arising from, say, a natural hazard, or the effects of climate change.

The treatment of infrastructure is generally supported, for New Zealand to address the infrastructure deficit identified and discussed in *Rautaki Hanganga o Aotearoa – New Zealand Infrastructure Strategy 2022–2052*. In this respect, CCNZ supports the submission of Te Waihanga - NZ Infrastructure Commission.

There are also some considerations that may have been missed in the development of the NBE Bill. For instance, we ask if are there any provisions relating to the consenting of offshore infrastructure, such as tidal generators, ocean outfalls, or offshore wind farms, or is this another issue that is intended to be resolved via national direction in the NPF?

National Planning Framework

Clause 33 sets out the purpose of the NPF, which is supported:

> The purpose of the national planning framework is to further the purpose of this Act by—
>
> (a) providing directions on the integrated management of the environment in relation to—
>
> (i) matters of national significance; and
>
> (ii) matters for which national consistency is desirable; and
>
> (iii) matters for which consistency is desirable in some, but not all, parts of New Zealand; and
>
> (b) helping to resolve conflicts about environmental matters, including those between or among system outcomes; and
>
> (c) setting environmental limits and strategic directions.

The development of the NPF will demonstrate how these considerations will operate in practice, and, as already stated, it is unfortunate that a draft NPF is unavailable for perusal at this time.

Clause 58 specifies that the NPF must provide direction on certain matters:

The national planning framework must include content that provides direction on:

> (a) non-commercial housing on Māori land:
>
> (b) papakāinga on Māori land:
>
> (c) enabling development capacity well ahead of expected demand:
>
> (d) enabling infrastructure and development corridors:
>
> (e) enabling renewable electricity generation and its transmission.

The above provisions are consistent with the exemption provisions provided for certain infrastructure, discussed above.

CCNZ understands that there will be a chapter on infrastructure in the NPF, and that Te Waihanga NZ Infrastructure Commission is leading this work, in tandem with the Ministry for the Environment. This is an appropriate approach.

We propose that on rescinding the Bills, the Government could replace existing national direction under the RMA with the NPF.

That should include a review of existing national direction, including the National Planning Standards, which we consider delivered a significant improvement to RMA planning.

Existing-use rights

The concept of the new system being able to alter or extinguish existing resource consents is understood.

That said, **clause 26** of the NBE Bill may prevent existing quarries from continuing to operate if the national planning framework (still to be developed) requires compliance with new plan rules.

Besides quarries, concrete producers face uncertainty in assuring a supply of products to customers in the future. These are raw materials required for the construction of infrastructure. For instance, aggregate is not imported for cost reasons, and the further the source of aggregate from projects, the higher the carbon emissions and cost of transportation.

An analogous issue arises under **clause 277** under which a review of a resource consent can be mandated.

The Bill needs to contain stronger protection and treatment of private property rights (refer also to our proposed addition to the decisionmaking principles in **clause 6**.

Regional spatial strategies, and natural and built environment plans

The new planning framework of regional spatial strategies (RSSs), and natural and built environment plans (NBE plans) looks to improve significantly on RMA planning.

We welcome the identification of infrastructure providers, and industry representative bodies, as having a particular interest in developing RSSs and NBE plans (**schedule 4, clause 1**). This is a necessary provision.

We propose running the two processes together under the same regional planning committee to reduce unnecessary bureaucracy.

The appropriate mechanism to do this would be to rescind the Bills and replace the existing planning framework in the RMA with the new one.

We support **clause 17** of the SP Bill, which includes among matters to be planned for in RSSs "existing, planned or potential infrastructure", "major infrastructure corridors, networks or sites", "small to medium-sized infrastructure", and "areas that are vulnerable to significant risks arising from natural hazards, and measures for reducing those risks and increasing resilience".

RECOMMENDATIONS

Civil Contractors New Zealand recommends the Environment Select Committee:

a) Agree with CCNZ's view the NBE Bill is unworkable, because of unrealistic provisions for land and resource users and developers on environmental limits and effects management

b) Agree to rescind the NBE Bill and the SP Bill

c) Agree to retain the positive aspects of the Bills as regards the enabling of infrastructure, and the proposed RSS and NBE plan process, and incorporate them into an amended RMA

d) Agree that the term “te Oranga o te Taiao” is inadequately defined, and to amend it to provide a single definition of the environment, applying everywhere in New Zealand

e) Agree with CCNZ that the new system will be no more efficient or effective than the RMA for many land and resource users and developers, because of additional bureaucracy under the NBE Bill and the SP Bill

f) Agree that 10 years for the new system to become fully operational is an unsatisfactory transition period

g) Note CCNZ’s support for **clause 5** on outcomes, and for the lack of a hierarchy between outcomes if the NBE Bill is progressed

h) In relation to Recommendation (g), agree the NBE Bill is otherwise tilted heavily towards the natural environment and away from the built environment, and as a consequence will fail to deliver wellbeing to New Zealanders

i) Agree to delete climate change-related outcomes from **clause 5** because climate change is a global issue, and is more appropriately addressed under other more specific legislation

j) Agree to replace the term “infrastructure services” in **clause 5** with “infrastructure”

k) Agree to add to the decision-making principles in **clause 6 (1)** the upholding of private property rights, for certainty of investment

l) Agree to adequately define in **clause 7** “minimise”, “redress”, “relevant concerns” (refer to **clause 205 (2) (c)**, “trivial”, “mana”, “mauri”, “mātauranga Māori” and “te Oranga o te Taiao”, to promote natural justice and certainty for all participants in the new system

m) Agree to amend the definition of “infrastructure” in **clause 7** to ensure it is comprehensive, and easily accessible to all participants in the new system

n) Agree that land and resource users and developers need to be able to breach an environmental limit, locally and temporarily, either under an exemption provided for certain infrastructure, or provided they deliver “no net loss”, or a “net gain” over time for specified environmental values

o) Agree the NBE Bill fails to provide for the necessary requirement outlined in Recommendation (n), risking economic harm in regions with no commensurate benefit for the natural environment

p) Note CCNZ’s support for **clause 17**, **clause 44, clause 45, clause 58, clause 64, clause 66, clause 142, clause 166, clause 315, clause 316, clause 318, clause 329**, and **clauses 497-540,** which enable certain infrastructure

q) Agree to review the list of infrastructure eligible for exemptions from limits in **clause 66** to ensure the list is sufficiently comprehensive

r) Note CCNZ’s question on whether the NBE Bill, or the NPF, adequately provides for consenting offshore infrastructure, and to consider inserting specific provisions to cover this category of infrastructure

s) Note CCNZ’s support for **clause 153** on categories of activities, a significant improvement on the RMA

t) Note CCNZ's support for **clause 266** on the durations of resource consents

u) Agree to amend **clause 302** on permitted activity notices to prevent a consent authority declining such a notice, for proportionality of regulation, and consistency with the concept of a permitted activity

v) Note CCNZ's support for **clause 505,** which provides for designations, and construction and implementation plans to be treated under a single, streamlined process

w) Note CCNZ's support for **clause 523**, which provides a 10-year lapsing period for unused designations, as an appropriate period

x) Agree to extend the NBE Bill's provisions for undertaking emergency works, and related regulation-making powers under **clause 854** to provide for works to prevent an emergency

y) Note CCNZ's support for the recommendations contained within *Rautaki Hanganga o Aotearoa – New Zealand Infrastructure Strategy 2022–2052*

z) Note CCNZ's support for **clause 33**, which specifies the purpose of the NPF, including to resolve conflicts between achieving Government objectives

aa) Note CCNZ's support for **clause 58** specifying that the NPF provide direction on certain infrastructure matters

bb) Note CCNZ's support for Te Waihanga NZ Infrastructure Commission leading the development of the infrastructure chapter of the NPF

cc) Agree that on rescinding the Bills, to replace existing national direction under the RMA with the NPF

dd) Agree that a review of existing national direction under the RMA should include the National Planning Standards, which CCNZ considers to have improved RMA planning, with a view to incorporation into the NPF

ee) Agree to delete **clause 26**, which provides among other matters for extinguishing existing resource consents

ff) In respect of **clause 277** concerning resource consent reviews, agree to safeguard the property rights of investors, owners and operators of infrastructure and civil construction

gg) Note CCNZ's support of the proposed planning framework for RSSs and NBE plans, as a significant improvement on the RMA

hh) Note CCNZ's support of the SP Bill's schedule 4, **clause 1**, to provide early engagement with infrastructure and civil contracting stakeholders in planning processes

ii) Agree to combining the process for developing RSSs and NBE plans for effectiveness and efficiency

jj) Agree to replace the existing planning framework in the RMA with the one proposed in the Bills, including the amendment proposed in Recommendation (gg)

kk) Note CCNZ's support **clause 17** of the SP Bill, as this relates to infrastructure

Thank you for your time in reading this submission.

As indicated in the introductory paragraphs, CCNZ would like to appear before Select Committee to further discuss the needs of the country's civil construction industry in relation to this legislation.

Several of our members have advised us of the issues their businesses have faced due to the existing legislation, and what they think would be required to overcome these issues. We can arrange for them to present also, if you would like to hear their concerns directly.

Yours sincerely,

Alan Pollard
Chief Executive
Civil Contractors NZ

Hirepool Principal Business Partner