

25 October 2024

s9(2)(a)

Via email: s9(2)(a)

Dear s9(2)(a)

Thank you for your Official Information Act request, received on 25 September 2024. You requested:

"Under the OIA can I please request any information held by the Commission on resource consenting timeframes in New Zealand. I am looking for any briefings/memos/aide memoires (including internal memos and those sent to the Minister's office) that have been developed in relation to how long resource consents typically take from application to approval and also time to those projects being finished."

On 25 September 2024, we advised you that we have commissioned and published two reports on resource consenting timeframes, which are available at these links:

<https://tewaihanga.govt.nz/our-work/research-insights/the-cost-of-consenting-infrastructure-projects-in-new-zealand>

<https://tewaihanga.govt.nz/our-work/research-insights/infrastructure-consenting-for-climate-targets>

We also advised you that we have not commissioned any new data or analysis since these reports; and that we have largely relied on the evidence in these reports (and other publicly available information such as the Ministry for the Environment's consenting data) in our subsequent advice to the Minister on consenting timeframes. As a result, you agreed on 26 September to rescope your request as being for *any advice (aide memoires, briefing, memos, etc) that have been prepared for Ministers on the issue of consenting times*".

The documents we have found to be within scope of your revised request, and the reasons for our decision to release, withhold or refuse them, are detailed in Annex 1.

Information being released

We are releasing two documents to you with some redactions (items 1 and 6 in the Annex). Some information in these documents has been withheld under one or more of the following sections of the Act:

Section of Act	Reason to withhold
9(2)(f)(iv)	Maintain the constitutional conventions which protect the confidentiality of advice tendered by Ministers and officials.
9(2)(a)	To protect the privacy of natural persons

We are also releasing to you extracts from one further document (item 4). This aide memoire provides advice on an indicative work programme for infrastructure national direction. This work programme is still under active consideration and the full aide memoire cannot be released at this time. While most of the aide memoire is not within scope of your request, it contains some references to the cost of resource management consenting. The relevant extracts within scope of your request are provided in Annex 2.

Information to be refused in full

Two documents (items 2 and 3 in the Annex) within scope of your request are either publicly available already or we haven't been able to locate them. Accordingly, I have refused your request for the documents listed in the table below under the following sections of the Official Information Act:

- Section 18(d): the information requested is or will soon be publicly available
- Section 18(e): despite reasonable efforts to locate it, the document cannot be found.

In making my decision, I have considered the public interest considerations in section 9(1) of the Official Information Act.

Please note that this letter (with your personal details removed) and the enclosed documents may be published on Te Waihanga's website.

This reply addresses the information you requested. You have the right to ask the Ombudsman to investigate and review my decision. The relevant details can be found on the Ombudsman's website at: <http://tinyurl.com/yckxn6bz>

Yours sincerely



Barbara Tebbs
General Manager, Policy

Annex 1: Document schedule

Documents released –			
	Date	Document	Section of the Act applied
6	25 January 2023	Accelerating Infrastructure Consents to meet Climate Targets [TW-2023-204]	9(2)(g)(ii) The attachment is the research report published here: https://tewaihanga.govt.nz/our-work/research-insights/infrastructure-consenting-for-climate-targets
1	19 December 2023	Infrastructure and the Resource Management and Planning System – Early matters for consideration [TW-2023-322]	9(2)(k) 9(2)(f)(iv)
4	23 May 2024	Extracts from a joint aide memoire by TW and MfE: Indicative Infrastructure national direction work programme [BRF-4785; TW-2024-412]	See Annex 2. Most of this document is out of scope.
Documents refused –			
2	December 2021	Aide Memoire for Minister for Infrastructure - Release of cost of consenting infrastructure report	18(e) Provides information about the research report published here: https://tewaihanga.govt.nz/our-work/research-insights/the-cost-of-consenting-infrastructure-projects-in-new-zealand
3	14 December 2023	A permanent fast-track consenting regime for infrastructure projects [TW-2023-319]	18(d) – already released here: https://environment.govt.nz/assets/Redacted-Te-Waihanga-combined-documents.pdf at page 5, with some redactions under s9(2)(k) and s9(2)(g)(i)

Annex 2: Extracts from item 4 – a joint side memoire entitled ‘Indicative Infrastructure national direction work programme’

On 23 May 2024, officials from the Ministry for the Environment and the Infrastructure Commission provided a briefing to the Parliamentary Under-Secretary to the Minister for RMA Reform, copied to the Minister for RMA Reform, entitled ‘Aide memoire: Indicative Infrastructure national direction work programme.’

The aide memoire contains some references to the cost of resource management consenting. Relevant extracts related to your request are outlined below.

Under Paragraph 7, which says that ‘The proposed new infrastructure national direction would focus on two outcomes’, there is the following bullet:

- *“ii Reducing the costs and delays associated with consenting infrastructure (while ensuring its environmental effects are managed). This would be achieved through National Environmental Standards (NES) that require activities to be permitted or consented with tightly constrained matters of control, alongside consistent ways of assessing and managing effects. These NES would focus particularly on small projects and activities associated with existing infrastructure, that have minor or well-known environmental effects which are easily mitigated, or that have positive benefits for the environment. The cost of consenting such activities is particularly disproportionate, currently averaging about 16% of the total cost of the works.”*

The paper discusses a number of potential National Environmental Standards that could be considered for a work programme. Although decisions on standards to be progressed are still under active consideration, the aide memoire includes some information within scope of your request, including the following comments:

- ‘This would reduce the need to consent and consenting costs’...
- ‘The rules and standards would reduce the need to consent and the costs associated with common activities that have minor or positive effects’...
- ‘Infrastructure sectors supported mandating nationally consistent approaches to assessing effects, to provide consistent approaches and reduce the need for (and cost of) multiple experts in consenting processes’.

There is also a reference to Phase 3 of the Resource Management Reforms at para 20 as follows:

“Alignment with phase 3

- You have said you want to ensure that the infrastructure national direction programme is as aligned as possible with phase 3. The focus of the proposed NPS infrastructure and standards are about better enabling development and reducing consenting costs.”

25 January 2023

Minister for Infrastructure

For action by

1 February 2023

Accelerating Infrastructure Consents to meet Climate Targets

Report No:	TW2023/204
Type:	Briefing
Purpose:	To advise that Te Waihanga intends to publish a report examining the capacity of the current resource management system to consent new investments in low-carbon and renewable energy in time to meet our net-zero 2050 emissions target. The core finding is that these targets will not be met without significant reductions to infrastructure consenting timeframes.

Recommended referrals

Minister for the Environment	For information	By 1 February 2023

Contact details

Name	Role	Group	Phone
Geoff Cooper	Chief Executive (Acting)	Strategy	s9(2)(a)
David Hall	General Manager, Policy (Acting)	Policy	s9(2)(a)

Summary

- Te Waihanga is intending to release a report prepared by Sapere Research Group titled 'Infrastructure Consenting for Climate Targets: Estimating the ability of New Zealand's consenting system to deliver on climate-critical infrastructure needs'.
- The key finding of the report is that for New Zealand to meet its net zero 2050 targets, resource management reforms will need to be fully operational by 2028 and achieve a 50% reduction in projected consent processing times at that point.
- Any increase in delay beyond 2028 makes it highly unlikely that New Zealand will be able to meet our climate change aspirations.

Report

Introduction

1. The Climate Change Response Amendment Act 2019 committed Aotearoa New Zealand to reduce net emissions of all greenhouse gases (except biogenic methane) to zero by 2050. The New Zealand Infrastructure Strategy went on to identify net-zero carbon 2050 as a critical infrastructure objective. Major investments in low-carbon transport and renewable energy are identified in New Zealand's Emissions Reduction Plan as essential to meet the 2050 net zero target.
2. The time and effort needed to consent new investments is one of many challenges faced. In 2021 Te Waihangā commissioned research into "The cost of consenting infrastructure projects in New Zealand". A newly commissioned research report "Infrastructure Consenting for Climate Targets: Estimating the ability of New Zealand's consenting system to deliver on climate-critical infrastructure needs" builds on that work to investigate the impact of consenting timeframes specific to emissions-reducing infrastructure.

Key Findings

3. The research shows that we won't meet our net-zero 2050 emissions target without significant reductions to infrastructure consenting timeframes.
4. Projections suggest that 40% more resource consents (across all sectors) will be processed by 2050 compared to today. New transport and energy investments make up the bulk of this demand. Achieving a net zero emissions future requires nearly tripling our power generation and changing how people and goods move around the country.
5. The processing time for consenting new projects and renewing existing ones is expected to increase if recent trends continue.
6. Under the current consenting framework, New Zealand is on track to miss between 11-15% of the emission reductions required from the energy and transport sectors by 2050 due to consenting delays (even under optimistic scenarios with unconstrained consenting resources). The resulting emissions liability is \$5-7 billion if fulfilled carbon reductions are fulfilled elsewhere in the economy or through the purchase of carbon credits.
7. But New Zealand does not possess unlimited personnel to manage the anticipated increase in consent applications. Under more realistic scenarios where consenting resources are constrained, between 29-34% of emissions targets are in jeopardy. If this occurred, the resulting emissions liability for New Zealand is \$13-16 billion.
8. These shortcomings do not account for the risk of abandoned projects (projects that do not make it to the consent phase due to consenting cost). Slow resource consenting times don't just push out the start dates of projects, they can also put investors off a project. Modelling suggests that the processing time in 2050 for consents of high complexity will reach 6.5 years even with regulatory intervention, to 12 years without.
9. A less-than-effective RM reform and/or delays in its implementation would make it highly unlikely that New Zealand will be able to consent the infrastructure needed to support its climate change aspirations.
10. If a new resource management system is to improve consenting timeframes, projections show it must be fully operational by 2028 and achieve a 50% reduction in projected consent processing times at that point in time.
11. While the need for a more efficient consenting framework is well understood, this study is the first to identify the percentage efficiency-gain required to meet net zero carbon targets.

Te Waihanga's Recommendations

12. The new Resource Management system must enable much faster consent processing times than our current system.
13. A multi-pronged approach is required to achieve these efficiency gains including by:
 - developing a streamlined and enabling National Planning Framework for Infrastructure
 - targeted changes to the Spatial Planning Act and Natural Built Environment Bills that will help make processing applications for infrastructure more efficient
 - introducing a National Environmental Standard for Infrastructure under current legislation (the Resource Management Act 1991) in order for it to be in place by 2028
 - updating the National Policy Statements on Renewable Energy and Electricity Transmission, providing more enabling language to recognise the national significance of consenting these assets
 - stopping the growth, and ideally significantly shortening, infrastructure consent processing times (including under our current RM system).
14. With numerous policy reforms already underway, further work on likely efficiency-gains and impact on consenting timeframes would be prudent.

Conclusion

This research is the first to quantify the likely efficiency-gains required and can assist in guiding fit for purpose policy consistent with net zero carbon targets. Given the challenge in predicting future investment trends, technologies, legislative impacts and economic cycles, the research projections include a level of uncertainty. Nevertheless, the evidence base makes clear that significant improvements in our consenting timeframes are required to meet New Zealand's net zero targets.

Infrastructure and the Resource Management and Planning System – Early matters for consideration

Date: 19 December 2023

Report No: TW-2023-322

To	Action sought	Deadline
To Hon Chris Bishop, Minister for Infrastructure	Christmas reading and consideration for decisions in early 2024 on resource management system reforms	23 January 2024

CC Simon Court MP, Parliamentary Under-Secretary to the Minister for Infrastructure

Contact details

Name	Role	Phone
Georgia Kahan	Policy Advisor	
Paul Alexander	Director, Policy	■■■■■■■■■■ s9(2)(a)
Barbara Tebbs	General Manager, Policy	■■■■■■■■■■

Actions for the Minister's office staff

Forward this report to the Parliamentary Under-Secretary to the Minister for Infrastructure (if agreed by the Minister)

Return this report to The Infrastructure Commission | Te Waihanga with any written feedback

Minister's Comments

Recommendations

We recommend that you:

1. **Agree** to forward this briefing to the Parliamentary Under-Secretary to the Minister for Infrastructure

Agree / disagree

2. **Note** that this briefing provides advice, to support your infrastructure portfolio, outlining considerations for your second phase of RMA reform, and that the Infrastructure Commission will work with the lead agency, the Ministry for the Environment (MfE), on more comprehensive advice in early 2024.

3. **Agree** to discuss this briefing with Infrastructure Commission officials in early 2024

Agree / disagree

4. **Direct** the Commission to work directly with MfE and other relevant agencies to provide advice in early 2024 on an overall approach to national direction that supports more effective and efficient provision of infrastructure including options, timing and resourcing implications.

Agree / disagree



Barbara Tebbs
GM Policy

Hon Chris Bishop
Minister for Infrastructure

____ / ____ / ____

Infrastructure and the Resource Management and Planning System – Early matters for consideration

Purpose of this Report

1. The purpose of this briefing is to provide an overview of the resource management and planning system, focussing on:
 - national direction under the RMA
 - key areas that could form part of the second phase of RMA legislative amendments.
2. This advice is provided ahead of, and complementary to, wider advice on changes to the RMA system that the Ministry for the Environment (MfE) is leading. It focuses specifically on matters impacting the delivery of infrastructure, to support your objectives for the infrastructure portfolio and to inform your wider considerations of changes to the resource management and planning system.
3. This briefing is initial advice from the Infrastructure Commission | Te Waihanga (the Commission). We can provide more detailed advice on any of these matters and advice on the third phase of wider system reform options, including separate environment and planning legislation, as needed. [REDACTED]

[REDACTED] s9(2)(f)(iv)

Summary of Key Points

4. If done well, targeted resource management reforms could greatly improve infrastructure provision, unlock housing and renewable energy, and help build better resilience to weather events.
5. **National direction** is currently incoherent. Most national direction under the RMA is framed as environmental effects to manage, whereas other jurisdictions focus on activities and sectors. In reviewing the system, the aim should be for greater coherence and a consolidated approach that addresses inconsistencies and duplication across existing and any new national direction.
6. There are short to medium term options to develop direction for infrastructure activities:
 - The infrastructure chapter developed for the National Planning Framework can be readily adapted into an initial National Policy Statement (NPS) on infrastructure under the RMA.
 - The Commission developed a first set of infrastructure standards for the National Planning Framework that can be adapted as an Infrastructure National Environmental Standard (NES), which could reduce the complexity of consenting processes.

- Consider a 'one stop shop' approach to provisions and pathways for infrastructure across all national direction.
7. Infrastructure provision is highly impacted by the approach to national direction instruments. We can provide further advice on the interactions with freshwater management, indigenous biodiversity and the NZ Coastal Policy Statement. Cabinet will need to consider early advice on National Policy Statements in relation to Renewable Energy Generation, Highly Productive Land, and Natural Hazards, which are highly relevant for infrastructure providers.
 8. In addition, there are other planning tools and approaches to consenting and re-consenting infrastructure:
 - The 2019 Planning Standards provide an opportunity to drive more consistent approaches to district and regional plans, and could be extended to include zones for activities such as ports, and lifting baselines for permitted activity.
 - Long-lived and essential infrastructure faces upcoming significant and time-consuming re-consenting processes that could be re-examined to test the value/resource trade-offs.
 9. The Commission supports consideration of the following areas, which would improve the planning and consenting of infrastructure, for **inclusion in a package of RMA Amendments in 2024**:
 - Spatial Planning - particularly identifying national networks such as road, rail, transmission and telecommunications
 - Expanding the criteria for requiring authorities in line with the Natural and Built Environment Act (NBA)
 - Amendments to designations to better support advanced land and corridor protection for infrastructure
 - Improvements to plan-making provisions.

Problem definition

New Zealand faces urgent infrastructure challenges and the planning system needs improving

10. Treasury has estimated New Zealand has an infrastructure deficit of \$210 billion. Nationally, we require a resource management system that enables the efficient delivery of new infrastructure and ongoing maintenance and renewals of existing infrastructure.
11. Specifically, New Zealand requires a faster and more enabling consenting system to address the infrastructure deficit and meet climate goals.¹ The costs of consenting are

¹ Research commissioned by the Infrastructure Commission found that Aotearoa New Zealand is projected to miss between 11-34 per cent of the emission reductions required by 2050 due to

unacceptably high compared to international benchmarks; current consenting processes cost infrastructure projects \$1.3 billion every year, with costs escalating by 70% over the last seven years.²

12. Amending the RMA will improve some aspects of infrastructure provision but there is a range of other related matters that also need to be improved over time. For example, planning is poorly integrated with other aspects of infrastructure delivery, such as design and business case processes; and aspects of the business case can be relitigated through consenting decisions despite being tested and with funding agreements in place. An effective planning system would better recognise the public benefits of infrastructure, alongside other desired outcomes such as improving housing affordability, providing social infrastructure, protecting our biodiversity, and meeting climate goals.
13. There are many factors and players which influence the overall functioning of the planning system:
 - The legislative and regulatory architecture set by central government – which is primarily through the RMA and policy and regulatory instruments made under it ('national direction')
 - Regulatory land-use plans (such as district, regional and unitary plans) – developed by local authorities (councils)
 - Consenting processes – primarily by councils or, on occasion, by expert panels
 - Capacity and capability of the system – including funding, resourcing, training, monitoring, enforcement, and access to good data
 - A large 'planning industry' with significant influence.

Clarifying National Direction to improve infrastructure provision

14. Under the RMA, district and regional plans must give effect to national policy statements and national environmental standards, with councils making decisions locally about how to manage the conflicts between different pieces of national direction. These bespoke approaches are expensive for councils to implement and result in inconsistencies of approach, meaning increased cost and complexity for infrastructure providers.
15. Different national direction instruments have been developed at different times, leading to a legacy of incoherence. There are significant benefits that could accrue from a fundamental review that considers an overall architecture to guide the design, application and review of national direction, as part of the overall approach to RM reform.

consenting delays, where investments in the energy and transport sectors will be critical. Infrastructure Consenting for Climate Targets. January 2023. Sapere report commissioned by Te Waihangā available [here](#).

² The Cost of Consenting Infrastructure Projects in New Zealand. July 2021. Sapere report commissioned by Te Waihangā available [here](#).

16. Clearer and coherent national direction and greater use of national standards, including planning standards, would drive efficiency and consistency in district and regional planning processes, benefitting all involved in the planning system, including infrastructure providers.
17. The original intent of the integrated National Planning Framework (NPF) was to provide this clarity and coherence. However, carrying forward all existing national direction in the NPF, while layering more on top, created more inconsistencies. A pragmatic approach from the current position is to **ensure a clear and coherent set of national direction**.

National direction that supports infrastructure provision

18. Current national direction instruments require infrastructure providers to navigate different effects management frameworks, gateway tests, and definitions. The five pieces of national direction that have the largest tensions with infrastructure provision are NPSs on freshwater, indigenous biodiversity, highly productive land, natural hazard decision-making, and the NZ Coastal Policy Statement (NZCPS). For example, the strong avoidance policies of the NZCPS conflict with and prevail over the more enabling policies in other pieces of national direction, such as for renewable energy generation (NPS-REG).
19. At the same time there is no specific, comprehensive national direction on infrastructure. One solution to the complexity of navigating conflicting national direction is to establish infrastructure-specific national direction that resolves the conflicts and clearly articulates the parameters for infrastructure provision. The Commission recently drafted infrastructure content for the transitional National Planning Framework. **As a first step towards comprehensive infrastructure national direction, we recommend adapting this existing content to form the basis for infrastructure national direction.**
20. We are working closely with MfE on immediate options for infrastructure national direction, while ensuring the sustainable management of resources and conformance with high environmental standards.

Early prioritisation decisions on existing national direction

21. There are also some early decisions about prioritising immediate changes to national direction ahead of a broader consolidation process. Ministers will be receiving briefings from the relevant lead agencies.
22. Enabling an increase in renewable electricity generation (REG) requires immediate decisions on the NPS-REG and the NPS on Electricity Transmission (NPS-ET). Increasing REG also requires a review of the provisions in the NZCPS and a consenting pathway for renewable energy (see TW-2023-319 on fast track consenting for infrastructure). Related to these NPSs there is an immediate need for updated national direction on telecommunications facilities, and policy and standards for electricity generation and distribution, where considerable investment is needed to meet growing electricity demand.

23. The NPS-Highly Productive Land needs technical amendment to enable the development of new specified infrastructure, such as solar farms, but with its span across 15% of land – including land close to urban centres – has wider implications for infrastructure and housing development.
24. A draft NPS on Natural Hazards Decision Making (NPS-NHDM) was developed as part of an urgent response to the North Island weather events, with initial consultation completed in November 2023. The focus of the NPS-NHDM is avoiding new development in areas with high natural hazard risk but it is not suited to the regulation of linear infrastructure. The NPS-NHDM needs further review to clarify scope and to integrate it into planning processes and the DPMC-led work on the regulatory system to strengthen the resilience of New Zealand's critical infrastructure.

More effective process for reviewing national direction

25. Most national direction under the RMA is framed as environmental effects to manage rather than being scoped from the perspective of the activities or sectors that deliver the social and economic outcomes sought for New Zealand. This focus on environmental effects, without resolving conflicts between instruments (e.g. freshwater, coastal environment, biodiversity) contributes to incoherence and inconsistency when these instruments are applied to a sector or activity (e.g. farming, quarrying, linear infrastructure building, forestry).
26. Other jurisdictions, such as the United Kingdom, organise national direction by activities and sectors, ensuring a more consistent and clear approach setting out the parameters for the operations of that sector. **In reviewing the system of national direction under the RMA, we recommend consideration of how different instruments apply to sectors and activities, starting with national direction on the provision of infrastructure.**

s9(2)(f)(iv)

27. We agree [REDACTED] that it will be resource-intensive to continue developing individual national direction as has been done in the past. **We support a consolidated approach, addressing inconsistencies and duplication across existing and any new national direction.** Such a consolidated approach is not a 'quick fix' but will, over time, achieve coherent and consistent national direction under the RMA.
28. Practical options for consolidating national direction for infrastructure include:
 - tasking an independent body, such as a Board of Inquiry or similar process, to both develop new direction, and also address inconsistencies between national direction instruments
 - focussed amendments to infrastructure provisions in specific national direction instruments
 - a 'one stop shop' approach that consolidates provisions and pathways for infrastructure in a specific infrastructure-focussed national direction instrument (e.g.

it could include both a National Policy Statement and a National Environmental Standard for infrastructure)

- more comprehensive change leading to an integrated infrastructure planning framework.

Immediate steps to reduce consenting burden

Infrastructure standards

29. There is considerable dead-weight cost across consenting of infrastructure resulting from different consenting standards throughout the country. Consistent national standards (e.g. for earthworks, vegetation trimming) would reduce the need for bespoke consent conditions so reducing the cost burden of consenting. The Commission has recently developed a first set of infrastructure standards covering common activities and finalised a set of network utility rules. There are another 40 potential infrastructure standards that would speed up and improve infrastructure provision, which could be developed. **We recommend promulgating these national standards for common infrastructure activities under the RMA to reduce consenting burden, and a programme to develop further cost saving standards.**
30. There are some system resourcing issues to consider regarding infrastructure national direction and standards. The Commission's resources, and an appropriation from MfE, funded previous work. MfE and the Commission can advise on options, such as an 'NES-Infrastructure' or guidance, and the resource implications of these options. Another option to consider could be some industry co-funding of initial standards development (e.g. by network utility providers) before work is advanced through a normal policy process.

Planning Standards, permitted activities and extending existing consents

31. There is an opportunity to be more directive through the 2019 Planning Standards to support more consistent approaches to plans and definitions and directly influence District Plans. These could be extended to include zones for particular infrastructure-focussed activity such as ports, airports or quarries. Zones could be used to lift the permitted activity baselines, supported by infrastructure national direction.
32. Another option to reduce re-consenting burden is to consider extending permits for established and significant infrastructure such as ports and hydro projects. There is currently significant re-consenting of large projects on the horizon, which risks consuming significant planning resources for limited value.
33. Similarly, some activities that are currently prescribed under the RMA could be classed as permitted for some national providers, such as the New Zealand Transport Agency and KiwiRail, reducing the associated consenting burden. This permitting could be modelled on the Fast Track COVID-19 Act, but with changes to address some of the implementation hurdles.

Early RMA Amendments to consider in addition to Fast Track Legislation

34. The following points summarise the key areas for consideration for early RMA amendments that will support infrastructure provision. They build on our advice relating to the repeal process for the Natural and Built Environment Act (NBA) and the Spatial Planning Act (SPA) [TW-2023-310 refers].
35. If directed, we will work directly with MfE to address these points:
- Spatial planning
 - Expanding the criteria for requiring authorities
 - Better supporting advanced land and corridor protection for infrastructure
 - Improving plan-making processes.

Mandatory and directive Spatial Planning

36. We support the briefing provided by [REDACTED] [REDACTED] Effective spatial planning takes time and s9(2)(f)(iv) resources but is essential to getting the settings right for infrastructure, housing growth and other development opportunities such as renewable energy. These points outline important considerations regarding spatial planning:
- Legislation is more effective than national direction to implement spatial planning because legislation can better align different planning and investment frameworks and require implementation agreements.
 - Spatial plans should link to regulatory land use plans (under the RMA), local government funding plans (under the Local Government Act), and regional land transport plans (under the Land Transport Management Act). The Auckland Plan 2050, by comparison, didn't have any legislative links with transport and council plans, and only a moderate link with regulatory land use plans. As noted in our earlier advice to you (TW-2023-310 refers), there are opportunities for spatial plans to be more directive than was provided for in the SPA, and for processes to be further simplified.
 - The urban growth partnerships provide a good basis from which to build further spatial planning. A recent stocktake by the Spatial Planning Policy Office highlights the challenge of multiple formats and data incompatibilities, making a strong case for at least some co-ordination role to build a national picture of infrastructure and other trans-regional issues. This fits with your considerations about 'one source of truth' for data, and open standards.
 - The long-term horizons of spatial plans mean there will always be some need for flexibility. As much as possible, spatial plans should be designed to succeed under a range of possible futures to avoid falling into time consuming cycles of reviews. For

example, spatial plans could specify what would need to happen under different growth scenarios or different climate change projections.

- We will work with other agencies and provide further advice in early 2024 on how spatial planning can complement the development of a 30-year infrastructure plan, infrastructure priority list, and city and regional deals, and how identification through regional spatial plans can be reflected in subsequent designation and consenting processes.

Expanding the criteria for requiring authorities in line with the NBA

37. We support further changes following the repeal legislation to give a broader range of infrastructure providers the ability to use designation powers, by widening the eligibility of 'requiring authorities', for example by including port operators and electricity generators. This would better recognise the wider range of infrastructure providers (such as those in the private sector) that provide infrastructure with a strong public benefit.

Changes to designation provisions to support advance land protection for infrastructure

38. Your Cabinet paper on [REDACTED] s9(2)(f)(iv)
[REDACTED] One of the ways to lower costs is through improvements to the designations regime under the RMA. Designations allow some types of infrastructure works to proceed without the need for a land use consent. They also prohibit any activity within a designated site that would prevent or hinder a project or work to which the designation relates, effectively protecting that piece of land for use in the future.
39. Over time, designations have become more complex and unwieldy. Historically, the durability and flexibility of designations has supported the long-lived nature of public good infrastructure. Nowadays, the legal tests and high volumes of information sought from applicants have become increasingly unworkable and costly. It is very difficult to use designations to protect infrastructure corridors at a point in time before detailed construction design is complete but the need to protect the corridor is clear.
40. Changing the default designation lapse period from 5 to (at least) 10 years would be easy to achieve through amendments to the RMA. This would better recognise the long-time frames required to plan and design infrastructure. Longer designation periods would contribute to ensuring land is suitably serviced by infrastructure but allowing some flexibility over when the infrastructure is built, to maximise cost-efficiency.
41. We acknowledge that decisions on designations need to be balanced against the imposition on private land rights, restrictions on land-use (such as housing) and the uncertainty that a longer lapse time can bring, so there is always a judgement call. Some of the difficulties with compensation and public acquisition of land, through amendments to the Public Works Act, could help mitigate concerns about property rights.

42. One option to consider is a dedicated fund (or further investigation of the financing challenges of land protection) for central government to publicly acquire the land for infrastructure protection, while trying to minimise the uncertainty posed by corridor protection.³
43. Improvements to the designations regime would support better corridor protection but there are also changes needed to the Public Works Act 1981 (PWA). [REDACTED]
[REDACTED] s9(2)(f)(iv)
[REDACTED] Further legislative amendments could also be considered to allow significant infrastructure projects to secure land in advance of when it is needed for the project.
44. We will continue to work with [REDACTED]
[REDACTED]
[REDACTED]

Plan making processes

45. Changes to RMA plan making processes could be introduced to the RMA e.g. the provisions from the NBA restricting rights of appeal could be brought across into the RMA. We also support greater use of independent hearings panels, as used during the development of the Auckland Unitary Plan. These panels provide rigour to the plan-making process and are an independent check and balance for local government decision-makers.

³ Recommendation 16c of the New Zealand Infrastructure Strategy