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Tēnā koe,

Natural Environment Bill and Planning Bill – Te Pane Matua Taiao Greater Wellington Regional Council Submission

Summary

- **Greater Wellington supports meaningful reform** that reduces complexity and provides clearer, more coherent national direction capable of improving environmental outcomes.
- **We agree that the current resource management system is slow, costly, complex, and fragmented**, and it often fails to meet the expectations of communities and mana whenua for enabling development while protecting the environment.
- Greater Wellington wishes to emphasise is **the importance of a bipartisan approach to resource management reform**. The risk of repeated shifts between legislative regimes is expensive and time consuming for all parties to the system. Any reform must be enduring and robust.
- **Regional councils are central to successful system delivery**, holding the scientific capability, modelling expertise, environmental monitoring networks, natural hazard management responsibilities, and long-standing iwi partnerships needed to implement environmental limits, integrated catchment management, and climate adaptation. The new system relies directly on these regional strengths.

- **We support several core elements of the new system, in principle, subject to recommended improvements and relief in this submission** including:
 - **Mandatory regional spatial planning**, which provides a coherent and future focused framework for regional growth and infrastructure sequencing.
 - **A more integrated planning system**, in which spatial, land use, and natural environment plans align and reinforce one another.
 - **Strengthened collaboration requirements at the plan making level**, which reflect Greater Wellington’s long-standing practice of working regionally with territorial authorities and central government provided there is a role for mana whenua.
 - **Improvements to consenting, compliance, monitoring and enforcement (CME)** that increase efficiency and reduce costs of the system.
 - **Clearer, more comprehensive national direction and national standards**, which reduce costs, duplication, and inconsistency across the system provided they uphold Māori rights and interests including settled and unsettled iwi and do not diminish local flexibility where needed.
- We do not support the proposed Planning and Natural Environment Bills as **currently drafted**. They risk undermining decades of partnership-building with mana whenua by diminishing recognition of Māori customary rights and constraining the exercise of kaitiakitanga. They also introduce wider system risks — including unworkable sequencing, uncertainty around environmental limits, inadequate climate adaptation provisions, and compressed timeframes that will increase cost, complexity, and uncertainty for councils and communities.
- The new system **must directly enable the Crown to meet its commitments to recognise mana whenua rights and interests in freshwater and geothermal resources**, supported by clear and early national direction.
- **A Tiriti consistent system requires essential elements**, including reinstating the equivalent of Part 2 provisions of the RMA relating to Māori, a strong operative Treaty clause that applies to all decision-making, and carrying over mechanisms such as Mana Whakahono ā Rohe, Joint Management Agreements, formal partnership arrangements, and transfers of powers.
- The proposed compressed system timeframes are **not practically achievable** and impose **unaffordable costs on local government and communities**, particularly under any future rate capping framework. Without extended timeframes, staged implementation, and direct Crown funding support, councils will not be able to meet statutory requirements while maintaining community affordability.

- Sequencing is critical: **human health and environmental limits must be set first** so regional spatial plans are grounded in what the environment can sustain and can appropriately guide growth, infrastructure, and hazard risk reduction.
- **Treaty Settlement amendments must also be sequenced to provide for workability**, with the system activated region by region once the Crown has renegotiated settlement redress with willing post settlement governance entities. Attempting nationwide renegotiations within the proposed timeframes is not feasible.
- Greater Wellington supports the introduction of a framework for national environmental limits, but **it must be strengthened to protect ecosystem health, incorporate mātauranga Māori, and ensure limits genuinely guide growth** rather than permit trade-offs that degrade the environment over time and place communities in increased risk from hazards. Limits must not be undermined by fast-track pathways.
- **Climate change adaptation must be foundational to the system, not peripheral.** Recent events reinforce the need for adaptive, risk-based planning that avoids placing communities in harm's way, supports managed retreat where necessary, and aligns with related frameworks such as the Emergency Management Bill and the Climate Change Response Act.

Greater Wellington's submission

1. Greater Wellington welcomes the opportunity to submit on the Natural Environment Bill (NEB) and the Planning Bill (PB). As the regional council for the Wellington region, we hold statutory responsibilities for environmental management, natural hazards, land transport planning, biodiversity, flood protection, and strategic regional coordination across multiple systems and agencies.
2. Greater Wellington is responsible for a range of statutory functions that will be directly impacted by these Bills, including plan drafting, consenting, compliance, monitoring, enforcement, partnering with mana whenua and delivering core services to our communities.
3. When making submissions, Greater Wellington wishes to engage constructively with Government in order to achieve the best outcomes for our region. In doing so, we seek to retain and improve the legislative levers that advance our ability to uphold Te Tiriti o Waitangi, including our 30-year partnerships with mana whenua and the rights and interests of our partners and Māori.
4. These partnerships continue to be critical to our shared work of protecting our environment and managing significant network infrastructure, while meeting the cultural, social and economic needs of our communities.

5. This submission is split into five parts:
 - Part A: System level roles and responsibilities
 - Part B: Integration across the whole planning system
 - Part C: The Planning Bill
 - Part D: The Natural Environment Bill
 - Part E: Transition and Implementation.
6. A clause-by-clause table setting out specific relief being sought by Greater Wellington on each Bill, is also attached and forms part of our submission.

Part A: System level roles and responsibilities

Greater Wellington supports the replacement of the resource management system with recommended improvements

7. Greater Wellington acknowledges the need to reform the resource management system and supports changes that simplify processes, foster collaboration, and ensure robust environmental protection. Our own experience with the resource management system is that it is often slow, costly, complex, unintegrated, and does not deliver on the expectations of communities and mana whenua in enabling development or protecting the environment. We support the need for the reforms as an opportunity to improve planning, consenting, and compliance, while also enabling the more efficient delivery of infrastructure and planning to support positive outcomes in our region.
8. However, the Bills as drafted carry material risks for successful implementation. These include effectively delegating to local government to renegotiate existing Treaty Settlements while implementing the system, diluting the effect of Treaty Settlements, not fulfilling the Crown's commitments to Māori on freshwater and geothermal resources, the timeframes imposed to deliver specific planning documents (including the spatial plan and natural environment chapter) and missing key components in the goals of the overall system. Our submission provides supportive improvements to the system to address these risks.

Strengthening the system through regional leadership

9. Regional councils have been a cornerstone of Aotearoa New Zealand's natural resource management system since their establishment in the late 1980s. Regional councils (including regional functions in unitary councils) took on the functions of catchment boards, combining river management, soil conservation, and flood protection functions to safeguard communities. This catchment-based model remains essential as climate change accelerates risk from extreme rainfall, sea level

rise, groundwater inundation, and storm surge. Our ability to plan, build, maintain, and fund long-term hazard resilience and environmental infrastructure is informed by decades of technical expertise, data stewardship, and regional scale governance designed specifically for the protection of people, land, and water.

10. The extensive collaborative freshwater planning work led by Greater Wellington over the past decade, particularly through the whaitua process, offers a strong foundation for interim, place-based limits for rivers, streams, and lakes. We hold the scientific capability, hydrological modelling, environmental monitoring systems, and iwi partnerships needed to deliver environmental limits, integrated catchment management, and climate adaptation. The new system that is anchored in regional spatial planning and combined plans relies precisely on these strengths.
11. Greater Wellington has already been operating in ways that anticipates the integrated system envisaged by the new Bills. Greater Wellington has led the development of regionally coherent spatial and policy frameworks that mirror the intent of the new planning system. Alongside this, Greater Wellington has proactively built capability across councils and partners by initiating regional spatial planning training and systems integration work, helping ensure Wellington is well prepared for the mandatory spatial planning and combined plan requirements of the new system.

Our partnership journey with mana whenua

12. Greater Wellington and our six mana whenua partners work together through a partnership approach that reflects the enduring relationships between hapū, iwi and their ancestral lands. This partnership is important to us as it recognises and supports mana whenua in maintaining their role as kaitiaki (guardians) of their ancestral lands. Māori have long-held, recognised roles and responsibilities in the care of natural resources, and through working with Greater Wellington, these responsibilities are reflected in a shared approach that supports our dual roles of sustainably managing and protecting natural resources for the benefit of current and future generations.
13. These partnerships have included settlements for four iwi within the region, which interact with and shape the planning system. Greater Wellington was invited by the Māori Affairs Select Committee to contribute to its inquiry responding to the Auditor General's report on Treaty settlements, as the sole local government entity invited to do so to date.¹
14. Our contribution to the Select Committee also outlined our experiences with Treaty settlements within the wider context of our partnerships. It highlighted the risks that

¹ Presentation to Māori Affairs Select Committee on Treaty Settlements Greater Wellington – 22 October 2025 ([link](#)). Greater Wellington's Treaty Settlements - August 2025 Committee paper ([link](#))

arise at the nexus of Treaty settlements and resource management reform when reforms are not carefully planned or undertaken in good faith with Treaty partners.²

15. Based on the current proposals for the new system, we consider that a specific carve-out is required for Te Ūpoko Taiao (Greater Wellington's Natural Resources Plan Committee), the Natural Resources Plan it produced working across partners, as well as for the Wairarapa Moana Framework.

Consider the cumulative impacts on local government

16. This proposed legislation arrives at a time when the local government and environmental management sectors are experiencing **the largest and fastest moving set of reforms since major public sector restructuring in the late 1980s**. At present, local government is simultaneously responding to a suite of overlapping reforms spanning resource management, local government structure, local government funding, emergency management legislation, natural hazard risk reduction, climate adaptation, and Treaty related system resets. In isolation, these are significant areas of reform; when combined they represent a large reset of the whole system and relationship between Government, local government, communities, and Māori.
17. Reform of this nature must be viewed as a whole, that recognises how the different parts fit together. Integration is required across the whole system to deliver on the outcomes sought by Government. Current reform seems to be very siloed and we ask the Select Committee to keep this in mind as it deliberates on submissions and reports back on improvements to the two Bills. The simultaneous fast-tracking and multiple system changes risk undermining the Government's own legislative and policy intent. Without careful sequencing and integration, limits, spatial planning, and partnership objectives may be diluted in practice.
18. We ask the Committee to deliberately stage reforms, protect regional capability, and align funding so the Bills' purposes are actually realised. The unintended consequences of rushed policy and legislation could leave long-lasting issues.

Part B: Integration across the whole planning system

Broad areas of support

19. Greater Wellington supports several core elements of the proposed reforms that strengthen the integration, coordination, and overall coherence of the planning system.

² Presentation Attachment: The Nexus between Treaty Settlements and Successful Reform: Taking a Constructive Approach – 22 October 2025 ([link](#)). Greater Wellington has worked with Te Uru Kahika Regional and Unitary Authorities Aotearoa to publish Crown Acknowledgements and commitments to Tiriti-based relationships organised by regional and unitary authorities ([link](#)).

Support for mandatory regional spatial planning and an integrated planning system

20. Greater Wellington supports the introduction of mandatory regional spatial planning. A statutory regional spatial plan with clear implementation pathways will help ensure development occurs in the right places, infrastructure is sequenced efficiently, and environmental constraints are recognised, rather than reactively. Greater Wellington also supports the overarching intention of the reforms to create a more integrated planning system, in which spatial plans, land use plans, and natural environment plans work together coherently rather than in silos.

Support for strengthened collaboration requirements

21. Greater Wellington also supports the strengthened collaboration requirements across the system. Councils working more closely with one another, mana whenua, and central government is critical to address major challenges such as growth, climate change, natural hazards, transport, and freshwater management. The emphasis on collaboration is also consistent with Greater Wellington's long-standing practice of jointly developing policy, data, spatial frameworks, and environmental programmes with territorial authorities, iwi partners, and central government agencies.

Support for improved consenting, compliance, monitoring and enforcement

22. Greater Wellington further supports aspects of the reforms aimed at improving the efficiency and quality of consenting, compliance, monitoring, and enforcement. Streamlined consenting processes have the potential to reduce complexity and improve certainty, provided that environmental safeguards remain robust and mana whenua roles are upheld. Efficient compliance, monitoring and enforcement (CME) functions are a critical component of a modern planning system. Greater Wellington welcomes reforms that strengthen councils' ability to monitor effects and respond quickly when adverse impacts occur.

Support for clearer national direction and standards

23. A further area of strong support is the greater role for national direction and national standards in providing consistency, reducing duplication, and clarifying how goals should be achieved across the two Bills. National direction can significantly improve plan-making efficiency and reduce the need for councils to develop complex and costly policy independently. Clear and comprehensive national direction also has the potential to resolve tensions between system goals, ensure alignment between regional and central government priorities, and provide greater certainty. This support is conditional on strengthening the Bills to ensure the greater role for national direction (and the introduction of spatial planning) does not weaken the effect of binding Treaty settlement redress in our region.

Recognition of Regional councils' system role and expertise

24. Finally, we support the recognition within the Bills of the critical role played by regional councils. The reforms draw on regional council strengths, including

environmental science, hydrological modelling, climate adaptation expertise, natural hazard assessment, catchment management capability, and long-standing partnerships with mana whenua.

25. The integrated and hazard-informed approach envisaged by the Bills relies heavily on regional-scale leadership and technical expertise, and Greater Wellington is well positioned to contribute to delivering this system. The reforms also acknowledge the value of regional-scale planning, monitoring, and environmental stewardship, which have been the foundation of effective resource management since the establishment of regional councils.

Upholding Te Tiriti o Waitangi and Māori rights and interests

These Bills shift away from a Tiriti-consistent system

26. One of the most significant areas of change across the two Bills is the shift in approach to Te Tiriti o Waitangi. The Resource Management Act 1991 (the RMA) was not Tiriti consistent, and these Bills further undermine the relationship between the Crown and Māori.

The proposed system impacts on long-standing partnerships

27. Greater Wellington considers that these reform proposals will:
- a) diminish decades of time invested and progress made in developing partnerships to recognise the customary rights of whānau, hapū and iwi
 - b) limit the ability for our partners to exercise kaitiakitanga and achieve their priorities for te taiao, their people and the wider community; and
 - c) create considerable Treaty and legal risk for the Crown, which will create costs, complexity and uncertainty for our partners and for local government in implementing reforms.
28. The removal or weakening of specific mechanisms such as Mana Whakahono ā Rohe (MWAR), Joint Management Agreements (JMAs) and the ability to transfer powers to iwi authorities will make the delivery of settlement commitments much more challenging. This also further disenfranchises unsettled iwi where these mechanisms have provided practical mechanisms for partnership.

The proposed system further weakens Treaty protections

29. Feedback from Māori since 1991 has been that the RMA is not consistent with Te Tiriti o Waitangi, a view reflected across three decades of Waitangi Tribunal commentary, findings and recommendations.³ These changes weaken those protections further.

³ The Ministry for the Environment has published 30 years of Waitangi Tribunal commentary, findings and recommendations about the RMA in response to claims brought before the respective Tribunals. Ministry for the Environment (2021) Extracts from Waitangi Tribunal commentary, findings and recommendations on the Resource Management Act 1991. Accessible here: <https://environment.govt.nz/publications/tribunal-findings-rma/>

The proposed system as drafted, do not fulfil Crown commitments to recognise mana whenua rights and interests in freshwater and geothermal resources

30. The Crown made assurances during the development of the RMA that Māori ownership, rights and interests across all taonga, including proprietary interests that were not addressed in the RMA and were to be addressed separately.
31. Subsequently the government gave assurances in the High Court and Supreme Court, in response to proceedings related to the Government's mixed ownership model sales, that Māori had rights and interests in freshwater and geothermal. The Crown also advised the Wai 2358 Waitangi Tribunal that Māori claims in relation to rights and interests in freshwater and geothermal have been advanced but remain unresolved at the national level.
32. There are proceedings in the High Court currently to have these outstanding assurances fulfilled. Delaying recognition within the proposed system will create further uncertainty in system implementation.

The system needs to be Tiriti-consistent including to uphold Settlement redress

33. Greater Wellington recommends building a system based on feedback from mana whenua and Māori over time that aligns with the Crown's commitments to Tiriti-based relationships, and that enables the upholding of settlement redress. Specific solutions to mitigate this significant risk include:
 - a) Reinstate an equivalent Part 2 provisions of the RMA relating to Māori, and an operative Treaty clause
 - b) Recognise rights and interests of mana whenua in freshwater and geothermal, and enable this through subsequent national direction
 - c) Not excluding iwi from the development of the first national standards
 - d) Commence the system region by region once the Crown has concluded agreements with partners to amend their Treaty settlements
 - e) Ensure Treaty settlements are upheld along with the future opportunity for unsettled groups e.g. designing with Māori, a mechanism for Māori participation in the development of national direction
 - f) carry over into the new system: Mana Whakahono a Rohe, Joint Management Agreements, formal partnership arrangements and transfers of powers.
34. Based on the current proposals, we consider that a specific carve-out is required for Te Ūpoko Taiao (Greater Wellington's Natural Resources Plan Committee), the Natural Resources Plan it produced, as well as for the Wairarapa Moana Framework.

Strengthening Purpose, Goals, and Environmental Protections in the new system

35. The new legislative framework offers opportunities for stronger environmental protection and more strategic, integrated planning. However, to realise these benefits it is critical to ensure robust mechanisms for integration across the two Bills maintain meaningful regional council leadership and uphold Te Tiriti commitments in both process and outcomes.

There is a need for a clear environmental purpose and hierarchy

36. The Bills lack a clear, overarching purpose. Unlike the RMA's "sustainable management" focus, the Bills as drafted treat environmental outcomes as one of many goals, with no priority over other goals. In addition, the precautionary principle is not embedded, so uncertainty about environmental impacts does not prevent risky development, including development with serious and irreversible effects.

37. For example, if the Planning and Natural Environment Bills proceed as drafted, there is a real risk that rivers, estuaries, and harbours will face ongoing or increased pollution. This is because decisionmakers would have weaker grounds to limit development or infrastructure pressures. Without a clear purpose that elevates environmental limits, councils cannot insist on upgrades or restrict activities that increase contaminant runoff. And with no precautionary principle, uncertainty about impacts cannot be used to prevent additional risk. The combined effect means growth can continue without addressing underlying infrastructure failures, increasing the likelihood that stressed environments like the Porirua Harbour and Wellington Harbour will experience ongoing or worsening contamination.

38. Development pressure around Porirua Harbour has continued while stormwater systems remain under stress, leading to ongoing sedimentation and contamination. The siltation in the Onepoto and Pāuatahanui Inlets and the impact on flow and wildlife is easy to see. As it stands, there is continuing development around an already fragile ecosystem before fixing the underlying network failures promulgated by growth.

39. While the Bills present a list of goals intended to define the scope of the new planning and environmental management system, the proposed legislation explicitly states that no inherent hierarchy exists between them. This creates uncertainty for users that is likely to generate inconsistency, litigation, and a lack of clarity for decisionmakers tasked with reconciling competing outcomes – especially when trying to reconcile competing outcomes when developing spatial plans.

Over-reliance on National Direction and reduced local flexibility

40. The implication of this proposed system is that clarity on how to prioritise goals will be provided by national direction. Both Bills indicate that compliance with national direction is the key pathway for achieving the goals. In effect, this elevates ministerial

discretion while diminishing the ability of councils, mana whenua, and communities to interpret and apply goals in a manner responsive to local conditions.

41. This shift away from place-based policy making increases the risk of not achieving the outcomes sought, especially where specific place-based structures are in place by Treaty settlement legislation (such as the Wairarapa Moana Statutory Board). It also increases the likelihood that changes in government will lead to significant shifts in how goals are weighted, creating ongoing instability and undermining long-term outcomes within the system.

Critical gaps in system goals: climate change and resilience

42. There are several critical omissions in the goals in the Natural Environment Bill and the Planning Bill, which risks weakening the effectiveness of the proposed system. These gaps constrain councils' ability to manage environmental and development pressures.
43. Climate change is notably absent from the goals. Despite climate change being one of the most significant drivers of land use change, natural hazard escalation, infrastructure vulnerability, and regional planning complexity, neither adaptation nor mitigation is articulated as a system goal. Without explicit recognition, councils may face reduced statutory authority to plan proactively for sea-level rise, managed retreat, flood risk, and emissions reducing land use patterns. This omission signals a misalignment between the Bills and New Zealand's national climate commitments and adaptation frameworks.
44. Given climate change pressures often disproportionately affect rural communities that rely on land and water resources for economic wellbeing, strengthening climate goals within the Bills is essential to protect rural livelihoods, rural infrastructure, and the resilience of the wider primary sector.
45. The goals also lack reference to broader system resilience. While natural hazards are mentioned, the framing is narrow, focusing on risk-based planning rather than holistic resilience. Critical aspects, including community resilience, long-term infrastructure, and land-use adaptation, are not incorporated. This creates a structural blind spot in the planning framework, limiting councils' ability to take integrated, anticipatory action to support resilient communities and environments. We need to ensure that the system identifies and addresses hazard risks **before** putting people, infrastructure, and communities in their path.

Strengthening integration between the Planning and Natural Environment Bills

Risk of siloed decision-making across the two Bills

46. Despite the intent for integration, the separation of environmental management (in the Natural Environment Bill) and land use planning (in the Planning Bill) risks creating silos. The lack of a clear statutory hierarchy both within and between the

two Bills may lead to conflicts or gaps in implementation, particularly where spatial plans and environmental limits intersect. The proposed system further embeds the risk of siloed decisions.

Support for national direction to resolve system tensions

47. While Greater Wellington would prefer for the primary legislation to resolve more of the tensions between outcomes, it supports the introduction of national policy direction to particularise the goals and direct how they are to be achieved.
48. Planning at a national level has the potential to provide a strong framework for a coordinated effort across different organisations to achieve the goals of the Bills. Provided that the national direction is clear and comprehensive, it will improve clarity. Strong and clear national direction would also allow for council to support and contribute to achieving broader central government policy.
49. There have been past instances where national direction documents have added little to the RMA and have not aligned between different national direction documents. In those cases, they have caused inconsistent application of standards, confusion, and consequently lengthy and costly consenting processes. For example, the National Environmental Standards for Freshwater establishing stringent rules to protect all natural wetlands, and the National Policy Statement for Urban Development conversely requiring councils to enable greater housing and urban density to address housing shortages; this caused significant tension between councils and developers and delayed developments.

Importance of sequencing and alignment across national standards, limits, and plans

50. The timing of the development of these plans is therefore crucial to ensure the environmental limits framework, national direction, and combined plans are aligned. Given national policy direction and associated national standards are likely to be in place before the development of the limits framework and combined plans, it is crucial that any national standards are workable and fit for purpose to ensure the proposed ‘funnel’ is able to operate efficiently.

There is a need for explicit integration mechanisms between the two Bills

51. An explicit integration mechanism between the two Bills is also needed. There is a lack of clear mechanisms to resolve conflicts between the two Bills and the national direction that will flow from them. Some conflict in a system of this size is inevitable. There needs to be discretion to develop and review spatial plans, land use plans, and natural environment plans together, with joint hearings and integrated decision-making panels.

Consider balancing private property rights with public good

52. Property rights have always been a central pillar of the RMA. The regime it created is essentially permissive: activities are permitted unless there are specific provisions,

regulations or rules that preclude or control that activity. Since its introduction in 1991, New Zealand has seen the widespread degradation of ‘public goods’: including biodiversity loss, freshwater degradation, and loss of productive soils.

53. A more permissive approach risks undermining the Government’s own policy intent by shifting long-term costs and liabilities back onto councils, central government, and communities when degraded ecosystems mean bigger floods, more coastal protection works, and expensive retrofits. Strong limits aren’t anti-development, at the basic level they avoid future fiscal, environmental, and social harm. Cyclone Gabrielle caused an estimated \$14.5 billion in damage, and areas like Esk Valley and Papakowhai showed how development on known floodplains without hazard-informed sequencing can have detrimental impacts.
54. A shift toward placing greater weight on private property rights, without an equivalent commitment to environmental protection, risks weakening the safeguards that protect the region’s land, water, coastal environments and biodiversity. These natural systems play a critical role in protecting communities from flooding, coastal inundation and other natural hazards, and they support public health and regional resilience. Further degradation reduces their ability to perform these functions and increases long-term costs for communities, infrastructure, and government. The Bills should clearly reflect that property rights sit alongside obligations for responsible use of land and other natural resources, and that the future prosperity of our country depends upon the protection of the natural systems that support our economy.

Risks arising from expanded ministerial powers

55. The new Bills significantly expand Ministerial intervention powers, shifting from the largely reactive and high-threshold mechanisms in the RMA to a more proactive and directive suite of tools. These tools provide Ministers with greater powers to investigate council performance, mandate plan changes and reviews, direct specific outcomes, and in some cases replace council functions. All without reflecting the Tiriti responsibilities of Ministers, including the Crown’s commitments to Tiriti-based relationships.
56. These expanded powers risk over-centralising decision-making (and creating a significant bottleneck in the system), reducing local flexibility, and also sidelining established council-mana whenua partnerships. Ideally, Ministerial intervention powers should be restricted to areas where these powers support faster and more efficient decision making or resolving conflicts, but with corresponding Tiriti responsibilities.

Regional spatial plans

Fit for-for-purpose governance for Regional Spatial Plans

57. Greater Wellington supports the proposal for one regional spatial plan (RSP) for each region. Spatial planning is necessary to ensure growth is being provided in the right places across the region and reduces the risk of planning being done in a piecemeal, district-by-district fashion. We concur that the regional council region is the appropriate spatial scale for such planning.
58. Given the tight timeframes for drafting and notifying a draft RSP, responsibility for facilitating RSPs can rest with regional councils (in accordance with any applicable Treaty settlements or other agreements that specify the composition of decision-making bodies). Regional councils can establish the necessary administrative structures and already have experience with key regional issues. When working collaboratively with territorial authorities, regional councils can ensure RSPs align local priorities with the broader strategic interests of the region. Greater Wellington already has deep experience with facilitating such processes, such as the whitua process for improving the health of freshwater catchments. This would avoid the delays of establishing a joint spatial planning committee and allows work to begin immediately.
59. If the Select Committee determines that Regional councils will not lead/establish/administer/facilitate the RSP process and decides to continue with the currently proposed spatial planning committee structure, the Bills should allow for alternative structures agreed with PSGEs to fulfil the Spatial Planning Committee Role in order to uphold the equivalent effect of settlements until such time as the Crown renegotiates the redress with willing partners. These may include but are not limited to leveraging existing partnerships such as Te Ūpoko Taiao (a regional planning committee made permanent through the Kahungunu ki Wairarapa settlement) or the Wellington Regional Leadership Committee (an Urban Growth Partnership).
60. Should the Select Committee proceed with Spatial Planning Committees, Greater Wellington recommends that the Bills are amended to ensure that Spatial Planning Committees are designed in partnership mana whenua and must include balanced representation from regional councils, territorial authorities, iwi and hapū, and central government agencies where relevant. This helps ensure that regional priorities, mana whenua representation including what is provided for through binding Treaty settlements and local needs, are appropriately reflected in the strategic direction.

Ensuring mandatory spatial plan matters are strategic and Tiriti-consistent

61. Greater Wellington generally supports the proposed list of mandatory matters and the proposed approach of allowing additional matters being addressed within the

RSP. However, there is a risk that the breadth of mandatory matters turns the RSP into a technical document rather than a high-level strategic document - especially given including natural hazard information, environmental limits, infrastructure planning, adaptation priorities and areas of significance to Māori requires high quality data (some of which is not currently available in the Wellington region) and good cross-agency coordination. The list of mandatory matters would therefore benefit from guidance on how to interpret them at a regional scale to ensure that RSPs do not go into a level of detail that is best left for lower-order plans.

62. Council supports the inclusion of statutory acknowledgements, sites of significance to Māori, and customary rights areas, but notes that the process for engagement and confirmation of these areas must be well coordinated with iwi and hapū. This will ensure that Councils are not going back to iwi and hapu to ask for the same information multiple times, maintains consistency across planning documents and ensures that the partnership between iwi and councils is upheld.
63. The list of mandatory matters for spatial plans includes a matter for constraints on the use of land, including natural hazards, which Greater Wellington supports. However, this could go further by directing that the regional spatial plans must, using a risk-based approach as outlined in the National Policy Statement for Natural Hazards, develop a clear framework to: avoid inappropriate development in high hazard areas; manage risks in moderate hazard areas and; encourage development towards low hazard areas. Every \$1 invested in risk reduction saves between \$4 and \$7 in disaster response and recovery, according to the UN Office for Disaster Risk Reduction the legislation should reflect this logic. In this regard, it is critical that the spatial plans set the direction for adaptation planning and support local adaptation plans developed under the National Adaptation Framework.

Ensure regional spatial plans integrate transport planning and investment

64. Greater Wellington supports the purpose of RSPs regarding ensuring coordinated approaches to infrastructure funding and investment and integrating development planning in order to ensure that regional spatial plans maximise the opportunity to improve land use and transport integration outcomes.
65. There is a significant opportunity for this Bill and regional spatial plans to strengthen the interdependencies between our land use and transport planning and funding frameworks and therefore deliver efficient outcomes for our communities. Transport is a core economic driver. Our road, rail, and port networks enable regional productivity, connect people to jobs and services, support emergency response, and move the goods that underpin the Wellington economy.
66. However, the Bill as drafted does not fully recognise the central role of the transport network and does not explicitly integrate the regional spatial planning process with the transport system. The proposed legislation needs to strengthen statutory mechanisms to connect and integrate transport and land use planning, investment and funding processes under the Planning Bill, Land Transport Management Act

(LTMA) and Local Government Act (LGA). In addition, the Bill needs to be clear about the hierarchy and relationship between land use plans under the new Planning Act and plans/programmes/policy statements under the LTMA and LGA.

Remove or significantly improve the regulatory relief framework

67. As a regional council, the regulatory relief regime will impact on Greater Wellington's functions and responsibilities relating to sites of significance to Māori, indigenous biodiversity, wetlands, and areas of high natural character in the coastal marine area. Our first preference is to **remove these provisions entirely**; if Select Committee prefers to recommend its inclusion then improvements are offered below.

Risk of financial liability and litigation will discourage environmental protection

68. Greater Wellington has identified several critical issues with the regulatory relief regime as currently proposed. The potential scale of financial liability for regulatory relief and risk of associated litigation will make it less likely that councils will take measures to protect the environment against unsustainable use. Even when regulatory relief plans are developed, it is unclear on what grounds these could be challenged by landowners – incurring further cost and risk of litigation.

69. The regulatory relief framework has significant implications for rural landowners, who are more likely to be affected by controls relating to biodiversity, wetlands, and natural hazard management. The regime must be workable, transparent, and equitable for rural communities that carry much of the responsibility for managing environmental values on private land.

70. The Bills create a tension between regulatory relief obligations and obligations to achieve outcomes in each Bill. In seeking to achieve goals set by the proposed legislation, councils may be required to provide regulatory relief - this is both untenable and an unreasonable burden on ratepayers. The Bills also create an obligation to provide regulatory relief for existing provisions or measures that are already in place (for example, sites of significance to Māori identified in a plan), where these provisions are rolled over into the first natural environment plans, which will sometimes result in 'windfall gains' for landowners.

71. Greater Wellington has a comprehensive incentive programme for biodiversity protection and restoration, some of which are linked to regulations in our current regional plan. The Planning Bill makes those who have received voluntary incentives provided in a regional plan under the RMA ineligible for regulatory relief, which may discourage voluntary restoration efforts if regulatory relief presents a more attractive option.

Unfair burden on ratepayers

72. The proposed regulatory relief regime creates a tension between this proposed legislation and government proposals to introduce rates capping. On the one hand,

the government is proposing to keep rates below a certain threshold, while on the other imposing significant cost liabilities, which will create a burden on rate payers. The cost liabilities are uncertain in scale, given the very real risk of litigation, which makes these liabilities difficult to plan for.

73. It is also debatable whether rates should be used to pay for benefits that may not be exclusively felt by ratepayers. For example, some controls will have nation-wide benefits while others will benefit certain sectors, such as the tourism sector. It is important that the scope and purpose of rating powers is considered in designing any compensation framework. If national direction or fast-tracking increases exposure or imposes new duties, the Crown must share liability and co-fund; rates cannot be the default backstop while caps constrain revenue.

Recommended amendments to ensure a fair and targeted regime

74. Greater Wellington recommends that the Bills be amended to require regulatory relief only when councils impose rules that go beyond those matters set out in national direction or go beyond what is required to achieve the goals of both Bills. It should also be amended to ensure that existing controls (e.g., sites of significance to Māori identified in existing RMA plans) are not subject to the regulatory relief regime.
75. As the protection of natural areas such as wetlands and significant natural areas has significant national benefits, a permanent central government fund to support councils with regulatory relief obligations imposed by this proposed legislation should be established. New funding powers to help pay for controls which will disproportionately benefit particular sectors or businesses should also be considered.

Ensuring fair and proportionate public participation

76. Greater Wellington supports the shift to a presumption that hearings only occur where specific criteria are met. Hearings can be costly, time-consuming, and do not always lead to better decision-making. However, this change must be balanced with workable settings for written approvals, public notification, and targeted notification.
77. Under the Natural Environment Bill, the thresholds for written approvals and public notification are set too high. Aligning these thresholds with those in the Planning Bill would create a more coherent system, support joint processing of notified permits and consents, and avoid applicants having to navigate two separate processes for a single activity.
78. A more balanced approach to public input is also essential. The current settings risk limiting meaningful contributions from community groups, advocacy organisations, and citizen science initiatives, voices that often add critical on-the-ground insight. At

the same time, appropriate thresholds can ensure processes remain efficient and are not overwhelmed by mass submissions or activist-driven opposition.

Part D: The Natural Environment Bill

Connecting the spatial plan to the natural environment plan is recommended

79. The intent of the system is to provide for use and development within environmental limits. However, there is an absence of safeguards in the system to ensure this happens. This could be addressed by including explicit requirements in the Planning Bill for land use plans to be consistent with the environmental limits of the relevant natural environment plan.
80. This supports a direct connection between the two plans and ensures that the potential cumulative effects of land use and subdivision activities are considered alongside the effects of the use of natural resources as well. Ongoing oversight by the governance entity overseeing spatial planning during the preparation of the land use plan and natural environment plan, could support integration between the two types of plans.

Strengthen the environment limits framework to protect ecosystem health

81. Greater Wellington supports the introduction of a consistent national framework for environmental limits. Such limits, expressed as either a numeric or narrative limit, are useful for protecting human health and some components of ecosystem health. Council also supports the role of the RSP to integrate direction to lower plans through the spatial implications of environmental limits.
82. However, the environmental limits framework does not require the development of enough limits to ensure that ecosystem health is broadly protected. Even when limits are set, the framework allows for trade-offs and does not require that all activities or plans must comply with limits at all times (e.g., there are exceptions for infrastructure and Ministerial override powers).
83. Ecosystem health, rather than life supporting capacity, should be the core measure of protection, with recognition built in that limits will not always be the most effective tool for every parameter or place. In some cases, mechanisms such as restoration strategies, recovery targets, and catchment plans may be more appropriate.
84. National methodologies, standards, and limits also present an important opportunity to embed mātauranga Māori alongside biophysical science to provide support on the identification of environmental limits by drawing on long-term observation, place-based knowledge and understanding of ecosystem relationships.

85. Greater Wellington urges the Select Committee to ensure mātauranga Māori is provided for by the proposed legislation; previous work has shown the immense value that is generated by having a holistic approach to policy development. Specific examples include Greater Wellington’s whaitua process and the flow of information into Plan Change 1.

Proposed market--based allocation tools and implications for Māori rights

86. Greater Wellington supports the development of alternative mechanisms to the existing allocation system for resources. Expanding the suite of available tools will better enable councils to manage allocation pressures, particularly in catchments that are fully allocated or overallocated.

87. However, we are unable to provide detailed commentary until further guidance is issued through national direction. We also request clarity on where any market-based allocation instruments or comparative consenting processes would be located within the combined plans framework.

88. While the Bills introduce potential resource allocation mechanisms, they do not establish a legislative pathway for recognising Māori rights and interests in water. Instead, the substantive design of any allocation system is deferred to future national standards and regulations, leaving the Crown to determine how and whether Māori rights will be reflected in practice. The Bills’ reliance on procedural participation requirements and high-level goals to “provide for Māori interests” does not amount to recognition of rights to water allocation, nor does it provide assurance that these interests will be upheld.

Consenting and CME – system design and implementation risks

89. Many of the consenting and CME requirements have already been implemented through the recent Resource Management (Consenting and Other System Changes) Amendment Act, and these are supported, as generally these changes provide for more efficient consent processing and better tools to manage enforcement.

90. However, there are key matters where changes are proposed by the Bills which are unlikely to lead to more efficient and effective processing. These include the lack of integration between the Bills, common expiry dates for renewal consents, registered permitted activities, increased compliance and monitoring of permitted activities, and requirements and restrictions where breaches of environmental limits occur.

Common expiry dates and re-consenting pressures

91. The extension of existing consents to a common expiry date of around 2031 is likely to create a large body of re-consenting work that will need to be considered at the same time. This has implications for consenting authorities in 2031 regarding

increased resourcing to address the re-consenting workload, especially compared with the predicted drop in application numbers for the previous years.

92. This concern will also be felt by consent holders, including commercial operators who may have several resource consents that will all need to be applied for at the same time. This not only creates a resourcing issue for councils, but also for applicants and the availability of any technical experts that they may need to assist with their applications.

Consenting risks related to environment limits

93. Under the Natural Environment Bill, the granting of a consent is prohibited where “the permit would result in the breach of an environmental limit.” While the intention of this clause is supported, there is concern about the certainty and evidence needed to prove this. This Bill needs to address situations where there is already an existing breach of a limit. If the renewal of an existing permit is sought in such a catchment, it appears that this would have to be declined.
94. The exceptions that allow an automatic right to breach an environmental limit are also problematic. Where an activity is authorised by a national standard (significant infrastructure) or a water services standard (municipal wastewater or stormwater standard), those activities can be granted exemptions despite causing one or more environmental limits to be breached. Once an enabling pathway for infrastructure is established, a very high bar will be set for declining, despite local adverse effects including breaching of human health or ecosystem environmental limits.

Support for further CME tools

95. In terms of compliance, monitoring and enforcement, Greater Wellington supports the increased tools to ensure compliance. However, to avoid a reduction in compliance overall, it will be crucial to adequately resource compliance monitoring of permitted and other activities, and to enable cost-recovery of this work.
96. With the current wording there is also a risk that with all permitted activities being monitored, resources are taken away from higher risk consented activities, leading to poorer environmental outcomes.

Part E: Transition and implementation

The cost of transition is high and falls on ratepayers

97. We have major concerns about the cost of implementing the new system and the feasibility of a smooth transition. There is uncertainty whether available funding and resources will be sufficient to meet the demands imposed by legislative changes, especially given the context of rate caps and existing financial pressures.
98. Plan development alone will be a significant cost. For instance, developing the Future Development Strategy (FDS) for the region cost approximately \$900,000. The

spatial plan process is expected to be even more expensive than the FDS, since it involves a wider scope, demands additional data and evidence, and requires a more thorough analysis of infrastructure. In addition to this, regional councils will have to develop the natural environment plan, which includes the setting of limits. In short, there is considerable work to be done by regional councils to meet the requirements of the new system.

99. Broadly speaking, Greater Wellington resource management expenditure has been in the \$4m to \$10m per annum area. This peaks during time of plan development, hearings, mediation and appeals, increasing to around \$18m per annum (covering policy design, hearings administration, ICT, consultation and legal costs). The compressed timeframe for turning around a spatial plan and natural environment chapter will increase this peak to approximately \$30m during the first of years of system development. This short-term peak is expected to be offset with system savings over time (likely over a decade). However, the short-term peak will be challenging to fund from rate payers, especially with the potential for rates being capped as proposed by the government.
100. Local government's ability to implement major system reforms is significantly constrained under the proposed rates capping framework. To ensure the successful delivery of largescale reform programmes such as this system (resource management reform) and the signalled local government reorganisation (the Simplifying Local Government proposal), these responsibilities should either be excluded from the cap or supported through a dedicated stream of central government funding framework.
101. Direct central government investment would enable a coordinated and consistent rollout of new planning requirements, including any amendments required to existing Treaty Settlements. This approach would improve clarity around implementation expectations, reduce reliance on already constrained local revenue sources, and help maintain affordability for communities. Without such support, the cumulative demands of reform are likely to exceed the financial and operational capacity of councils operating under a capped revenue environment, constrained local revenue sources, and help maintain affordability for communities. Without such support, the cumulative demands of reform are likely to exceed the financial and operational capacity of councils operating under a capped revenue environment.

Regulatory relief provisions create further cost uncertainty

102. The regulatory relief provisions are of particular concern to councils from a cost perspective. Regulatory relief is a new and substantial cost for councils, which will arise not only from the obligation to provide rates relief, but also from potential litigation due to the lack of clarity regarding regulatory relief.

103. Furthermore, there is an inherent tension between the obligation to provide rates relief under this new regime and the proposals to cap rates. The regulatory relief proposals will impose significant cost liabilities, which will create a burden on rate payers. Furthermore, the cost liabilities are uncertain in scale, given the very real risk of litigation, which makes it difficult – if not impossible – for councils to plan for.
104. Affordability is a key concern for local government, particularly in the delivery of public transport infrastructure and services. Reduced central government funding, combined with rising costs is placing increasing pressure on fares and rates and constraining the level of service that can realistically be provided now and into the future to support growth. It is therefore critical that future growth is planned as efficiently as possible, enabling affordable and cost-effective infrastructure and services, and that councils are equipped with appropriate funding tools and mechanisms to meet demand. This sits in tension with the Bill’s proposed requirement that councils cannot limit development due to a lack of infrastructure and must instead deliver it in a timely manner. As national standards are developed to determine when councils may consider whether sufficient infrastructure exists to support development, it is essential that community affordability is included as a core consideration.

Timeframes are tight and sequencing needs refinement

105. Given the significant shift the government is seeking to achieve, it is crucial that timeframes allow for the new plans to be developed carefully. We also consider that, eventually, the fast-track regime should be phased out, and all developments should be considered as part of the revised planning framework.

System implementation must consider Treaty settlements and the Crown’s responsibility

106. Greater Wellington does not consider it appropriate or workable for local government to renegotiate Treaty Settlements on behalf of the Crown, particularly while simultaneously implementing a new system that, in some cases, diminishes existing redress mechanisms. Seeking to skip these steps will result in Treaty and legal challenges and slow implementation. We propose that:
- a) The Bills commit central government to ensuring at least equivalent effect for all existing settlements under the new system; and
 - b) Implementation occurs region by region, with the new Acts only activated once all settlements in that region have been renegotiated with partners.

RSP timeframes are not fit for purpose

107. Greater Wellington considers that the proposed timeframes for developing and notifying an RSP is not conducive to achieving the outcomes sought by the government. RSPs are intended to set the strategic direction for growth across an entire region and to guide subsequent planning documents. To be effective, they

must be underpinned by robust data, meaningful engagement, and a sound evidential base. The maximum timeframe of 15 months to notify an RSP is too compressed to produce a high-quality strategic plan.

108. An essential precursor to RSP development is the identification of environmental limits through national direction. Councils must first determine where limits are breached, how overallocation will be phased out, and where development can occur while protecting environmental values. Without this work, there is a significant risk of:
- a) Further environmental degradation, contrary to the purpose of the Natural Environment Bill
 - b) Failure by Ministers and councils to meet their statutory obligations to protect human health and the life supporting capacity of ecosystems, and
 - c) Substantial uncertainty for developers and plan users if RSPs later require revision once environmental limit mapping becomes available.
109. Because system components are highly interdependent, phases of reform such as environmental limit setting and RSP development, will need to run in parallel. Proceeding with RSPs before foundational limit work is complete, will not simplify decisions and may instead embed inaccuracies or misaligned priorities.

Timeframes for hearings needs adjustment

110. Greater Wellington also considers that the proposed six-month timeframe for hearings on the RSP is unrealistic. Given the significance of RSPs and the high level of public, organisational, and government interest they will attract, a more workable timeframe is 12 months. This would allow adequate time for submissions to be summarised, recommendation reports to be prepared, and evidence to be gathered where necessary.
111. Greater Wellington would also prefer flexible legislative deadlines. This provides necessary time and flexibility in the system to address matters that are likely to arise during any complex process, such as allowing time for better integration between processes proceeding in parallel, relieving capacity constraints, or managing other unforeseen issues. Setting rigid and unrealistic deadlines in legislation has previously resulted in inefficient outcomes and councils have often not been able to meet them – for example, the two-year time limit for freshwater planning processes, which created an additional administrative burden onto Councils and the Minister to process extensions.
112. Greater Wellington has significant concerns about the capacity of the system to deliver on what the Bills are seeking to achieve, especially within such tight timeframes. Experience from the National Policy Statement for Freshwater Management plan change process under the previous government has shown that it

is neither practical nor achievable to set a tight timeframe that the whole sector must all meet in unison. The complexity of those freshwater reforms, the shortage of planning and scientific experts, and constraints on availability of independent hearings commissioners meant that most councils were not going to be able to meet the 31 December 2024 deadline originally set in legislation. These reforms are much more substantial and government will need to focus on ensuring that there is sufficient capacity in the system to meet timeframes.

113. Greater Wellington proposes an alternative reform timeline attached as **Attachment A** at the end of this submission. This timeline prioritises development and release of national policy direction and national standards that informs the initial environment limits in a first suite of national direction. This would enable regional councils to begin work to quantify and spatially delineate environmental limits to inform RSP environmental constraints mapping, with RSPs being developed in parallel. Central government can then continue developing the remaining national direction simultaneously, with lower plans being developed after the release of the second suite of national direction.

Closing statement

114. Please find below our clause-by-clause comments which also forms part of our submission. Recommended deletions are in struck out text, and recommended insertions are in underlined text.
115. Greater Wellington Regional Council once again thanks the Environment Select Committee for the opportunity to provide feedback on the Natural Environment Bill and Planning Bill. We would like to speak to our submission.

Nāku, nā



Adrienne Staples

Deputy Chair, Greater Wellington Regional Council

Clause-by-clause Submission – Natural Environment Bill 2025

Clause(s)	Comment	Relief sought
2 Commencement	Commencing the system before the Crown has reached agreements with Post-Settlement Governance Entities risks the new legislation operating in ways that do not fully uphold the intent, integrity, or effect of existing Treaty settlement commitments. Seeking to delegate to local government to reinterpret Treaty Settlements at the same time as implementing the systems risks will not provide clarity and certainty in implementation.	Commence the system region by region, with the new acts being ‘activated’ in a region only after all settlements within that region have been renegotiated with partners.
3 Interpretation Definition of natural hazard	Greater Wellington supports retaining the current RMA definition of “natural hazard” and adding clause (b) to recognise the influence of climate change. To ensure consistency and an integrated interpretation across the system, the RMA definition of “climate change” should also be incorporated into this section.	Retain (b) in natural hazard definition and insert the RMA definition of climate change as follows: <u>climate change means a change of climate that is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and that is in addition to natural climate variability observed over comparable time periods.</u>
3 Interpretation Definition of land	The Natural Environment Bill defines “land” differently from the Planning Bill by excluding the surface of lakes and rivers. This inconsistency would limit the ability to manage natural hazard risks associated with lake and river flooding and erosion. Excluding these water surfaces weakens Greater Wellington’s ability to address flood and erosion effects under the NE Bill. To ensure coherent and effective management across the system, the definition of “land” should be aligned between the two Bills and include the surface of lakes and rivers.	Amend the definition of land as follows: land— (a) includes land covered by water and the airspace above the land; and (b) <u>the surface of water in a lake or river; but</u> (c) in a national rule, rule in a natural environment plan, or rule in a proposed plan, does not include the bed of a lake or river
3 Interpretation Definition of natural resources	The overlapping definitions of natural resources, natural environment, and natural and physical resources are confusing and should be clarified.	Amend as follows: Natural resources includes - (a) all of the following: (i) air; and (ii) water, including freshwater, coastal water, and geothermal water; and (iii) land (to the extent that it is not provided for or managed under the Planning Act 2025); and (iv) soil; and (v) minerals; and (vi) plants and animals (whether native to New Zealand or introduced); and (vii) indigenous biodiversity; (viii) <u>energy</u> ; and (b) ecosystems and their constituent parts
3 Interpretation Definition of natural environment	The overlapping definitions of natural resources, natural environment, and natural and physical resources are confusing and should be clarified. There appears to be a contradiction within the definition of “natural environment”. The definition of ecosystems which is a term used in clause (c) of the “natural environment” definition includes biological life (plants and mammals). Clause (b) of the “natural environment” definition excludes plant pest species and humans, domesticated animals and animal pest species.	Amend as follows: Natural Environment includes - (a) land, water, air, soil, minerals, energy, <u>indigenous biodiversity, plants</u> ; (b) plants (excluding pest species), animals (excluding humans, domesticated animals, or pest species), and their habitats; (c) ecosystems and their constituent parts; (d) <u>excludes humans, plant and animal pest species, and domesticated animals.</u>

Clause(s)	Comment	Relief sought
3 Interpretation Definition of natural and physical resources	The overlapping definitions of natural resources, natural environment, and natural and physical resources are confusing and should be clarified.	Amend as follows: Natural and Pphysical resources includes - land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all All structures including any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft.
8 Tiriti o Waitangi	<p>The Bills provide only minimal recognition of Te Tiriti o Waitangi and do not create a clear or directive duty. As drafted, they are insufficient to uphold the Crown’s obligations and risk undermining past acknowledgements of breaches (particularly those relating to the very functions these Bills govern) as well as the Crown’s renewed commitments to Tiriti-based partnerships through recent Treaty settlements.</p> <p>By positioning Māori interests simply alongside other objectives, without any hierarchy or primacy, the Bills materially limit Māori influence within decision-making structures. This limitation is amplified by the fact that Clause 8 does not apply to the setting of system goals or the substance of national direction. These upstream instruments shape both regional spatial plans and natural environment plans, meaning many of the most significant decisions will be made before Clause 8 has any effect.</p>	Amend Clause 8 so that decisionmakers are required to “give effect to the principles of Te Tiriti o Waitangi” and that that duty applies at every level of the system, including (but not limited to): <ul style="list-style-type: none"> - the development, review, or amendment of system level goals, and the way conflicts between them are resolved; - the preparation of national direction; - the development of natural environment plans; - all decision-making relating to resource use, allocation, environmental limits, monitoring, and enforcement
9 Crown to seek agreement to uphold Treaty redress or arrangements	<p>The provisions do not guarantee that existing Treaty settlement agreements will retain the same or equivalent effect in the new system. Instead, they limit the influence of settlements to what can be achieved “to the greatest extent possible within the Act,” even though:</p> <ul style="list-style-type: none"> • the new system is materially different, making true equivalence unattainable; and • increased national-level standardisation risks diluting settlement-based redress mechanisms that currently operate effectively at regional scale. <p>The Bill requires the Crown to work toward revised agreements for only two years. Combined with commencement provisions that begin system implementation before this process is complete, negotiations would occur while the new system is already rolling out. This challenge is heightened by reduced roles for Māori and fewer statutory responsibilities on decision-makers, making it less likely that Post-Settlement Governance Entities will agree to amend their settlements.</p> <p>The two-year limit also creates a perception that the Crown could “run out the clock” rather than secure appropriate amendments. Allowing the Crown to unilaterally withdraw from negotiations exacerbates this power imbalance and increases the risk that settlements not renegotiated within the timeframe will be permanently undermined by the new system.</p>	Amend as follows: (1) To assist in the transition from the Resource Management Act 1991 to this Act and the Planning Act 2025, the Crown will work with any post-settlement governance entity, and the ngā hapū o Ngāti Porou governance entity, if they wish to do so, to seek agreement on how their Treaty settlement redress or arrangements will operate with the same or at least equivalent (or greater) effect on the new system to the greatest extent possible under this Act and the Planning Act 2025. (2) The Crown will, when working with an entity under subsection (1),— (a) discuss, for the purpose of reaching agreement with the entity, how the Treaty settlement redress or arrangements could operate under this Act and the Planning Act 2025 in a way that would have the same or at least an equivalent (or greater) effect on the new system to the greatest extent possible ; and (b) following those discussions, and where agreement is reached, enter into the agreement with the entity to record the agreement reached (which may include entering into a deed to amend the relevant Treaty settlement deed); and: (c) recognises that the new system is different and the same or like for like redress is not always achievable; and (d) commits to providing (i) a system that upholds the intent, integrity and effect of Treaty Settlements, and (ii) options and proposals to support any agreement that provides at least equivalent (or greater) effect. (3) This section is repealed on and from the 2nd anniversary of the commencement of this Act. (4) However, the repeal of this section does not, after the date referred to in subsection (3), prevent the Crown from— (a) continuing discussions or entering an agreement started in accordance with subsection (2); or (b) entering into an agreement of the nature set out in subsection (2)(b) with an entity; or

Clause(s)	Comment	Relief sought
		<p>(c) progressing any legislation necessary to give effect to any such agreement after the repeal of this section.</p> <p>(53) For the purposes of this section and section 10,— Resource Management Act 1991 means that Act as it was immediately before this Act received Royal assent Treaty settlement redress or arrangements means any of the following as they specifically relate to the Resource Management Act 1991: (a) redress in a Treaty settlement: (b) redress in a signed deed of settlement: (c) arrangements under the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.</p>
10 Treaty redress or arrangements to be given same or equivalent effect	<p>The provisions effectively delegate to local government and other decision-makers the task of interpreting and renegotiating Treaty settlement obligations within the new system. They also restrict the influence of settlements to achieving “the same or equivalent effect to the greatest extent possible within the Act,” even though:</p> <ul style="list-style-type: none"> the new system is materially different, meaning true equivalence will not always be achievable; and without changes or explicit carve-outs, increased national-level standardisation risks diluting regional settlement-based redress mechanisms, including those applying to Te Upoko Taiao and the Wairarapa Moana Statutory Board. Greater Wellington considers that specific carve-outs are required for these entities. <p>The drafting further dilutes the effect of Treaty settlements by emphasising uncertainty about how obligations will operate in practice. The ability to achieve equivalency is also limited if settlement provisions are triggered only at the plan-making stage, rather than at earlier stages of the system where key strategic decisions are set.</p>	<p>Amend as follows:</p> <p>(1) The Crown must uphold the integrity, intent, and effect of Treaty settlements.</p> <p>(12) Subsection (2) applies to Treaty settlement redress or arrangements until an agreement is reached under section 9.</p> <p>(23) In relation to any particular Treaty settlement redress or arrangement, all persons exercising and performing functions, powers, and duties under this Act must, to the greatest extent possible under this Act, give an effect that is the same, or equivalent, as the effect that the redress or arrangement has in relation to the Resource Management Act 1991.</p> <p>(34) This section does not apply in relation to statutory acknowledgements.</p> <p>(5) Incorporate these obligations into system goals, national direction and regional planning instruments so their effect is recognised consistently across all parts of the system.</p>
Mana Whakahono ā Rohe (not as a standalone clause)	<p>The Bills recognise Mana Whakahono ā Rohe only where an agreement already exists or has been initiated, creating a time-limited window for iwi and hapū. In the new system these arrangements continue only by reference, rather than as an independently enabled statutory right, and their operation depends on the ongoing existence of underlying iwi participation legislation.</p> <p>Their influence is further constrained because Mana Whakahono ā Rohe cannot shape system goals or national direction, even though these instruments set the parameters for regional spatial strategies and natural environment plans. As a result, the effectiveness of these agreements will depend heavily on early initiation by iwi and hapū and on the extent to which national direction leaves space for rohe-based approaches.</p>	<p>Amend the Natural Environment Bill to:</p> <ul style="list-style-type: none"> Ensure the ability to initiate Mana Whakahono ā Rohe is preserved for both Planning Act and Natural Environment Act Transfer RMA Part 5 Subpart 2 Mana Whakahono A Rohe: Iwi participation arrangements into the Natural Environment Bill with provisions that provide the equivalent effect to those in the RMA and that provide Tiriti-consistent role in relation to new structures or functions Ensure that councils maintain obligations to work with iwi and hapū under these agreements
11 Goals	<p>The drafting materially weakens existing protections for the natural environment and for Māori interests. Replacing the RMA requirement to “recognise and provide for” with the softer directive to “seek to achieve” lowers the threshold for environmental and cultural outcomes. The term</p>	<p>Amend as follows:</p> <p>All persons exercising or performing functions, duties, or powers under this Act must seek to achieve the following goals subject to sections 12 and 69:</p>

Clause(s)	Comment	Relief sought
	<p>“seek” is undefined, creating uncertainty about the level of effort required and when it may be lawful not to achieve a goal.</p> <p>Although both Bills include goals relating to Māori involvement and the protection of sites in the customary marine area, these provisions are not prioritised and depend on national direction that Ministers are not required to align with Tiriti principles or the current obligation to recognise and provide for Māori relationships with ancestral lands, waters, and taonga. This departs from the Expert Advisory Group’s advice, which recommended retaining these protections to uphold Treaty obligations and reflect the fundamental nature of Māori relationships with the environment. It also weakens Treaty settlement redress designed for the current framework and removes protected customary rights as a matter of national importance, reducing their weight in decision-making.</p> <p>The goals also omit climate change, despite its profound and growing effects on natural resources, biodiversity, ecosystems, and natural hazards. The framing of natural hazards is narrow and ambiguous, implying a focus on effects on natural resources rather than safeguarding communities. While Greater Wellington supports a risk-based planning approach, the additional wording on proportionality is unnecessary, and clause (e) reads more as a policy mechanism than a clear, outcome-focused goal.</p> <p>The Bills also fail to explicitly reference greenhouse gas emissions, creating uncertainty about how they should be treated. Planning tools are often the most effective mechanism for addressing emissions where the ETS signal is insufficient, particularly where impacts fall on future users rather than developers - an approach recognised internationally, especially in the urban growth context.</p>	<p>(a) to enable the use and development of natural resources within environmental limits:</p> <p>(b) to safeguard the life-supporting capacity ecosystem health of air, water, soil, and ecosystems:</p> <p>(c) to protect human health from harm caused by the discharge of contaminants:</p> <p>(d) to achieve no net loss in maintain, and preferably increase indigenous biodiversity:</p> <p>(e) to manage the effects of natural hazard associated with the use or protection of natural resources through proportionate and risk-based planning:</p> <p>(f) to provide for Māori interests through—</p> <p>(i) Māori participation in the development of national instruments, spatial planning, and natural environment plans; and</p> <p>(ii) the identification and protection of sites of significance to Māori (including, wāhi tapu, water bodies, or sites in or on the coastal marine area); and</p> <p>(iii) enabling the development and protection of identified Māori land:</p> <p><u>(g) to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga:</u></p> <p><u>(h) to recognise and provide for the protection of protected customary rights:</u></p> <p><u>(i) to increase the resilience of communities, infrastructure, and the natural environment to the short, medium, and long-term effects of climate change.</u></p>
14 Considering effects of activities	<p>The Bills do not establish a clear framework for managing noise within the coastal marine area (CMA). Section 24 of the Planning Bill creates a duty to avoid unreasonable noise, explicitly including noise in the CMA, and situates this duty within the planning consent system rather than coastal permits. In contrast, section 222 of the Natural Environment Bill assigns responsibility for managing noise only to regional councils, and only in relation to the effects of aquaculture activities on fishing and fisheries resources.</p> <p>The relationship between these provisions is unclear, creating ambiguity about the extent of regional council functions and how noise in the CMA will be managed more broadly. This uncertainty risks leaving gaps in regulatory coverage and undermining effective management of noise-related effects within the coastal environment.</p>	<p>Amend as follows:</p> <p>A person exercising or performing a function, duty, or power under this Act who is considering the effects of an activity on a person, people, or a the natural resource environment,—</p> <p>(a) must give particular consideration to effects such as the following, as far as each is applicable:</p> <p>(i) the positive effect of enabling activities under this Act:</p> <p>(ii) the effects on the natural environment resources including air, water (freshwater, geothermal and coastal), land and soils, and indigenous biodiversity:</p> <p>(iii) the effects of natural hazards associated with the use or protection of the natural environment resources:</p> <p>(b) must not consider effects regulated under the Planning Act 2025:</p> <p>(c) may consider any other effect of the activity, subject to paragraph (b)</p> <p>Also clarify if noise in the coastal marine area is excluded from the Planning Act and included in this section of the Natural Environment Bill, or whether the intention is for noise in the CMA to be dealt with by TAs under the Planning Act.</p>
15 Considering adverse effects of activities	<p>Clause 15 is a critical provision for assessing adverse effects, yet the phrases “where practicable” and “where appropriate” weaken the effects management hierarchy. Clause 15(1)(a) suggests that decision-makers</p>	<p>Amend as follows:</p> <p>(1) A person exercising or performing functions, powers, or duties under this Act who is considering the effects of an activity—</p>

Clause(s)	Comment	Relief sought
	<p>may bypass avoiding, minimising, or remedying adverse effects (based on what is considered “practicable”) and move directly to offsetting or compensation “where appropriate.” This undermines the obligation to pursue the least harmful environmental outcome and risks increased reliance on offsetting and compensation, which are often chosen for financial convenience rather than environmental integrity.</p> <p>International evidence shows that offsetting and compensation are frequently ineffective or inadequate, particularly for indigenous biodiversity. Effective biodiversity management requires a clear and directive hierarchy that prioritises avoidance, followed by minimisation and remediation, before considering offsetting or compensation.</p> <p>Clause 15(1)(b) also adopts an overly narrow definition of cumulative effects by implying they arise only from two or more “less than minor” effects. In practice, cumulative impacts result from combinations of effects of varying magnitudes, including situations where less than minor effects aggregate with minor or more than minor effects. The provision should be broadened to reflect how cumulative effects realistically occur and accumulate over time.</p>	<p>(a) must consider how—</p> <p>(i) adverse effects are to be avoided, minimised, or remedied, where practicable; or</p> <p>(ii) adverse effects are to be offset or compensated, where appropriate.</p> <p><u>(iii) the mitigation hierarchy must be applied in order of avoid, minimise, remedy; offset and compensation may only be considered where avoidance and minimisation are demonstrably exhausted and where ecological equivalency will be achieved.</u></p> <p>(b) must not consider a less than minor adverse effect unless the cumulative effect of <u>a less than minor effect and one or more other 2</u> or more such effects create effects that are greater than less than minor.</p> <p>(2) A national instrument may specify—</p> <p>(a) how, and in what order, adverse effects are to be avoided, minimised, or remedied, offset, or compensated; and</p> <p>(b) when it is practicable for adverse effects to be avoided, minimised, or remedied; and</p> <p>(c) when it is appropriate for adverse effects to be offset or compensated; and</p> <p>(d) where specific effects are managed under this Act and under the Planning Act 2025.</p> <p>(3) If no national instrument is in force to guide or direct the use of offsetting and compensation, the management of adverse effects must not be undertaken except in the context of determining an application for a permit.</p> <p>(4) The order in which an approach to managing effects appears in this section does not assign an order of importance to how effects are managed, <u>and the mitigation hierarchy must be applied in order of avoid, minimise, remedy; offset and compensation may only be considered where avoidance and minimisation are demonstrably exhausted and where ecological equivalency will be achieved.</u></p> <p>(5) In this section, a less than minor adverse effect means an adverse effect that is acceptable and reasonable in the receiving environment with any change being slight or barely noticeable.</p>
26 Duty to avoid, minimise, or remedy adverse effects	Consequential amendments are needed to reflect recommended changes to the definitions of natural environment and natural resources.	<p>Amend as follows:</p> <p>(1) A person has a duty to avoid, minimise, or remedy any adverse effect on <u>the natural environment resources</u> or people arising from an activity carried out by or on behalf of the person.</p> <p>(2) The duty described in subsection (1)—</p> <p>(a) applies whether or not the activity is carried out in accordance with—</p> <p>(i) a national rule, a rule in a plan, a rule in a proposed plan that has legal effect, or a permit; or</p> <p>(ii) section 25; and</p> <p>(b) is not of itself enforceable against any person, and no person is liable to any other person for a breach of that duty.</p> <p>(3) Despite subsection (2)(b), an enforcement order or abatement notice may be made or served under subpart 1 of Part 6 to—</p> <p>(a) require a person to cease, or prohibit a person from commencing, anything that, in the opinion of the Environment Court or an enforcement officer, is or is likely to be noxious, dangerous, offensive, or objectionable to such an extent that it has or is likely to have an adverse effect on <u>the natural environment resources</u> or people; or</p> <p>(b) require a person to do something that, in the opinion of the Environment Court or an enforcement officer, is necessary in order to avoid, minimise, or remedy any actual or likely</p>

Clause(s)	Comment	Relief sought
		<p>adverse effect on <u>the natural environment resources</u> or people caused by, or on behalf of, that person.</p> <p>(4) Subsection (3) is subject to section 263(3) (which specifies when the Environment Court must not make an enforcement order).</p>
32 Principles for classifying activities	<p>As drafted, this provision is overly permissive and could allow activities to proceed as permitted even where regulatory control remains necessary. Clauses 32(a)(ii) and 32(b)(iii) also fail to address situations where an environmental limit has already been breached. This is particularly concerning for activities downstream of municipal wastewater discharges, fast-track projects, or significant infrastructure, where limits may already be exceeded but certain activities could still be permitted to further breach them.</p> <p>If the intent is that no permitted or restricted discretionary activities may occur in environments where limits are already breached, this should be stated explicitly. If that is not the intent, the wording needs revision to provide a clear and workable pathway for managing activities in over-allocated environments, similar to the approach taken in sections 70 and 107 of the RMA.</p>	<p>Amend as follows:</p> <p>When exercising or performing a function, power, or duty under this Act, a person must be guided by the following principles:</p> <p>(a) an activity should be classified as a permitted activity if—</p> <p>(i) either—</p> <p>(A) the activity is acceptable, anticipated, or achieves the desired level of use, development, or protection of the natural environment; or and</p> <p>(B) any adverse effects of the activity on the natural environment are well understood and can be managed; and</p> <p>(ii) there is sufficient allocation for any anticipated cumulative effect without breaching an environmental limit</p> <p>(aa) Despite sub-section (a)(ii), a permit authority may include in a Natural Environment Plan a rule that allows as a permitted activity a discharge that may allow the breach of an environmental limit if the permit authority—</p> <p>(i) is satisfied that, at the time of granting, the environmental limit is already breached; and</p> <p>(ii) the rule includes requirements for the permitted activity; and</p> <p>(iii) the authority is satisfied that those requirements, or those requirements in combination with any other provisions in the plan, will contribute to a reduction of the limit breach over a period of time—</p> <p>(A) no greater than 10 years; and</p> <p>(B) commencing on the date that the rule becomes operative:</p> <p>(b) an activity should be classified as a restricted discretionary activity if—</p> <p>(i) the activity is acceptable, anticipated, or achieves the desired level of use, development, or protection of the natural environment, but 1 or more the activity's effects require specific assessment; and</p> <p>(ii) effects of the activity on the natural environment can be appropriately managed through national standards or permit conditions:</p> <p>(iii) any risk of breaching an environmental limit can be appropriately managed through national standards or permit conditions:</p> <p>(c) an activity should be classified as discretionary activity if—</p> <p>(i) the nature and type of activity requires an assessment of all the effects of the activity on <u>the natural resources environment</u>; or</p> <p>(ii) the adverse effects of the activity are unknown or uncertain; or</p> <p>(iii) the activity is inconsistent with the regional spatial plan; or</p> <p>(iv) the activity is not anticipated and may be inappropriate:</p> <p>(d) an activity should be classified as a prohibited activity if it will have an unacceptably high level of adverse effects on the natural environment that cannot be managed by permit conditions.</p>
39 Permitted activity rules	Section 39 is confusing and unworkable. Subsection (1) requires that a permitted activity rule must either (a) require registration, or (b) relate to a	<p>Amend as follows:</p> <p>(1) A permitted activity rule must—</p>

Clause(s)	Comment	Relief sought
	<p>matter described in section 169. Both limbs are problematic. The cross-reference to section 169 appears incorrect: section 169 is a non-exclusive list of conditions that may be imposed on resource consents (analogous to s108(2) RMA) and is irrelevant to the content of permitted activity rules. Its relevance to any registration requirement is also unclear. The uncertainty created by limb (b) in turn casts doubt over how limb (a) is intended to operate.</p> <p>While there may be limited cases where registration of specific permitted activities is justified, the resourcing implications are significant. Registration and the monitoring obligations in clause 202 could overwhelm consent authorities, particularly given the statutory expectation that many more activities will be permitted than under the RMA. Nationally, thousands of permitted activities occur daily; requiring their registration risks unnecessary bureaucracy for users and unsustainable workloads for councils.</p> <p>Once a permitted activity is registered, councils must “carry out any monitoring of the activity required to ensure that the permitted activity rule is met” (cl 202(4)(b)). Directing councils on how to allocate constrained compliance, monitoring, and enforcement resources is inappropriate, selective, and inconsistent with the discretion contemplated elsewhere in the Bill (including s222(2)). Councils should retain discretion to allocate CME effort across all responsibilities.</p> <p>Clause 39(2)(a) also incorrectly refers to “territorial authority” and should instead refer to “regional authority.”</p> <p>Greater Wellington opposes written approvals for permitted activities. Clause 32(a) already ensures that the adverse effects of permitted activities must be acceptable or appropriately managed, making affected-person approvals unnecessary. The provision also creates significant practical issues:</p> <ul style="list-style-type: none"> • No guidance is provided on the level of effect that would trigger a written-approval requirement (presumably greater than “less than minor” under cl 15, but unspecified). • Responsibility for identifying affected persons appears to fall on the user, with no quality-control mechanism, rendering the requirement effectively unenforceable. • The role and powers of the “permit authority” are unclear. • The ability to withdraw written approval is particularly problematic. If an activity has not commenced, does withdrawal trigger a consent requirement? If an activity is ongoing (e.g., on-site wastewater discharge), must it cease? Allowing withdrawal (potentially for reasons unrelated to environmental effects) gives affected persons an unreasonable veto over ongoing permitted activities and raises natural justice concerns. 	<p>(a) require an <u>state if the activity is to be registered; or</u> and</p> <p>(b) relate to a matter described in section 169 if registration is required, identify any minimum monitoring of the activity that is required to be carried out by the permit authority, including frequency.</p> <p>(2) A permitted activity rule referred to in subsection (1)(a) <u>that requires an activity to be registered</u> must provide that an activity is a permitted activity only if—</p> <p>(a) the activity is registered with the territorial authority <u>permit/local authority</u> (see section 202); and</p> <p>(b) the person carrying out the activity does 1 or more of the following:</p> <p>(i) obtains the written approval of all persons who may be directly affected by the activity;</p> <p>(ii) <u>If required by the relevant rule</u>, obtains a certificate from a qualified person that the activity complies, or would comply, with any specified requirement:</p> <p>(iii) pays a fee fixed in accordance with section 229: <u>and</u></p> <p>(iv) complies with any other requirement relating to a matter described in the rule <u>section 169</u>.</p> <p>(3) A permitted activity rule referred to in subsection (1)(a) may specify requirements for the information that must be included in the notice required by section 202.</p> <p>(4) An approval described in subsection (2)(b)(i) is valid for 3 years from the date it is given, unless withdrawn in writing by the person who gave it.</p>

Clause(s)	Comment	Relief sought
	<p>Requiring affected-person approvals (which can later be withdrawn), third-party certification by a “qualified person,” and payment of a fee (none of which apply under the RMA) creates a process that closely resembles a resource-consent pathway. Unlike a consent, however, the authorisation can be invalidated at any time by withdrawal of approval, creating significant uncertainty for users and councils.</p>	
45 Defined terms	<p>The definitions of state and stress attributes are unclear because each term is defined using the term itself. This circular drafting provides no practical guidance for interpretation or implementation and undermines the clarity needed to set and assess environmental limits.</p>	<p>Amend the following definitions as follows: state attribute means an identified biophysical state of conditions or outcomes sought in the natural environment stress attribute means an identified biophysical variables that adversely affect stress on the natural environment.</p>
46 Purpose of Environmental Limits	<p>Ecosystem health should be used as the measure for protecting natural systems, rather than “life-supporting capacity.” Good ecosystem health is scientifically defined by five biophysical components, whereas life-supporting capacity is less suitable because degraded environments can still sustain life, albeit not in a state that protects natural systems.</p>	<p>Amend as follows: The purpose of an environmental limit is to— (a) protect human health (human health limits); or (b) protect the life-supporting capacity <u>ecosystem health</u> of the natural environment (ecosystem health limits).</p>
48 How environmental limits are expressed	<p>The definition of environmental limits is not sufficiently clear. While limits are logical for discharges and water takes, it is unclear how they would apply to managing activities such as reclamation, diversions, and gravel extraction. It is also unclear how wetlands fit within these provisions, if at all. Not every activity affecting ecosystem health, nor every indicator of ecosystem health, has a clear or measurable attribute for which limits can be set.</p>	<p>Amend section 48 to include a list of attributes for which limits are appropriate and another framework for managing those effects.</p>
51 How ecosystem health limits must be set in plans	<p>National Standards will prescribe methodologies for setting limits. These should support spatial flexibility, tiered and risk-based approaches, and adhere to core principles. Single-attribute limits for all domains are neither feasible nor appropriate. In some areas, goals for ecological recovery and restoration may be more effective than simply preventing further degradation by setting bottom lines. The requirement to set limits creates an important opportunity to embed mātauranga Māori alongside biophysical science in national methodologies and standards. National direction must reflect community aspirations, making local knowledge systems (particularly mātauranga Māori) essential for understanding ecosystem relationships and place-based context.</p>	<p>Amend section 51 to allow for the use of interim environmental limits where evidence gaps exist, particularly for coastal waters, land, and indigenous biodiversity.</p>
52 Decision making criteria for limits	<p>The criteria are focused primarily on degradation. The framework also needs to enable the protection and preservation of pristine environments and areas with significant cultural values. Not all environments requiring</p>	<p>Amend section 52 to ensure that regional councils an maintain or protect pristine environments where they exist.</p>

Clause(s)	Comment	Relief sought
	protection are degraded, and the provisions should recognise this explicitly.	
60 Tools for managing resources to which limits apply	<p>The Bill is unclear about what a “cap” is and how it is intended to operate. The terminology creates confusion between caps and allocations:</p> <ul style="list-style-type: none"> • A cap sets a maximum total level of use but does not determine how that use is distributed. • An allocation framework recognises a finite resource and provides mechanisms for sharing it among users. <p>Action plans under the Natural Environment Bill also differ significantly from action plans under the NPS-FM. Rather than operating as flexible, largely non-regulatory implementation tools, NE Bill action plans appear to have strong regulatory implications - such as capping resource use, influencing permit decisions, initiating reviews of existing permit conditions, and triggering new rules.</p> <p>The Bill is also unclear about the legal status of action plans and whether they are intended to function as implementation tools, interim regulatory instruments, or mechanisms that effectively pre-signal future rules. This ambiguity creates uncertainty for councils, resource users, and for the sequencing of planning, limit-setting, and implementation under the new system.</p>	<p>Amend section 60 to:</p> <ul style="list-style-type: none"> - Define ambiguous terms such as “resource is affected by different causes” (s.60(4)). - Integrate caps and allocations into NEP rules to ensure enforceability. - Clarify the legal status of action plans and their relationship to NEPs, including whether action plan rules can override regional or national rules. - Confirm whether land-use and input controls can be applied outside of “last resort” scenarios where necessary to achieve environmental outcomes and compliance.
66 Avoiding breach of environmental limit	<p>The Bill does not clarify whether enforcement action is available when breaches occur. Councils require certainty on whether compliance tools can operate alongside action plans.</p> <p>In practice, there will also need to be ongoing alignment between spatial plans and environmental limits. Spatial plans will require updating as new limits are introduced - although the Bill creates no obligation to develop more than two limits per domain, and their development will involve significant cost and likely litigation.</p>	<p>Amend as follows:</p> <p>(1) A regional council must avoid breaching an environmental limit, <u>unless the breach is authorised by—</u></p> <ol style="list-style-type: none"> <u>national standards made under section 86;</u> <u>or a water services standard.</u> <p>(2) A regional council must evaluate the likelihood of a limit being breached if—</p> <ol style="list-style-type: none"> there is sufficient evidence that the limit is likely to be breached in the medium to long term future; or there are activities authorised under this Act or other legislation that— <ol style="list-style-type: none"> are carried out within a management unit; and are likely to give rise to a breach of the limit. <p>(3) If a regional council is satisfied that a breach of an environmental limit is likely to occur, the council must—</p> <ol style="list-style-type: none"> take action to avoid the breach by preparing an action plan or changing its natural environment plan; and take any other action the council considers necessary to avoid breaching the environmental limit, including— <ol style="list-style-type: none"> making or changing a cap on resource use; preparing or changing a rule in a natural environment plan; reviewing the conditions (specified in the plan) that apply to natural resource permits and making any necessary adjustments; establishing a safety margin within environmental limits (to account for uncertainties, natural variability, errors, or unexpected events):

Clause(s)	Comment	Relief sought
		(v) widening that safety margin: (vi) changing the way that natural resources are allocated; <u>(vii) taking enforcement action.</u> (4) In this section, sufficient evidence includes— (a) evidence of trends in the state of the natural environment over time; or (b) forecasts informed by modelling or evaluation.
67 Breach of environmental limits	<p>These provisions create no exceptions for situations where environmental limit breaches are caused by the mandatory granting of permits for significant infrastructure or by activities that meet required water-services standards. Once a limit is breached, regional councils are obliged to intervene and attempt to restore the environment to within limits, while section 164 prohibits the granting of further permits to other users. This creates a high risk that resource users who played no role in causing the breach are disproportionately penalised. They may face allocation reductions at permit replacement or more stringent conditions during reviews, despite the breach arising from infrastructure or water-services activities.</p> <p>This raises significant fairness concerns, with disproportionate impacts likely to fall on rural and farming communities. The financial and regulatory burden of attempting to manage the breach and restore the environment will fall on regional councils, their communities, and existing lawful users. It will also prevent new users from obtaining consent within the breached management unit - an outcome that may be environmentally appropriate but is socially and economically challenging.</p> <p>Because the Bill explicitly allows infrastructure and water-services activities to breach limits, there is also a real risk that such breaches become permanent.</p>	<p>Amend as follows:</p> <p>(1) A breach of an environmental limit must be managed in accordance with the requirements of this subpart.</p> <p>(2) A regional council must publicly notify, in accordance with any requirements in national standards made under this subpart,—</p> <p>(a) any breach of an environmental limit; and</p> <p>(b) the cause and extent of the breach.</p> <p>(3) If an environmental limit is breached or is likely to be breached, a regional council must—</p> <p>(a) prepare an action plan detailing how the council will manage natural resource use to remedy the breach; and</p> <p>(b) review any relevant cap on resource use; and</p> <p>(c) take any other action the council considers necessary to remedy the breach, including—</p> <p>(i) setting a cap on resource use, if it has not been set; or</p> <p>(ii) preparing or changing a rule in a natural environment plan; or</p> <p>(iii) reviewing the conditions of a permit and making any necessary adjustments; or</p> <p>(iv) changing the way that natural resources are allocated; <u>or</u></p> <p><u>(v) taking enforcement action.</u></p> <p>(4) To avoid doubt, a regional council must comply with subsection (2) regardless of whether a breach of an environmental limit or an over-allocation is a result of the use of an infrastructure pathway established by national standards made under section 86.</p> <p><u>(5) Permits granted in relation to national standards that breach or are likely to breach environmental limits are required to include conditions which will contribute to a reduction of the breach of environmental limit over the duration of the permit.</u></p>
72 National instrument may direct plan provisions in natural environment plans	Greater Wellington supports having the flexibility to include more or less stringent provisions where justified to protect particularly degraded environments.	Retain as drafted.
81 National policy direction to resolve conflicts between goals in both Acts	<p>If one of the purposes of national policy direction is to resolve conflicts between the goals in both Acts, it is essential that the Minister is required to consider all relevant goals in both Acts. Failing to do so risks leaving conflicts unresolved and adding further complexity.</p> <p>Greater Wellington supports the requirement to consider whether a proposal enables development to occur within limits, as this reinforces the role of limits in managing use and development within environmental</p>	<p>Amend as follows:</p> <p>(1) If the purpose of a proposed national policy direction is to help resolve conflicts between the goals in section 11 and the goals in section 11 of the Planning Act 2025—</p> <p>(a) the Minister may <u>must</u> consider any or all of the goals of either Act; and</p> <p>(b) the Minister must consider—</p> <p>(i) whether the proposal enables development to occur within environmental limits; and</p>

Clause(s)	Comment	Relief sought
	<p>capacity. However, development occurring within limits may still generate significant and unwarranted adverse effects. Limits are not an appropriate tool for managing all types of effects, and the Bill does not require the development of sufficient limits to manage each domain comprehensively.</p>	<p>(ii) the current and long term impact of the proposal on people and natural environment. (2) In this section, long term impact means an impact spanning 2 or more human generations.</p>
<p>85 Minister must ensure national standards enables resource use only within environmental limits</p>	<p>This section requires that resource use occurs within environmental limits while acknowledging there may be rare cases where a limit is breached. The emphasis on use within limits is appropriate and aligns with the wider Bill. However, the phrase “all reasonable endeavours” is undefined, creating uncertainty about the standard of effort required, how it will be assessed, and whether it differs from existing duties under the RMA.</p> <p>The provisions for making national environmental standards are also less directive than the equivalent plan-making requirements. The Minister is required only to make “reasonable endeavours” and consider “reasonably foreseeable risks.” This creates ambiguity about whether national standards are intended to provide a robust regulatory foundation or operate as discretionary guidance, and how they will interact with the stronger obligations placed on regional councils when limits are breached.</p>	<p>Amend as follows:</p> <p>(1) When preparing national standards that enable the use of natural resources, the Minister must use all reasonable endeavours to ensure that the standards enable the use of those natural resources to occur only within environmental limits.</p> <p>(2) The Minister must assess the proposed national standards to identify any reasonably foreseeable adverse risks of environmental limits being breached.</p> <p>(3) The Minister ensure that any risks identified are addressed in the proposed national standards to avoid breaching an environmental limit, including—</p> <p>(a) if there is a possibility that the limit will be breached, by requiring a rule in a plan or a condition of a permit that is more restrictive than the standard; and</p> <p>(b) directing regional councils to undertake forecasting or monitoring; and</p> <p>(c) providing a means by which an activity class may be changed to avoid breaching the limit.</p> <p>(4) The Minister must—</p> <p>(a) undertake monitoring and evaluation of national standards or enable it to be undertaken; and</p> <p>(b) review existing national standards in light of performance monitoring and to account for new environmental limits; <u>and</u></p> <p><u>(c) ensure that all national standards are able to be amended to meet environmental limits and safeguard ecosystem health.</u></p>
<p>86 National standards relating to significant infrastructure that breach environmental limits</p>	<p>While section 86 requires users of future infrastructure to “minimise any breach of environmental limits as much as reasonably possible” and to manage the associated effects (including those arising from breaching a limit), the section still allows infrastructure activities that are likely to, or do, breach an environmental limit to continue into the future. This creates an ongoing exposure to limit breaches and undermines the integrity of the limits framework.</p>	<p>Amend as follows:</p> <p>(1) National standards may establish a consenting pathway for significant infrastructure activities that breach or are likely to breach environmental limits.</p> <p>(2) Before making national standards establishing a consenting pathway under this section, the Minister must be satisfied that—</p> <p>(a) the pathway is available only to categories of infrastructure activity with significant public benefits; and</p> <p>(b) the pathway is available to a user only after they have taken all practicable steps to carry out the activity without breaching environmental limits; and</p> <p>(c) users of the pathway will be required to—</p> <p>(i) minimise any breach of environmental limits as much as reasonably possible; and</p> <p>(ii) manage the environmental effects of the entire activity (not just the effects related to a breach of an environmental limit).</p> <p>(3) National standards may specify detailed requirements relating to the matters in subsection (2).</p> <p>(4) When developing national standards under this section, the Minister must consider—</p> <p>(a) the wider implications for natural resource use; and</p> <p>(b) the likely opportunity costs associated with allowing the pathway to be used instead of requiring compliance with environmental limits; and</p>

Clause(s)	Comment	Relief sought
		<p>(c) the criteria and considerations in subpart 4 that applied to the making of those environmental limits.</p> <p>(5) National standards may be made under this section despite 85.</p> <p>(6) <u>Permits granted in relation to national standards that breach or are likely to breach environmental limits are required to include conditions which will contribute to a reduction of the breach of environmental limit over the duration of the permit.</u></p>
92 Purpose of natural environment plan	Consequential amendments are required to reflect the proposed amendments to the definitions of natural environment, natural resources, and natural and physical resources.	<p>Amend as follows:</p> <p>The purpose of the preparation, implementation, and administration of a natural environment plan is to—</p> <p>(a) enable and regulate the use, protection, and enhancement of <u>the natural environment resources and physical resources</u> within a region; and</p> <p>(b) assist regional councils in carrying out their functions and responsibilities under this Act.</p>
95 Natural environment plan must include standardised plan provisions as directed by national instrument	Greater Wellington supports having the flexibility to include more or less stringent provisions where justified to protect particularly degraded environments.	Retain as drafted.
96 Plan may include bespoke plan provisions if authorised by national instrument	Greater Wellington supports having the flexibility to include more or less stringent provisions where justified to protect particularly degraded environments.	Retain as drafted.
100 Rules relating to market-based allocation process or comparative permitting process	Section 100(1)(b) requires a person to hold a “right to apply” before lodging an application for a permit under a rule. While section 204(2) defines what a right to apply is, it does not set out the criteria for determining when such a right exists. Section 204(1) states that a right to apply “is issued to a person,” which implies it may be conferred through a mechanism in a planning document. However, the Bill does not specify the process, criteria, or decision-maker for issuing these rights, creating uncertainty about how the requirement is intended to operate in practice.	<p>Ensure consistency of reference to “Comparative consenting process” vs “Comparative permitting process” throughout the Bill.</p> <p>Amend the definition for “right to apply” to clarify how one is obtained.</p>
130 Applying for a natural resource permit	Clause 130(5) should retain the distinction between an application being lodged and received, rather than treating both as the same event. The lodgement date is when an applicant submits an application; the received date is when the permit authority accepts it as complete. Merging these concepts creates confusion for later provisions that require lodged (but not yet complete) applications to be returned. Other parts of the Bill (e.g., s136) also continue to distinguish between applications that are lodged versus received, making the current wording of clause 130(5) unclear and inconsistent.	<p>Amend as follows:</p> <p>(1) A person may apply for a natural resource permit by lodging an application with the relevant permit authority.</p> <p>(2) An application must—</p> <p>(a) be made in the prescribed form and manner; and</p> <p>(b) include the information that is required by Schedule 2.</p> <p>(3) An applicant must ensure that information required by subsection (2)(b) is provided at a level of detail that is proportionate to the scale and significance of the matter to which the application relates.</p> <p>(4) A permit authority may accept an application that does not fully comply with subsection (2)(b) if the authority is satisfied that the information provided by the applicant is proportionate to the scale and significance of the matter to which the application relates.</p>

Clause(s)	Comment	Relief sought		
		<p>(5) An application is lodged on the date that an applicant submits an application to the permit authority. An application it is received when it is considered complete by the relevant permit authority, <u>meets the requirements of Schedule 2, and has not been returned under section 135 of this Act.</u></p> <p>(6) An application for a coastal permit to undertake an aquaculture activity must include a copy for the ministry responsible for the administration of the Fisheries Act 1996.</p>		
135 Permit authority may return incomplete application	<p>Rather than requiring an incomplete application to be “returned,” which is impractical for electronically submitted applications, the provision should be amended so that the permit authority must:</p> <ul style="list-style-type: none"> notify the applicant that the application is incomplete, with reasons, and that it will not be processed; and return the application only if the applicant requests it. <p>Requiring all incomplete applications to be physically “returned” is neither efficient nor meaningful in an electronic lodgement environment and creates unnecessary administrative burden for both applicants and permit authorities.</p>	<p>Amend as follows:</p> <p>(1) A permit authority may, within 10 working days after an application was first lodged, determine that an application is incomplete if the application does not include the information required by section 130(2)(b).</p> <p>(2) If the permit authority decides that the application is incomplete, it must immediately return the application to the applicant with written reasons for the decision <u>must notify the applicant that the application is incomplete with reasons, and will not be processed.</u></p> <p>(3) A person may apply to the Planning Tribunal under clause 15 of Schedule 10 of the Planning Act 2025 to review a decision that an application is incomplete.</p> <p>(4) If an application that has been returned under this section is lodged again with the permit authority, that application must be treated as a new application.</p> <p>(5) If requested by the applicant, the consent authority will return the application.</p>		
137 Deferral pending application for additional permits		<p>Amend as follows:</p> <p>(1) A permit authority may determine not to proceed with the notification or hearing of an application for a natural resource permit if it considers on reasonable grounds that—</p> <p>(a) other permits <u>or planning consents</u> under this Act will also be required in respect of the proposal to which the application relates; and</p> <p>(b) it is appropriate, for the purpose of better understanding the nature of the proposal, that applications for any 1 or more of those other permits <u>or planning consents</u> be made before proceeding further.</p> <p>(2) If a permit authority makes a determination under subsection (1), it must immediately notify the applicant of the determination.</p> <p>(3) The applicant may apply to the Planning Tribunal for an order directing that any determination under this section be revoked.</p>		
138 Permit processing time frames	<p>Greater Wellington supports increasing the maximum processing timeframe to 45 working days, as this better reflects the complexity of the new process and provides more realistic timeframes for councils.</p> <p>However, the Bill is silent on requiring payment before processing begins. Allowing applications to proceed without a deposit creates financial risk for councils, particularly where significant assessment work is required.</p> <p>Timeframes, pauses, and extensions are also spread across multiple sections and regulations, making them difficult to track. This fragmentation increases administrative burden, heightens the risk of error for councils, and may create confusion or frustration for applicants.</p>	<p>Amend as follows:</p> <p>(1) The maximum processing time frames for applications for natural resource permits—</p> <p>(a) are set out in the table in subsection (3); and</p> <p>(b) are subject to—</p> <p>(i) other provisions of this Act; and</p> <p>(ii) any time frames or excluded time periods prescribed by regulations made under section 308.</p> <p>(2) For the purposes of this section, the processing of an application—</p> <p>(a) begins on the date that the application is lodged <u>received</u> under section 130(5); and</p> <p>(b) ends on the date that the permit authority notifies the applicant of the decision on the application; <u>and</u></p> <p>(c) the application is not considered received until payment of a deposit has been made.</p> <p>(3) The processing time frames for natural resource permits are as follows:</p> <table border="0" data-bbox="1412 1806 2683 1860"> <tr> <td>Type of notification</td> <td>Maximum processing time frame</td> </tr> </table>	Type of notification	Maximum processing time frame
Type of notification	Maximum processing time frame			

Clause(s)	Comment	Relief sought
		<p>Non-notified permit with or without hearing 45 working days</p> <p>Targeted notified permit without hearing 70 working days</p> <p>Targeted notified permit with hearing 100 working days</p> <p>Publicly notified permit without hearing 90 working days</p> <p>Publicly notified permit with hearing 130 working days</p> <p>(4) A permit authority must suspend the processing of an application for a natural resource permit on the grounds and in the manner prescribed in the regulations.</p> <p>Also, consolidate all timeframes, pause rules, and extension provisions within the Bill for clarity and consistency.</p>
141 Request for report	<p>The clause limits the assessment of a report provided by an applicant to reviewing only the methodology used to reach its conclusions. While this may be appropriate where well-established methodologies produce consistent results (such as air-quality assessments, QMRA, or some flood analyses) it is not workable for activities where no single or agreed methodology exists. Sediment discharge assessments from earthworks or river works, for example, often require expert judgement rather than a defined method.</p> <p>Many assessments also do not have a universally accepted scientific methodology. Shoreline regression modelling, for instance, can produce different results depending on the approach taken. Restricting experts to assessing only the methodology prevents them from evaluating the actual conclusions of the report, even where those conclusions may be flawed or unsupported.</p>	<p>Amend as follows:</p> <p>(1) A permit authority may commission a person to prepare a report on a matter relating to the application, including a matter relating to information provided by the applicant in the application or under section 140,—</p> <p>(a) at any reasonable time before the hearing of an application for a natural resource permit or, if no hearing is held, before the decision to grant or refuse the application; and</p> <p>(b) only if the applicant is notified before the permit authority commissions the report, and does not refuse, in accordance with the regulations, to agree to the commissioning of the report.</p> <p>(2) The permit authority may notify the applicant that it wants to commission a report under subsection (1) only if it is satisfied that obtaining the report will ensure the permit authority has enough information to understand the implications of its decision, after considering—</p> <p>(a) the cost and feasibility of obtaining the report; and</p> <p>(b) the scale and significance of the matter to which the decision relates.</p> <p>(3) A report commissioned under subsection (1) may be in the form of a review of the information provided by the applicant under section 140.</p> <p>(4) If the report is a review of the information provided by the applicant,—</p> <p>(a) it must be carried out by an expert appointed by the permit authority; and</p> <p>(b) it must be limited to an assessment of the methodology used to reach the conclusion of that information.</p> <p>(5) A permit authority that commissions a report under this section must do so in the prescribed manner.</p>
146 and 148 Notification requirements	<p>The Bill sets a much higher threshold for notification of permit applications. Requiring notification only where significant adverse effects are likely is a major shift from the current “more than minor” standard. There is also no clear justification for setting a higher notification bar under the NE Bill than under the Planning Bill, which retains the “more than minor” threshold. This misalignment will confuse applicants and may reduce process efficiency where activities require both consents and permits.</p>	<p>Change the level for notification to ‘more than minor adverse effects’, to be consistent with the Planning Bill.</p> <p>Include provision for mandatory notification of those groups who have submitted MACA claims but have not had their claims decided, as well as of tangata whenua who may have legitimate rights and interests in an area but are not covered by a treaty settlement.</p>

Clause(s)	Comment	Relief sought
	<p>In addition, if all affected persons cannot be identified, they will not have the opportunity to provide written approval or submit unless the adverse effects are significant. This creates a real risk of undermining private property rights and raises natural justice concerns.</p> <p>These provisions also exclude groups with pending Marine and Coastal Area Act (MACA) claims, as well as tangata whenua who hold legitimate rights and interests but are not covered by a Treaty settlement. As a result, many groups who may be affected by a proposal could be prevented from participating in the process.</p>	
147 Public notification of permit application after request for further information	Section 147 should be deleted. In practice, councils would always rely on section 143 instead, which provides a far more efficient and effective process for both applicants and consenting authorities. Retaining section 147 adds unnecessary duplication and complexity without delivering any additional value.	Delete section 147.
149 Whether person is affected	This clause uses the phrase “resides in,” whereas section 152 relies on the defined term “qualifying resident.” The defined term is clearer and more appropriate. To ensure consistency and avoid ambiguity, “qualifying resident” should be used instead of “resides in”.	<p>Amend as follows:</p> <p>(1) For the purpose of section 146(2)(b)(i) and (4),—</p> <p>(a) a person is an affected person if the permit authority decides that—</p> <p>(i) the activity’s adverse effects on the person are more than minor; or</p> <p>(ii) the activity’s adverse effects on a management unit, or the persons within that management unit, are more than minor, and the person resides within <u>is a qualifying resident of</u> that management unit; but</p> <p>(b) a person is not an affected person if—</p> <p>(i) the person has given, and not withdrawn, approval for the proposed activity in a written notice received by the permit authority before the authority has decided whether there are any affected persons; or</p> <p>(ii) the permit authority is satisfied that it is unreasonable in the circumstances for the applicant to seek the person’s written approval.</p> <p>(2) Subsection (1)(b) prevails over subsection (1)(a).</p> <p>(3) When assessing whether an activity’s adverse effects on a person or a management unit are more than minor under subsection (1)(a), the permit authority—</p> <p>(a) must disregard an adverse effect of the activity on the person or the management unit if a rule in a natural environment plan or a national rule permits an activity with that effect, subject to subsection (4); and</p> <p>(b) if the activity is a restricted discretionary activity, must disregard an adverse effect of the activity on the person or the management unit if the effect does not relate to a matter for which a rule in a natural environment plan or a national rule has reserved discretion; and</p> <p>(c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 6.</p> <p>(4) If the activity is a natural resources use activity, the permit authority may, in its discretion, consider any adverse effect of the activity on natural resources and people regardless of whether a rule in a natural environment plan or national rule permits an activity with that effect.</p>
162 Applicant’s compliance history	This section is supported.	Retain as drafted.

Clause(s)	Comment	Relief sought
<p>163 Land use permit may be refused or granted with conditions if risk from natural hazards</p>	<p>This clause introduces a multi-hazard, multi-thematic risk assessment requirement, which we support in principle. However, we oppose the exemption that allows primary production land uses to avoid permit requirements, as this undermines integrated risk management.</p>	<p>Amend as follows:</p> <p>(1) A permit authority may refuse to grant a land use permit, or may grant a land use permit subject to conditions, if it considers that there is a significant risk from natural hazards.</p> <p>(2) Conditions imposed under subsection (1) must be—</p> <p>(a) for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and</p> <p>(b) of a type that could be imposed under section 170.</p> <p>(3) For the purposes of subsection (1), an assessment of the risk from natural hazards requires a combined assessment of all of the following taken together:</p> <p>(a) the likelihood of natural hazards occurring (whether individually or in combination);</p> <p>(b) the material damage to land, structures, or the natural environment that would result from natural hazards;</p> <p>(c) whether the proposed use of the land would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b);</p> <p>(d) whether the proposed use of the land would result in adverse effects on natural resources or people.</p> <p>(4) Subsection (1) does not apply to land use permits if the use of the land for which the permit is sought is a primary production activity, as described in the national standards.</p>
<p>164 Matters for which permit must not be granted</p>	<p>We support the intent of prohibiting permits that would cause a breach of an environmental limit. However, the clause lacks clarity around the certainty and evidence required to demonstrate such a breach. Further guidance is needed to ensure consistent implementation.</p> <p>Section 164(c) also does not address situations where limits are already exceeded, such as in overallocated catchments or catchments with high pathogen or nutrient levels. As drafted, renewal applications in these environments may be required to be declined, even where renewal is necessary to maintain essential services or manage existing effects.</p> <p>We support the prohibition on granting permits that would conflict with wāhi tapu conditions in customary marine title orders or agreements. However, restricting wāhi tapu protections solely to the CMT context is unnecessarily narrow. Equivalent protections should apply more broadly across land and freshwater environments to give effect to Te Tiriti and uphold cultural values consistently.</p> <p>Section 164(c) does not provide for temporary activities, cumulative effects, or necessary maintenance. Unlike RMA s107, there is no explicit allowance for temporary or maintenance-related effects. This could result in the unnecessary decline of permits for activities that cause short-term, low-risk limit exceedances, such as construction works affecting water clarity. Many maintenance activities would ordinarily be permitted or could be explicitly recognised as temporary; this should be reflected in the drafting.</p> <p>We are concerned about the provisions allowing significant infrastructure and wastewater treatment plant discharges to breach human health and ecosystem health limits. If such discharges are authorised, they may foreclose the ability of other applicants to obtain permits, effectively locking in adverse outcomes for local environments and communities.</p>	<p>Amend the wording relating to limits in a similar manner to that of s107 in the RMA.</p> <p>Amend as follows:</p> <p>A permit authority must not grant a natural resource permit if—</p> <p>(a) it is contrary to—</p> <p>(i) clause 3 of Schedule 4;</p> <p>(ii) any regulations;</p> <p>(iii) a wāhi tapu condition included in a <u>regional spatial plan</u>, customary marine title order or agreement;</p> <p>(iv) section 55(2) of the Marine and Coastal Area (Takutai Moana) Act 2011:</p> <p>(b) it should have been notified and was not:</p> <p>(c) granting the permit would result in the breach of an environmental limit, unless the breach is authorised by the permit authority is satisfied that—</p> <p>(i) national standards made under section 86; or</p> <p>(ii) a water services standard.</p> <p><u>(i) that exceptional circumstances justify the breaching of the environmental limit; or</u></p> <p><u>(ii) that the breach is of a temporary nature; or</u></p> <p><u>(iii) that the breach is associated with necessary maintenance work.</u></p>

Clause(s)	Comment	Relief sought
	<p>The exceptions that allow an automatic pathway to breach limits (particularly for activities authorised under a national standard (s86) or a water services standard) are problematic. Once these enabling pathways exist, the threshold for declining infrastructure-related permits becomes very high, even where the activity would breach human health or ecosystem limits or have significant localised impacts. Stronger safeguards are required to ensure environmental limits remain effective and enforceable.</p>	
<p>168 General requirements before conditions may be included</p>	<p>We support the linkage to section 163 and the ability to refuse land-use permits where there is a significant risk from natural hazards.</p>	<p>Retain as drafted.</p>
<p>179 Duration of permit for renewable energy and long-lived infrastructure</p>	<p>We support providing longer permit durations for renewable energy activities, and we generally support longer durations for long-lived infrastructure where this is supported by mana whenua partners. These activities commonly require long-term certainty.</p> <p>However, clause 4(a) is unnecessary in relation to s19 and inappropriate in relation to s18. For activities in the beds of lakes and rivers (s19), applicants will still require other permits such as discharge or water permits, which remain capped at 35 years. In many cases, the use of structures on river or lake beds is already a permitted activity.</p> <p>For the coastal marine area (s18), a maximum duration of 50 years is too long given climate change impacts and new natural hazard requirements. Such a duration may create unrealistic expectations about the long-term stability and suitability of coastal environments.</p> <p>The term “relevant group” in clause (2)(c) is unclear. If this term is retained, it should be defined in section 3 (Interpretation) to ensure consistent application.</p>	<p>Amend as follows:</p> <p>(1) A natural resource permit authorising a renewable energy activity or a long-lived infrastructure activity must specify the period for which it is granted.</p> <p>(2) The period specified under subsection (1) must be not less than 35 years after the date of commencement of the permit unless—</p> <p>(a) the applicant requests a shorter period; or</p> <p>(b) a national standard expressly allows a shorter period; or</p> <p>(c) the permit authority decides to specify a shorter period after considering a request from a relevant group for a shorter period for the purpose of managing any adverse effects on the natural environment.</p> <p>(3) In making a decision under subsection (2)(c), the permit authority must consider—</p> <p>(a) the need to provide for adequate management of any adverse effects on the natural environment; and</p> <p>(b) the benefits of providing certainty of long-term permit duration.</p> <p>(4) The specified period must be not more than—</p> <p>(a) 50 years after the date of commencement of the permit, in the case of a permit that authorises any structure that would otherwise contravene section 18 or 19:</p> <p>(b) 35 years after the date of commencement of the permit, in the case of any other permit that authorises a renewable energy activity or a long-lived infrastructure activity.</p> <p>(5) This section is subject to section 181(b) (lapsing of permits).</p> <p>Also include a definition in the interpretation section, setting out who is a ‘relevant group’, or add the following clause:</p> <p>In this section, relevant group means a group who may be or is required to be involved in processes under this Act that relate to planning documents or natural environment permits by virtue of any Treaty settlement, the <u>Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019</u>, or the <u>Marine and Coastal Area (Takutai Moana) Act 2011</u>.</p>
<p>202 Notification and registration of permitted activities</p>	<p>Consequential amendments to clause 202(4)(a) are required to give effect to the relief sought on clause 39.</p>	<p>Amend as follows:</p> <p>(1) This section applies to a person proposing to carry out an activity in accordance with a permitted activity rule that requires an activity to be registered (see section 39).</p> <p>(2) The person must, in writing,—</p>

Clause(s)	Comment	Relief sought
		<p>(a) notify the relevant permit authority that they propose to carry out a permitted activity in accordance with the permitted activity rule; and</p> <p>(b) include in the notification—</p> <p>(i) a description of how any conditions set by the permitted activity rule will be met; and</p> <p>(ii) any other information required by the permitted activity rule.</p> <p>(3) The permit authority must, within 10 working days of receiving the notification,—</p> <p>(a) determine, on the information provided, whether the permitted activity rule will be met; and</p> <p>(b) notify the person of that determination.</p> <p>(4) If the permit authority determines that the permitted activity rule will be met, the permit authority must—</p> <p>(a) register the activity; and</p> <p>(b) carry out any monitoring of the activity <u>identified in the rule as required to be undertaken by the permit authority</u> to ensure that the permitted activity rule is met.</p>
214 Requirement for determining affected applications	Clause 214(2)(a) should use the term ‘received’ rather than ‘lodged’	<p>Amend as follows:</p> <p>(1) When determining affected applications under this Part, a permit authority must,—</p> <p>(a) when having regard to the matters in subpart 4, consider the merits of each affected application against the merits of all the other affected applications; and</p> <p>(b) have regard to any other applicable criteria set out in the relevant plan, any regulations, or a national instrument.</p> <p>(2) A permit authority—</p> <p>(a) must not determine an affected application in the order the application is lodged <u>received</u>; but</p> <p>(b) must instead determine affected applications together.</p> <p>(3) Subsection (1) is in addition to any other requirements, criteria, or other matters that a decision maker must consider or take into account under this Part when determining an affected application.</p>
221 and 222 functions of a regional council	Consequential amendments are required to reflect the proposed amendments to the definitions of natural environment, natural resources, and natural and physical resources.	<p>Amend as follows:</p> <p>(1) Every regional council must enable and regulate the use, protection, and enhancement of the natural environment within its region.</p> <p>(2) In undertaking its responsibilities under subsection (1), a regional council must regulate and manage the matters specified in this subpart in relation to the following:</p> <p>(a) the quality and quantity of water and geothermal resources:</p> <p>(b) the discharge of contaminants to land, air, or water:</p> <p>(c) indigenous biodiversity:</p> <p>(d) the coastal marine area, including coastal occupation:</p> <p>(e) natural hazard risks as they relate to natural resources:</p> <p>(f) soil conservation:</p> <p>(g) the bed of any water body:</p> <p>(h) the use of land where required for regulating the use of, and effects on, <u>the natural environment resources and physical resources</u>:</p> <p>(i) the allocation of natural resources.</p> <p>(3) In this section, soil conservation means managing the use and condition of soil, including soil erosion and soil contamination.</p>

Clause(s)	Comment	Relief sought
232 Transfer of powers	Clause 232 improperly excludes iwi authorities from the list of public authorities eligible for transfers of power. The efficiency test in clause 232(2)(c), combined with the ability for local authorities to revoke or amend a transfer under clause 232(3), further entrenches inequity by preventing iwi authorities from exercising meaningful Tiriti-consistent decision-making. This approach replicates longstanding failures identified by the Waitangi Tribunal in relation to the RMA and should be amended to enable genuine partnership.	<p>Amend as follows:</p> <p>(1) A regional council may transfer any of its functions, powers, or responsibilities under this Act to another public authority <u>or an iwi authority</u> in accordance with this section.</p> <p>(2) A regional council may transfer any function, power, or responsibility, but only if both authorities concerned <u>the regional council and the transferee (whether a public authority or an iwi authority) agree—</u></p> <p>(a) the terms and conditions of the transfer; and</p> <p>(b) that the authority to which the transfer is made represents the appropriate community of interest for the exercise or performance of the function, power, or responsibility being transferred; and</p> <p>(c) that the transfer is desirable on the grounds of efficiency and technical or special capability or expertise.</p> <p>(3) A local authority that has transferred a function, power, or responsibility under this section may change or revoke the transfer at any time by notice to the transferee <u>and following discussion with the authority if an iwi authority is the transferee.</u></p> <p>(4) A public authority to which a function, power, or responsibility has been transferred under this section may relinquish the transfer in accordance with the transfer agreement.</p> <p>(5) To avoid doubt, the transfer of a power that relates to functions that are not provided for by or under this Act or the Planning Act 2025 will cease to have legal effect on and after the commencement of this Act and the Planning Act 2025.</p>
236 Joint Management Agreements	Clause 236 excludes iwi authorities from the list of public authorities eligible for joint management agreements. The efficiency test in clause 236(1)(b)(iii), combined with the ability for a council to terminate a JMA with only 20 working days' notice, further entrenches inequity by preventing iwi authorities from exercising genuine Tiriti-consistent decision-making. This replicates the deficiencies repeatedly identified by the Waitangi Tribunal under the RMA. The clause should be amended to enable meaningful partnership and uphold Tiriti obligations.	<p>Amend as follows:</p> <p>(1) A regional council that wants to enter into a joint management agreement must—</p> <p>(a) notify the Minister of its wish; and</p> <p>(b) satisfy itself—</p> <p>(i) that for the purposes of this Act a public authority <u>or iwi authority</u> that is a party to the joint management agreement—</p> <p>(A) represents the relevant community of interest; and</p> <p>(B) has the technical or special capability or expertise to perform or exercise the function, power, or responsibility jointly with the regional council; and</p> <p>(ii) that a joint management agreement is an efficient method of performing or exercising the function, power, or responsibility <u>and/or provides for the exercise of Treaty relationship;</u> and</p> <p>(c) include in the joint management agreement details of—</p> <p>(i) the resources that will be required for the administration of the agreement; and</p> <p>(ii) how the administrative costs of the joint management agreement will be met.</p> <p>(2) A regional council that complies with subsection (1) may enter into a joint management agreement.</p> <p><u>(3) Section (1) does not apply if the joint management agreement is between a regional council and an iwi authority. If between a Regional council and iwi authority, agreement is terminated on written agreement between the parties</u></p>
329 Application for consent to unlawful reclamation	This section should also address situations where lake and river beds have been unlawfully reclaimed. Unlawful reclamation alters the status of the area from “bed” under s19 of the Natural Environment Bill to “land” under s17 of both the NEB and the Planning Bill. This issue is compounded by the unclear and conflicting definitions of “land” across	<p>Amend as follows:</p> <p>(1) If land has at any time (whether before or after the date of commencement of this Act) been reclaimed from the coastal marine area <u>or the bed of a lake or river</u> unlawfully, any person may apply under section 130 to the relevant permit authority for, and the permit authority may grant to that person, a coastal</p>

Clause(s)	Comment	Relief sought
	the two Bills and should be resolved to ensure consistent classification and management.	<p>permit authorising that reclamation, as if the land were still situated within the coastal marine area <u>or the bed of a lake or river</u>.</p> <p>(2) Part 4 applies in respect of any application made under subsection (1).</p>
330 Enforcement powers against unlawful reclamations	<p>This section should also address situations where lake and river beds have been unlawfully reclaimed. Unlawful reclamation alters the status of the area from “bed” under s19 of the Natural Environment Bill to “land” under s17 of both the NEB and the Planning Bill. This issue is compounded by the unclear and conflicting definitions of “land” across the two Bills and should be resolved to ensure consistent classification and management.</p>	<p>Amend as follows:</p> <p>(1) If, since the date of commencement of this Act, any land has been unlawfully reclaimed from the coastal marine area <u>or the bed of a lake or river</u>, the powers of the Minister of Conservation, a regional council, and the EPA under Part 6 apply to that reclaimed land as if the land were still situated within the coastal marine area <u>or the bed of a lake or river</u>.</p> <p>(2) If any land has been unlawfully reclaimed from the coastal marine area <u>or the bed of a lake or a river</u> before the commencement of this Act, the Minister of Conservation, a regional council, or the EPA may seek an enforcement order against the person who reclaimed the land, or the occupier of the reclaimed land, requiring that person to take such action as, in the opinion of the Environment Court, is necessary in order to avoid, remedy, or mitigate any actual or likely adverse effect on natural resources or people caused by the carrying out of the reclamation or by the reclaimed land; and, in that case, Part 6 applies with all necessary modifications.</p> <p>(3) Whether or not an enforcement order has been sought or granted under subsection (2), the Minister of Conservation, a regional council, and the EPA, either jointly or severally, may take any necessary action to remove the unlawfully reclaimed land from the coastal marine area <u>or the bed of a lake or river</u>.</p> <p>(4) To avoid doubt, any action taken under subsection (3) to remove any reclaimed land requires a natural resource permit unless expressly allowed by a natural environment plan, proposed national environment plan, or national rule.</p>
Schedule 2 Information required in application for natural resource permit	<p>Clause 5(2)(a) should not be limited to significant adverse effects on the environment, as this risks poorer environmental outcomes. Decision-makers should be required to consider viable alternatives that may result in fewer adverse effects. This would ensure consistency with clause 5(2)(e), which already requires a similar assessment for discharges, and clause 5(2)(i), which applies the test to protected customary rights. All related clauses should operate at a consistent threshold of effects.</p> <p>Clause 5(2)(i) should also be broadened to include sites of significance to Māori, including wāhi tapu, water bodies, sites within the coastal marine area, and identified Māori land.</p>	<p>Amend clause 5 as follows:</p> <p>5 Information required in assessment of environmental effects</p> <p>(1) Information included in an assessment of environmental effects under clause 2(3)—</p> <p>(a) need only address a matter to the extent that the information is relevant to the provisions of a plan or proposed plan or national rule; and</p> <p>(b) must include detail proportionate to the scale and significance of the activity.</p> <p>(2) Subject to subclause (1), an assessment of the activity’s effects on the environment must include the following information:</p> <p>(a) if it is likely that the activity will result in a more than minor <u>any significant</u> adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity;</p> <p>(b) an assessment of the actual or potential effect on the environment of the activity;</p> <p>(c) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use;</p> <p>(d) a description of how any adverse effects on the environment will be—</p> <p>(i) avoided, minimised, or remedied, where practicable;</p> <p>(ii) offset or compensated for, where appropriate;</p> <p>(e) if the activity includes the discharge of any contaminant, a description of—</p> <p>(i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and</p> <p>(ii) any possible alternative methods of discharge, including discharge into any other receiving environment:</p>

Clause(s)	Comment	Relief sought
		<p>(f) a description of how the activity will comply with any relevant environmental limits:</p> <p>(g) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:</p> <p>(h) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:</p> <p>(i) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, <u>sites of significance to Māori (including, wāhi tapu, water bodies, or sites in or on the coastal marine area) or identified Māori land</u>, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group or relevant iwi).</p> <p>(3) To avoid doubt, subclause (2)(g) obliges an applicant to identify the persons affected by the proposal, but does not—</p> <p>(a) oblige the applicant to consult any person; or</p> <p>(b) create any ground for expecting that the applicant will consult any person.</p>
Schedule 5 Freshwater farm plans	<p>The Schedule provides limited detail on plan content, but there are two key concerns with what is included.</p> <p>First, allowing the Minister to approve industry bodies as certifiers and auditors raises questions about the level of acceptable quality and whether their standards will align with those applied by councils. Under current processes, the quality of some industry-prepared plans has been insufficient for approval, and there is a risk that industry bodies could be certified under a lower standard than other approved certifiers. While the Bill outlines a process for managing poor performance, the potential for inconsistent quality remains.</p> <p>Second, the requirement to update certified farm plans when farm circumstances change should apply to all farm plans, not only certified ones. Most farms will not require certification but will still be audited against their actions. Auditing is of limited value if the underlying plan is outdated or no longer reflects the farm system.</p> <p>There is also uncertainty about the status of actions in farm plans and whether they could trigger regulatory relief, given they are binding under clause 14 of Schedule 5. Further clarity is needed.</p> <p>Greater Wellington supports the increase in minimum farm size for mandatory plans. Smaller 20–50 ha blocks have historically been difficult to engage with, and the environmental value gained from requiring plans for these properties is often limited. Focusing on larger, economically viable units is more likely to generate meaningful environmental outcomes.</p>	<p>Amend Schedule 5 to:</p> <ul style="list-style-type: none"> - Require that all farm plans must be updated when farm circumstances change. - Clarify whether actions in farm plans could trigger regulatory relief. - Remove the ability for the Minister to approve industry bodies as certifier of freshwater farm plans.

Clause-by-clause Submission – Planning Bill 2025

Clause(s)	Comment	Relief sought
2 Commencement	<p>Commencing the system before the Crown has reached agreements with Post-Settlement Governance Entities risks the new legislation operating in ways that do not fully uphold the intent, integrity, or effect of existing Treaty settlement commitments.</p> <p>Seeking to delegate to local government to reinterpret Treaty Settlements at the same time as implementing the systems risks will not provide clarity and certainty in implementation.</p>	Commence the system region by region, with the new act being ‘activated’ in a region only after all settlements within that region have been renegotiated with partners.
8 Tiriti o Waitangi	<p>The Bills provide only minimal recognition of Te Tiriti o Waitangi and do not create a clear or directive duty. As drafted, they are insufficient to uphold the Crown’s obligations and risk undermining past acknowledgements of breaches (particularly those relating to the very functions these Bills govern) as well as the Crown’s renewed commitments to Tiriti-based partnerships through recent Treaty settlements.</p> <p>By positioning Māori interests simply alongside other objectives, without any hierarchy or primacy, the Bills materially limit Māori influence within decision-making structures. This limitation is amplified by the fact that Clause 8 does not apply to the setting of system goals or the substance of national direction. These upstream instruments shape both regional spatial plans and natural environment plans, meaning many of the most significant decisions will be made before Clause 8 has any effect.</p>	<p>Amend Clause 8 so that decisionmakers are required to “give effect to the principles of Te Tiriti o Waitangi” and that that duty applies at every level of the system, including (but not limited to):</p> <ul style="list-style-type: none"> - the development, review, or amendment of system level goals and the way conflicts between them are resolved; - the preparation of national direction; - the development of regional spatial plans and land use plans
9 Crown to seek agreement to uphold Treaty redress or arrangements	<p>The provisions do not guarantee that existing Treaty settlement agreements will retain the same or equivalent effect in the new system. Instead, they limit the influence of settlements to what can be achieved “to the greatest extent possible within the Act,” even though:</p> <ul style="list-style-type: none"> • the new system is materially different, making true equivalence unattainable; and • increased national-level standardisation risks diluting settlement-based redress mechanisms that currently operate effectively at regional scale. <p>The Bill requires the Crown to work toward revised agreements for only two years. Combined with commencement provisions that begin system implementation before this process is complete, negotiations would occur while the new system is already rolling out. This challenge is heightened by reduced roles for Māori and fewer statutory responsibilities on decision-makers, making it less likely that Post-Settlement Governance Entities will agree to amend their settlements.</p> <p>The two-year limit also creates a perception that the Crown could “run out the clock” rather than secure appropriate amendments. Allowing the Crown to unilaterally withdraw from negotiations exacerbates this power imbalance and increases the risk that settlements not renegotiated within the timeframe will be permanently undermined by the new system.</p>	<p>Amend as follows:</p> <p>(1) To assist in the transition from the Resource Management Act 1991 to this Act and the Natural Environment Act 2025, the Crown will work with any post-settlement governance entity, and the ngā hapū o Ngāti Porou governance entity, if they wish to do so, to seek agreement on how their Treaty settlement redress or arrangements will operate with the same or at least equivalent (or greater) effect on the new system to the greatest extent possible under this Act and the Natural Environment Act 2025.</p> <p>(2) The Crown will, when working with an entity under subsection (1),—</p> <p>(a) discuss, for the purpose of reaching agreement with the entity, how the Treaty settlement redress or arrangements could operate under this Act and the Natural Environment Act 2025 in a way that would have the same or at least an equivalent (or greater) effect on the new system to the greatest extent possible; and</p> <p>(b) following those discussions, and where agreement is reached, enter into the agreement with the entity to record the agreement reached (which may include entering into a deed to amend the relevant Treaty settlement deed); and-</p> <p>(c) recognises that the new system is different and the same or like for like redress is not always achievable; and</p> <p>(d) commits to providing</p> <p>(i) a system that upholds the intent, integrity and effect of Treaty Settlements, and</p>

Clause(s)	Comment	Relief sought
		<p>(ii) <u>options and proposals to support any agreement that provides at least equivalent (or greater) effect.</u></p> <p>(3) This section is repealed on and from the 2nd anniversary of the commencement of this Act.</p> <p>(4) However, the repeal of this section does not, after the date referred to in subsection (3), prevent the Crown from—</p> <p>(a) continuing discussions or entering an agreement started in accordance with subsection (2); or</p> <p>(b) entering into an agreement of the nature set out in subsection (2)(b) with an entity; or</p> <p>(c) progressing any legislation necessary to give effect to any such agreement after the repeal of this section.</p> <p>(5) For the purposes of this section and section 10,—</p> <p>Resource Management Act 1991 means that Act as it was immediately before this Act received Royal assent</p> <p>Treaty settlement redress or arrangements means any of the following as they specifically relate to the Resource Management Act 1991:</p> <p>(a) redress in a Treaty settlement:</p> <p>(b) redress in a signed deed of settlement:</p> <p>(c) arrangements under the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.</p>
10 Treaty redress or arrangements to be given same or equivalent effect	<p>The provisions effectively delegate to local government and other decision-makers the task of interpreting and renegotiating Treaty settlement obligations within the new system. They also restrict the influence of settlements to achieving “the same or equivalent effect to the greatest extent possible within the Act,” even though:</p> <ul style="list-style-type: none"> the new system is materially different, meaning true equivalence will not always be achievable; and without changes or explicit carve-outs, increased national-level standardisation risks diluting regional settlement-based redress mechanisms, including those applying to Te Upoko Taiao and the Wairarapa Moana Statutory Board. Greater Wellington considers that specific carve-outs are required for these entities. <p>The drafting further dilutes the effect of Treaty settlements by emphasising uncertainty about how obligations will operate in practice. The ability to achieve equivalency is also limited if settlement provisions are triggered only at the plan-making stage, rather than at earlier stages of the system where key strategic decisions are set.</p>	<p>Amend as follows:</p> <p>(1) The Crown must uphold the integrity, intent, and effect of Treaty settlements.</p> <p>(12) Subsection (2) applies to Treaty settlement redress or arrangements until an agreement is reached under section 9.</p> <p>(23) In relation to any particular Treaty settlement redress or arrangement, all persons exercising and performing functions, powers, and duties under this Act must, to the greatest extent possible under this Act, give an effect that is the same, or equivalent, as the effect that the redress or arrangement has in relation to the Resource Management Act 1991.</p> <p>(34) This section does not apply in relation to statutory acknowledgements.</p> <p>(5) Incorporate these obligations into system goals, national direction and regional planning instruments so their effect is recognised consistently across all parts of the system.</p>
Mana Whakahono ā Rohe (not as a standalone clause)	<p>The Bills recognise Mana Whakahono ā Rohe only where an agreement already exists or has been initiated, creating a time-limited window for iwi and hapū. In the new system these arrangements continue only by reference, rather than as an independently enabled statutory right, and their operation depends on the ongoing existence of underlying iwi participation legislation. Their influence is further constrained because Mana Whakahono ā Rohe cannot shape system goals or national direction, even though these</p>	<p>Amend the Planning Bill to:</p> <ul style="list-style-type: none"> Ensure the ability to initiate Mana Whakahono ā Rohe is preserved for both Planning Act and Natural Environment Act Transfer RMA Part 5 Subpart 2 Mana Whakahono A Rohe: Iwi participation arrangements into the Natural Environment Bill with provisions that provide the equivalent effect to those in the RMA and that provide Tiriti-consistent role in relation to new structures or functions

Clause(s)	Comment	Relief sought
	instruments set the parameters for regional spatial strategies and natural environment plans. As a result, the effectiveness of these agreements will depend heavily on early initiation by iwi and hapū and on the extent to which national direction leaves space for rohe-based approaches.	- Ensure that councils maintain obligations to work with iwi and hapū under these agreements
11 Goals	<p>The drafting materially weakens existing protections for the natural environment and for Māori interests. Replacing the RMA requirement to “recognise and provide for” with the softer directive to “seek to achieve” lowers the threshold for environmental and cultural outcomes. The term “seek” is undefined, creating uncertainty about the level of effort required and when it may be lawful not to achieve a goal.</p> <p>Although both Bills include goals relating to Māori involvement and the protection of sites in the customary marine area, these provisions are not prioritised and depend on national direction that Ministers are not required to align with Tiriti principles or the current obligation to recognise and provide for Māori relationships with ancestral lands, waters, and taonga. This departs from the Expert Advisory Group’s advice, which recommended retaining these protections to uphold Treaty obligations and reflect the fundamental nature of Māori relationships with the environment. It also weakens Treaty settlement redress designed for the current framework and removes protected customary rights as a matter of national importance, reducing their weight in decision-making.</p> <p>The goals also omit climate change, despite its profound and growing effects on natural resources, biodiversity, ecosystems, and natural hazards. The framing of natural hazards is narrow and ambiguous, implying a focus on effects on natural resources rather than safeguarding communities.</p> <p>The Bills also fail to explicitly reference greenhouse gas emissions, creating uncertainty about how they should be treated. Planning tools are often the most effective mechanism for addressing emissions where the ETS signal is insufficient, particularly where impacts fall on future users rather than developers - an approach recognised internationally, especially in the urban growth context.</p>	<p>Amend as follows:</p> <p>All persons exercising or performing functions, duties, or powers under this Act must seek to achieve the following goals subject to sections 12 and 45:</p> <p>(a) to ensure that land use does not unreasonably affect others, including by separating incompatible land uses:</p> <p>(b) to support and enable economic growth and change by enabling the use and development of land:</p> <p>(c) to create well-functioning urban and rural areas:</p> <p>(d) to enable competitive urban land markets by making land available to meet current and expected demand for business and residential use and development:</p> <p>(e) to plan and provide for infrastructure to meet current and expected demand:</p> <p>(f) to maintain public access to and along the coastal marine area, lakes, and rivers:</p> <p>(g) to protect from inappropriate development the identified values and characteristics of—</p> <p>(i) areas of high natural character within the coastal environment, wetlands, and lakes and rivers and their margins:</p> <p>(ii) outstanding natural features and landscapes:</p> <p>(iii) sites significant historic heritage:</p> <p>(h) to safeguard communities from the effects of natural hazards through proportionate and risk-based planning:</p> <p>(i) to provide for Māori interests through—</p> <p>(i) Māori participation in the development of national instruments, spatial planning, and land use plans; and</p> <p>(ii) the identification and protection of sites of significance to Māori (including wāhi tapu, water bodies, or sites in or on the coastal marine area); and</p> <p>(iii) enabling the development and protection of identified Māori land.</p> <p><u>(j) to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga:</u></p> <p><u>(k) to recognise and provide for the protection of protected customary rights:</u></p> <p><u>(l) to increase the resilience of communities, infrastructure, and the natural environment to the short, medium, and long-term effects of climate change.</u></p> <p>(2) In subsection (1)(g), identified means identified in a national instrument, plan, or proposed plan.</p>
20 Certain existing land uses allowed	<p>Adaptation planning for natural hazards and climate change will require land-use changes, including managed retreat. The legislation must enable these processes without creating unintended barriers.</p> <p>Section 20 has the potential to hinder adaptation planning if interpreted narrowly. The section should be amended to make clear that it cannot be</p>	<p>Amend as follows:</p> <p>(1) A person may, without a planning consent, use land in a manner that contravenes a national rule, a rule in a plan, or a rule in a proposed plan that has legal effect if,—</p> <p>(a) before the rule came into force, the use—</p> <p>(i) was a permitted activity or otherwise could have been lawfully carried out without a planning consent; and</p>

Clause(s)	Comment	Relief sought
	used to prevent or delay hazard- and climate-related adaptation decisions, including managed retreat and associated land-use transitions.	<p>(ii) was lawfully established; and</p> <p>(b) the effects of the use are the same or similar in character, intensity, and scale to those that existed before the rule came into force.</p> <p>(2) A person may, without a planning consent, use land in a manner that contravenes a national rule, a rule in a plan, or a rule in a proposed plan that has legal effect if—</p> <p>(a) the use was lawfully established by way of a designation; and</p> <p>(b) the designation has since been removed; and</p> <p>(c) the effects of the use are the same or similar in character, intensity, and scale to those that existed before the designation was removed.</p> <p>(3) Subsections (1) and (2) do not apply to a use of land if—</p> <p>(a) the use has been discontinued for a continuous period of more than 12 months at any time after the rule came into force unless an extension granted under section 21 applies; or</p> <p>(b) any reconstruction, alteration, or extension of or to any building increases the extent to which the use contravenes the rule; or</p> <p>(c) the use is of the surface of water in a lake or river; <u>or</u></p> <p><u>(d) the use of land would override natural hazard or climate adaptation planning.</u></p> <p>(4) To avoid doubt, this section does not apply to a use of land that is controlled or restricted under section 18 or 19 of the Natural Environment Act 2025.</p> <p>(5) In this section, came into force,—</p> <p>(a) in relation to a national rule, means the rule commenced; and</p> <p>(b) in relation to a rule in a plan, means the rule became operative; and</p> <p>(c) in relation to a rule in a proposed plan, means the rule had legal effect.</p>
67 Purpose of regional spatial plans	Regional Spatial Plans should explicitly enable and support climate adaptation and provide clear strategic framing for Local Adaptation Plans.	<p>Amend as follows:</p> <p>A regional spatial plan must—</p> <p>(a) set the strategic direction for development, <u>long-term climate adaptation</u> and public investment priorities in a region for a time frame of not less than 30 years; and</p> <p>(b) enable integration at the strategic level of decision making under this Act and the Natural Environment Act 2025; and</p> <p>(c) implement national instruments made under this Act and the Natural Environment Act 2025 in a way that provides for use and development within environmental limits; and</p> <p>(d) support a co-ordinated approach to infrastructure funding and investment by central government, local authorities, and other infrastructure providers; and</p> <p>(e) promote integration of development planning with infrastructure planning and investment.</p>
68 How regional spatial plans promote integration	Strong integration provisions are essential to ensure Regional Spatial Plans genuinely influence downstream planning processes. Without these provisions, RSPs risk becoming indicative-only documents rather than effective spatial planning instruments.	Retain as drafted.
69 Process agreement for preparation of regional spatial plan	These provisions provide early clarity on roles, responsibilities, iwi partnership obligations, and engagement pathways. They also improve coordination across councils, central government, iwi/hapū, infrastructure	Retain as drafted.

Clause(s)	Comment	Relief sought
	<p>providers, and communities. The requirement to document and publicly release the agreed process enhances transparency and supports shared understanding.</p> <p>The Council emphasises that upholding iwi partnership commitments (including iwi participation legislation, Mana Whakahono ā Rohe arrangements, and joint management agreements) is critical. Clear and consistent process expectations will help ensure these obligations are embedded from the outset rather than added retroactively.</p> <p>To support consistent interpretation and implementation, particularly for cross-regional collaboration and engagement with central government agencies, the Council requests that national guidance or templates be developed and made available.</p>	<p>Provide national guidance or templates to support consistent interpretation, particularly for cross regional collaboration and engagement with central government agencies.</p>
<p>71 Requirement to have spatial plan committee</p>	<p>We support the establishment of Spatial Planning Committees and note strong alignment with existing collaborative models such as the Wellington Regional Leadership Committee and other urban growth partnerships.</p> <p>Committees must include balanced representation from regional councils, territorial authorities, iwi and hapū, and relevant central government agencies. Their design must be undertaken in genuine partnership with hapū and iwi, ensuring Treaty settlement redress and associated governance arrangements are upheld and not undermined.</p>	<p>Amend the Planning Bill to include a Tiriti consistent process and minimum membership requirements including councils, iwi/hapū, and central government.</p>
<p>80 Core obligations when preparing and deciding land use plan</p>	<p>The current drafting risks land use plans not being consistent with natural environment plans. While ideally all matters would be resolved at the spatial plan level this will not always be the case and it is important that the lower plans are consistent, especially with regard to ensuring development does not cause environment limits or constraints in natural environment plans to be exceeded.</p>	<p>Amend as follows:</p> <p>(1) This section sets out the core obligations that apply when—</p> <p>(a) a territorial authority is making a decision on a matter that a national instrument expressly authorises it to make, in relation to if and how it incorporates a standardised plan provision into its plan or proposed plan (see sections 48 and 78); and</p> <p>(b) a territorial authority is preparing or deciding a bespoke plan provision (see section 79).</p> <p>(2) A territorial authority must make its decisions in accordance with its responsibilities and functions under sections 184 and 185 so that the resulting land use plan implements—</p> <p>(a) the national policy direction; and</p> <p>(b) any national standard; and</p> <p>(c) any relevant provision in a regional spatial plan.</p> <p>(3) However, subsection (2)(c) does not apply in relation to a provision in a regional spatial plan to the extent that the territorial authority is satisfied that—</p> <p>(a) the provision is out of date as a result of new information that supersedes the information used to determine the content of the provision in the regional spatial plan; or</p> <p>(b) there has been a significant change in circumstances or in the physical environment since that provision was decided (for example, a major environmental or economic event).</p> <p>(4) The territorial authority must—</p> <p>(a) have particular regard to—</p> <p>(i) the evaluation report required by clause 10 of Schedule 3; and</p> <p>(ii) any justification report required by clause 11 of Schedule 3; and</p>

Clause(s)	Comment	Relief sought
		<p>(iii) any further evaluation report or further justification report required by clause 26 or 27 of Schedule 3; and</p> <p>(b) have regard to—</p> <p>(i) any statutory acknowledgement that applies to the area to which the proposed land use plan or private plan change applies; and</p> <p>(ii) any relevant planning document recognised by an iwi authority and lodged with the territorial authority; and</p> <p>(c) have regard to any of following to the extent that it has a bearing on land use activities in the district and is within the territorial authority’s responsibilities:</p> <p>(i) the extent to which the land use plan needs to be consistent with—</p> <p>(A) any land use plan or proposed land use plan of an adjacent territorial authority;</p> <p>(B) the provisions of any natural environment plan or proposed natural environment plan that apply to the parts of the coastal marine area that are adjacent to the district of the territorial authority;</p> <p>(ii) any relevant project area and project objectives (as those terms are defined in section 9 of the Urban Development Act 2020), if section 98 of that Act applies:</p> <p>(iii) any regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Māori customary fishing);</p> <p>(iv) any adaptation plan prepared under the Climate Change Response Act 2002.</p> <p>(C) any natural environment plan that applies to the territory of the territorial authority.</p> <p>(5) The territorial authority must comply with—</p> <p>(a) any direction of the Minister under section 203; and</p> <p>(b) any requirements in this subpart; and</p> <p>(c) any regulations.</p>
93 Land use plan or proposed land use plan may make area subject to future provisions	This clause could provide a pathway for using signals, triggers, and thresholds (STaTs) to activate adaptation interventions at the appropriate time. It should enable a full range of responses - not only up-zoning but also down-zoning and other adaptive land-use changes.	Retain as drafted.
97 Applying for planning consent that authorises change to plan provisions	While enabling consents to update land-use plans can reduce the need for costly and time-consuming plan changes, safeguards are essential to ensure that resulting shifts in development patterns do not breach environmental limits. For example, rezoning land from rural to industrial would substantially alter the type and scale of discharges from that area. The legislation should therefore require clear checks to ensure that any change in land use enabled through a consent does not result in contaminant discharges that exceed established environmental limits.	<p>Amend as follows:</p> <p>(1) A person may apply under section 109 for a planning consent that authorises a change to the plan provisions that apply to an area in accordance with section 98.</p> <p>(2) A plan may be changed in accordance with section 98 only if the change involves the application of standardised plan provisions to the area, and does not include any bespoke provisions (see <i>also section 144</i>), and will not result be inconsistent with the natural environment plan.</p> <p>(3) For the purposes of this section and section 98, a subdivision consent is given effect to if the territorial authority has issued a certificate under clause 25 of Schedule 7 in relation to that consent.</p>
116 Deferral pending application for additional consents	This clause allows notification or a hearing to be deferred when additional planning consents under this Act are required. This provision should be extended to include permits required under the Natural Environment Bill. It is inefficient and burdensome for applicants to undergo two separate	<p>Amend as follows:</p> <p>(1) A consent authority may determine not to proceed with the notification or hearing of an application for a planning consent if it considers on reasonable grounds that—</p>

Clause(s)	Comment	Relief sought
	notification and hearing processes for activities that require authorisations under both Acts.	<p>(a) other planning consents <u>or permits</u> under this Act <u>or the Natural Environment Act</u> will also be required in respect of the proposal to which the application relates; and</p> <p>(b) it is appropriate, for the purpose of better understanding the nature of the proposal, that applications for any 1 or more of those other planning consents <u>or permits</u> be made before proceeding further.</p> <p>(2) If a consent authority makes a determination under subsection (1), it must immediately notify the applicant of the determination.</p> <p>(3) The applicant may apply to the Planning Tribunal for an order directing that any determination under this section be revoked.</p>
120 Request for report	<p>This clause limits the assessment of an applicant’s report to reviewing only the methodology used. While this may be appropriate where recognised and standardised methods exist and produce consistent outcomes, many assessments do not have agreed methodologies. In such cases, different practitioners can reach different conclusions using the same input information.</p> <p>As drafted, the clause unduly restricts the ability to undertake a robust and comprehensive review of effects assessment reports.</p>	<p>Amend as follows:</p> <p>(1) A consent authority may commission a person to prepare a report on a matter relating to the application, including a matter relating to information provided by the applicant in the application or under section 119,—</p> <p>(a) at any reasonable time before the hearing of an application for a planning consent or, if no hearing is held, before the decision to grant or refuse the application; and</p> <p>(b) only if the applicant is notified before the consent authority commissions the report, and does not refuse, in accordance with the regulations, to agree to the commissioning of the report.</p> <p>(2) The consent authority may notify the applicant that it wants to commission a report under subsection (1) only if it is satisfied that—</p> <p>(a) the report does not relate to an effect that is outside the scope of this Act; and</p> <p>(b) obtaining the report will ensure the consent authority has enough information to understand the implications of its decision, after considering—</p> <p>(i) the cost and feasibility of obtaining the report; and</p> <p>(ii) the scale and significance of the matter to which the decision relates.</p> <p>(3) A report commissioned under subsection (1) may be in the form of a review of the information provided by the applicant under section 119.</p> <p>(4) If the report is a review of the information provided by the applicant—</p> <p>(a) it must be carried out by an expert appointed by the consent authority; and</p> <p>(b) it must be limited to an assessment of the methodology used to reach the conclusion of that information.</p> <p>(5) A consent authority that commissions a report under this section must do so in the prescribed manner.</p>
125 Notification requirements if section 124 does not apply	We support public notification where effects are likely to be more than minor. We also recommend aligning the Natural Environment Bill trigger for notification to “more than minor” rather than “significant.” The current misalignment between the two Bills will create confusion for applicants and reduce efficiency, particularly where activities require consents under both Acts.	Retain the level for notification at ‘more than minor adverse effects’, under the Planning Bill.
127 Whether adverse effects likely to be more than minor	We support public notification where effects are likely to be more than minor. We also recommend aligning the Natural Environment Bill trigger for notification to “more than minor” rather than “significant.” The current misalignment between the two Bills will create confusion for applicants and	Retain the level for notification at ‘more than minor adverse effects’, under the Planning Bill.

Clause(s)	Comment	Relief sought
	reduce efficiency, particularly where activities require consents under both Acts.	
135 Obligation to hold a hearing	<p>We support the intent to limit hearings, recognising that they are costly and that submitters often have meaningful opportunities to be heard through conferencing or mediation. Hearings involve significant expense, including venue and audiovisual costs, multiple commissioners, and the preparation of legal submissions and expert evidence.</p> <p>However, the drafting of these clauses is unclear. As written, clause (2) appears to require all three conditions to be met before a hearing can occur: a submitter wishing to be heard, the consent authority considering a hearing necessary, and parties having attended conferencing or mediation with the commissioner finding a hearing appropriate. This creates unnecessary ambiguity. Clause (2)(c) also appears to contain an error, as it refers again to conferencing or mediation despite that step already having occurred. The final reference should relate to the decision to hold a hearing.</p> <p>It is also unclear whether an additional approval from a commissioner is required at all. Clause (c) could be simplified to require that applicants and submitters who wish to be heard have first been offered the opportunity to participate in conferencing or mediation.</p> <p>We support the ability to hold joint or combined hearings as an efficient mechanism for activities requiring both permits and consents under the two Bills. Decisions on whether to hold a joint or combined hearing should rest with the applicant and/or the relevant authorities, rather than be prescribed through regulation.</p>	<p>Amend as follows:</p> <p>(1) A hearing must not be held in relation to an application for a planning consent unless—</p> <p>(a) the applicant has requested a hearing; or</p> <p>(b) subsection (2) applies.</p> <p>(2) This subsection applies if—</p> <p>(a) a person who made a submission in respect of that application has requested to be heard and has not subsequently advised that they do not wish to be heard; and</p> <p>(b) the consent authority considers that conducting a hearing will be the most effective and efficient means to test the information, and any issues, related to the application; and</p> <p>(c) the parties applicant and submitters wishing to be heard have attended a conference or mediation under section 134, if the commissioner who is delegated under section 136 to decide the application considers a conference or mediation to be appropriate.</p> <p>(3) A consent authority must hold a joint hearing or a combined hearing in the circumstances prescribed in the regulations if requested by the applicant or the permit authority and consent authority agree that a joint or combined hearing is the most effective and efficient means to test the information, and any issues, related to the application.</p> <p>(4) A hearing (including a joint hearing or a combined hearing) must be conducted in the manner prescribed in the regulations.</p>
136 Decision by a commissioner	<p>Under the RMA, not all notified consent applications are decided by commissioners. For reasons of cost and efficiency, there should continue to be an option for notified applications to be determined by the consent authority (for example, by a planning manager) as is the case for non-notified applications.</p> <p>If the term “member of the consent authority” is intended to mean elected members, this should be clearly stated to avoid ambiguity.</p>	<p>Amend as follows:</p> <p>If an application for a planning consent is notified, the consent authority must <u>may</u> delegate, under section 196(1), its functions, powers, and duties required to hear and decide an application for a planning consent to 1 or more hearings commissioners who are not <u>elected</u> members of the consent authority.</p>
144 Matters relevant to application for consent that authorises change to spatial application of plan provisions	<p>Where changes to spatial applications of plan provisions are significant this could lead to environmental limits or other protections in natural environmental chapters being exceeded or breached. It is necessary to ensure that such changes via consents do not create inconsistencies with natural environment plans.</p>	<p>Amend as follows:</p> <p>(1) A consent authority may grant a planning consent that, if given effect to, authorises a change to the plan provisions that apply to an area in accordance with section 98.</p> <p>(2) However, the consent authority may grant a consent to which subsection (1) applies only if—</p> <p>(a) the proposed change to the plan provisions involves the application of standardised plan provisions (and not bespoke provisions) <u>and will not result in a land use plan becoming inconsistent with a natural environment plan</u>; and</p> <p>(b) the consent authority is satisfied that, if the consent were given effect to and the change to the plan provisions were to occur, it would provide a significant benefit to the provision of any of the following in the district:</p> <p>(i) housing:</p> <p>(ii) employment:</p>

Clause(s)	Comment	Relief sought
		(iii) infrastructure; and (c) the consent includes provisions that specify— (i) the boundaries of the area to which the change would apply; and (ii) the standardised plan provisions that would apply to that area.
193 Transfer of powers	Clause 193 excludes iwi authorities from the list of public authorities eligible for transfers of power. The efficiency test in clause 193(3)(c) further entrenches inequity by preventing iwi authorities from exercising genuine Tiriti-consistent decision-making, replicating the longstanding shortcomings identified by the Waitangi Tribunal under the RMA. This clause should be amended to enable meaningful partnership and uphold Tiriti obligations.	Amend as follows: (1) A territorial authority may transfer any of its functions, powers, or responsibilities under this Act to another public authority in accordance with this section. (2) For the purposes of this section, public authority means the following: (a) a local authority <u>or iwi authority</u> ; and (b) a government department; and (c) a joint committee; and (d) a local board. (3) A territorial authority may transfer any function, power, or responsibility, but only if both authorities concerned agree— (a) the terms and conditions of the transfer; and (b) that the authority to which the transfer is made represents the appropriate community of interest for the exercise or performance of the function, power, or responsibility being transferred; and (c) that the transfer is desirable on the grounds of efficiency and technical or special capability or expertise. (4) A public authority to which a transfer is made under this section may accept the transfer unless it is expressly precluded by the terms of any Act by or under which it is constituted, but if a transfer is made, the functions, powers, and responsibilities of the public authority are to be treated as having been extended as necessary to enable the public authority to undertake, exercise, and perform the transferred function, power, or responsibility. (5) A local authority that has transferred a function, power, or responsibility under this section may change or revoke the transfer at any time by notice to the transferee <u>following discussion and agreement with the iwi authority</u> . (6) A public authority to which a function, power, or responsibility has been transferred under this section may relinquish the transfer in accordance with the transfer agreement.
204 Minister may direct local authority to achieve outcome	Ministerial override powers should be limited to exceptional circumstances and supported by clear statutory criteria, transparency requirements, consultation obligations, and independent review. Any Ministerial intervention must be demonstrably justified in terms of improved environmental outcomes and must uphold the Crown's Treaty obligations.	Amend section 204 to include steps in process and substance for Ministers for Crown's Tiriti o Waitangi responsibilities.
275 Emergency works and power to take preventive or remedial action	Some similarities between the NEB and PB on this section eg. Natural Environment Bill (s301) uses the phrase adverse effect on the natural environment and the Planning Bill (s275) uses the broader phrase adverse effect on the environment. They also use slightly different phrases for things like 'network utility operator' vs 'core infrastructure operator' respectively.	Review and align s275 of the Planning Bill and s301 of the Natural Environment Bill.
279 Emergency response regulations	This is an important section of the Bill and it is critical that due considerations are made for community recovery and resilience. Local	Include a new clause as follows:

Clause(s)	Comment	Relief sought
	adaptation plans are a key component of building better community resilience to natural hazards and climate change and it is important any adaptation plans are considered in the recovery phase so communities can rebuild back not only better but more resilient to the future effects of natural hazards and climate change	<u>(2)(j) consider any local adaptation plans that enable greater resilience to future natural hazards or climate events</u>
Schedule 1 Transitional, savings, and related provisions	The first generation of regional spatial plans may require amendment to align with environment limits. Greater Wellington has proposed an alternate timeframe which should eliminate this need by allowing for limits to be developed parallel to the first regional spatial plans. If this relief is not accepted, then not all environmental limits will be finalised prior to a regional spatial plan being notified. In this circumstance, it will be necessary to review regional spatial plans to confirm any environmental limits in the regional spatial plans.	Amend Schedule 1 to allow for a small-scale review of first-generation regional spatial plans to include environmental limits developed as part of the first natural environment plan chapters.
Schedule 1, Clause 5 First key instruments under this Act and the Natural Environment Act 2025	<p>The reform timeline should be amended as outlined in Attachment A. The development and release of national policy direction that informs environmental limits should be prioritised in the first release suite. This will enable regional councils to begin preparing environmental limits to inform Regional Spatial Plans (RSPs), with RSP development progressing in parallel. Central government can then continue work on the remaining national direction while councils develop Land Use and Natural Environment chapters following the second release suite.</p> <p>This approach provides greater certainty for developers and communities that RSPs are robust and reliable for future planning and is more likely to achieve the goals of the Natural Environment Bill.</p> <p>The Council recommends a minimum timeframe of 30 months. This is based on experience with recent strategic planning processes, including:</p> <ul style="list-style-type: none"> • The Wellington Future Development Strategy, which required 24 months, including data gathering and hearings. • The Auckland Plan, which required at least 18 months to develop. • The broader scope of the RSP, which will require an intensive data collection phase, including infrastructure information that is currently unavailable or inconsistent across the region. 	Amend Clause 5 of Schedule 1 to reflect the alternate timeframe in Attachment A.
Schedule 1 Process for national instruments that come into force within 9 months of Royal assent	Clause 7(3) of Schedule 1 suspends Clause 46(1) of the Planning Bill and Clause 70 of the Natural Environment Bill for the initial nine-month period. As a result, the first set of national direction under both Acts will be developed without the requirement to invite input from iwi authorities or to consider iwi advice.	Delete 7(3)(a) of Schedule 1.
Schedule 1, cl17	While an overall reduction in consent and permit numbers is anticipated (around 29% for regional councils based on MfE analysis), the requirement to align existing consents to a common expiry date around 2031 will still generate a significant concentration of re-consenting activity. This will place substantial pressure on consenting authorities over 2030–2031 and create resourcing challenges for both councils and applicants, including heightened demand for technical experts. If left unchanged, this effect is likely to be	<p>Amend the wording of Schedule 1, clause 17 as follows:</p> <p>(1) This clause applies to a resource consent that <u>relates to water, and</u> is due to expire during the period—</p> <p>(a) commencing on Royal assent; and</p> <p>(b) ending 24 months after the specified transition date.</p>

Clause(s)	Comment	Relief sought
	<p>nationwide and will disproportionately impact applicants with large consent or permit portfolios.</p> <p>For water allocation permits, aligning expiry dates within a catchment or water management unit is beneficial because it supports more accurate assessment of available water. However, extending the duration of short-term consents (particularly construction and development consents typically granted for 10 years or less) provides little value. These activities are inherently time-limited and were not intended to operate long term. The provision could therefore be refined by limiting its scope to water-related consents only.</p> <p>Accordingly, it is recommended that the clause apply solely to water-related consents, with duration and expiry tailored to the activity type and the relevant catchment or management unit. Even with these amendments, the provision will still affect consenting timeframes. Given the mandatory nature of the extensions, applications processed under this clause should not be subject to discount regulations.</p>	<p>(2) The duration of the resource consent is extended to the a date that is between 12 and 36 24 months after the specified transition date, as determined by the permit authority based on common expiry dates within a catchment and or water management unit.</p> <p>(3) Despite subclause (2), if the resource consent relates to water, the total duration of the consent cannot exceed 35 years.</p> <p>(4) Any conditions applying to the resource consent continue to apply unless a change to a condition is required as a consequence of extending the duration of the consent.</p> <p>(5) The consent authority must update the resource consent to record the extended expiry date under this clause, no later than 3 months after the specified transition date.</p> <p>(6) In subclause (31), a resource consent relates to water if it is—</p> <p>(a) a water permit within the meaning of section 87 of the RMA:</p> <p>(b) a discharge permit (within the meaning of section 87 of the RMA) authorising—</p> <p>(i) the discharge of a contaminant or water into water; or</p> <p>(ii) the discharge of a contaminant onto or into land in the circumstances described in section 15(1)(b) of the RMA:</p> <p>(c) a land use consent under section 9 of the RMA that includes associated discharges.</p> <p>(7) This clause does not apply to an extant wastewater consent within the meaning of section 139B of the RMA.</p> <p>If the Resource Management (Discount on Administrative Charges) Regulations 2010 are to apply to permits and consents under the Natural Environment and Planning Acts, revise the regulations so they do not apply to consents/permits that have had durations extended under Schedule 1, cl17.</p>
Schedule 2 Spatial plans	<p>The list of mandatory matters in Clause 3 of Schedule 2 is generally supported, and Council notes that nothing in the Planning Bill limits additional matters being addressed within the Regional Spatial Plan (RSP). However, several issues require clarification or amendment.</p> <p>Sites of significance to Māori and Treaty matters are included within the mandatory matters, but it is unclear whether these provisions provide sufficient protection. The Bill continues to frame iwi involvement as optional rather than partnership-based, and risks misalignment with Treaty settlements. The legislation should explicitly require iwi/hapū representation on Spatial Planning Committees and provide for alternative governance structures agreed with PSGEs to uphold existing settlement arrangements until renegotiated by the Crown. This will help ensure mana whenua perspectives are integral to strategic spatial direction.</p> <p>Clear membership requirements are needed. Committees should include balanced representation from regional councils, territorial authorities, iwi and hapū, and relevant central government agencies. This is necessary to ensure regional priorities, local needs, and mana whenua interests are properly reflected.</p> <p>Where strong collaborative structures already exist (such as Urban Growth Partnerships or statutory committees) there should be flexibility to build on</p>	<p>Amend Schedule 2 to:</p> <ul style="list-style-type: none"> - include reference throughout the Bill to the critical importance of transport networks, travel demand and access as integral considerations of land use planning. - provide additional references and strengthen statutory mechanisms to connect and integrate transport and land use planning, investment and funding processes under the Planning Bill, LTMA and LGA - be clear about the hierarchy and relationship between land use plans under the new Planning Act and plans/programmes/policy statements under the LTMA and LGA - be clear how investment priorities required to be identified under a RSP will relate to transport investment priorities required to be identified in an RLTP under the LTMA. - provide for first-generation spatial plans to not need to meet all the requirements of clause 2 and 3, particularly the spatial implications of environmental limits. - Allow for merit based appeals should be provided on any matter where there has been a decision to reject the independent hearing panel's recommendation. - Standardise the notification framework for spatial plans with that used for natural environment and land-use plans to ensure consistency and reduce complexity. - Standardise a risk based approach to natural hazards with a low, medium or high framework or similar

Clause(s)	Comment	Relief sought
	<p>these arrangements rather than requiring entirely new entities, avoiding duplication and enabling faster establishment.</p> <p>The Bill limits merit-based appeals to Environment Court to only infrastructure components where councils reject an IHP recommendation. This significantly narrows existing appeal rights without clear justification beyond workload or timeframe considerations. There is no supporting guidance explaining why infrastructure matters warrant preferential treatment over other strategic, cultural, or environmental issues.</p> <p>It is positive to see natural hazards listed first, but the provision should explicitly reference both current and future risk. While priority locations for adaptation planning are included, this should extend to all areas requiring adaptation or subject to climate risk.</p> <p>To achieve the purpose of RSPs (particularly coordinated infrastructure funding and integrated development and transport planning) the Bill must elevate the role of transport networks and movement systems. Mandatory matters should explicitly include transport networks, access and travel demand, and require national methodologies for integrating spatial and transport planning. Without stronger alignment with the Land Transport Management Act processes (GPS, NLTP, RLTP), the Bill will not deliver the intended integrated planning outcomes.</p> <p>The notification process for spatial plans is inconsistent with that for Natural Environment and Land-Use Plans, creating unnecessary complexity.</p> <p>Council also notes a disconnect between section 73 and Clause 36 of Schedule 2. Section 73 requires consultation on coordination plans, yet Clause 36 contains no equivalent requirement. Council supports no consultation requirement for coordination documents, as their purpose is to operationalise the RSP rather than introduce new policy content. Consultation would add unnecessary time and cost without improving plan quality. Coordination documents should therefore be treated as implementation guidance only, not policy instruments.</p>	<ul style="list-style-type: none"> - Include cultural layers, not only discrete sites of significance - spatial expression of iwi development aspirations, including papakāinga, whenua Māori land use, cultural infrastructure, and economic development areas - Te ao Māori indicators of environmental and hazard risk, including mauri based/taiao health spatial indicators - customary rights areas and treaty settlement redress areas
Part 3 Clause 97 Natural Environment Plan and Regional Combined Plans	<p>The Bill makes only general reference to “any adaptation plan” and does not specifically require consistency with the Climate Change Response Act (CCRA), including section 5ZG (national emissions reduction plan) and section 5ZS (national adaptation plan). This weakens integration across statutes and leaves uncertainty around how spatial plans must respond to climate mitigation and adaptation obligations.</p> <p>Strategic land-use planning is central to reducing greenhouse gas emissions and supporting climate-resilient land-use patterns. Spatial planning is intended to integrate regulatory systems, but unclear or weak interfaces between statutes introduce complexity and reduce certainty for decision-makers. International examples (such as Ireland’s Planning and Development Act, which requires public bodies to act consistently with climate legislation) highlight opportunities for clearer legislative alignment.</p>	Amend Clause 97 of Part 3 to include stronger reference to related legislation and the relationship between them made explicit: the Climate Change Response Act, the Civil Defence Emergency Management Act and the Soil Conservation & Rivers Control Act (as well as the LGA, LTMA)

Clause(s)	Comment	Relief sought
	<p>Spatial plans should be required to be consistent with environmental limits set under the Natural Environment Act, rather than the reverse. Review periods must also be carefully calibrated to ensure alignment with related legislation and provide for updates where new, material information becomes available, provided a clear justification is demonstrated.</p> <p>Constraint mapping must be nationally consistent to ensure robust and defensible spatial plans. At minimum, constraints should include:</p> <ul style="list-style-type: none"> • Significant Natural Areas (SNAs) • Outstanding Natural Features and Landscapes (ONFLs) • Geothermal water • Drinking-water sources • Highly productive soils • High-hazard areas (informed by climate adaptation plans) • Marine protected areas and wetlands • Areas subject to Water Conservation Orders • Conservation land and areas with recognised international status (e.g., RAMSAR sites). <p>Constraint mapping should form the basis of land-use mapping and be included as mandatory content under Clause 3 (Spatial Plans).</p> <p>The Spatial Planning Act 2023 provides a useful precedent (Part 2, s 17), requiring spatial plans to address both climate mitigation and adaptation, including indicative locations for renewable energy infrastructure, land-use changes that reduce emissions, identification of areas vulnerable to climate risks, and locations or measures required to build resilience. Similar specificity should be incorporated into the Planning Bill.</p> <p>Finally, clarity is needed on the weighting between spatial plans and downstream regulatory and funding instruments. Without clear direction, integration across planning and investment systems will remain weak.</p>	
Part 4 Schedule 3 Regulatory Relief	As outlined above, Greater Wellington objects to the inclusion of regulatory relief in the Planning Bill and would prefer that it is removed entirely. If it is retained in the Planning Bill, then we suggest amendment to make the framework more workable for councils.	<p>Delete Part 4 of Schedule 3.</p> <p>Alternately, if Part 4 of Schedule 3 is retained, then amend Part 4 to:</p> <ul style="list-style-type: none"> - Require regulatory relief only when councils impose rules that go beyond those set out in national direction or go beyond what is required to achieve the goals set out in clause 11 of both Bills. - Establish a permanent central government fund to support councils with regulatory relief obligations imposed by this legislation should be established. - Delete clause 68(4).

Attachment A: Proposed Alternative Timeline

	2026				2027					Year 1				Year 2				Year 3				Year 4				Year 5			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Planning Act	Select Committee Process		In effect & implementation						Establishing of Te Tiriti compliant governance structures and renegotiation of Treaty settlements	Spatial Plan	Spatial plans developed and notified within 30 months of bills becoming law								Hearings and decisions on spatial plans		In effect & implementation								
Natural Environment Act	Select Committee Process		In effect & implementation								National Policy Direction	NPD for Planning Act and Natural Environment Act to be issued within 9 months of Bills becoming law				Limits development				Land Use Chapters (District)									
National Standards - Planning Act			NS for setting the evidence base supporting combined plans to be issued within 9 months of Bills becoming law		NS on standardised provisions to be issued within 18 months of Bills becoming law							Land use chapters notified within 12 months of spatial plan decisions, with parallel development to regional spatial plans				Councils decide on land use chapters within 12 months of notification													
National Standards - Natural Environment Act			NS required by section 6.5(a), (b), and (d), and section 6.8(1)(b) to be issued within 9 months of Bills becoming law		NS required by section 6.5(c) to be issued within 18 months of Bills becoming law						Natural environment chapters notified within 12 months of spatial plan decisions, with parallel development to regional spatial plans				Councils decide on natural environment chapters within 12 months of notification														