Te Uru Kahika Regional and Unitary Councils Aotearoa

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ENVIRONMENT SELECT COMMITTEE
PARLIAMENT BUILDINGS
WELLINGTON

VIA EMAIL TO: EN.LEGISLATION@PARLIAMENT.GOVT.NZ

Tēnā koutou katoa

SUBMISSION ON NATURAL ENVIRONMENT AND PLANNING BILLS

Te Uru Kahika (Regional and Unitary Councils Aotearoa) thanks the Environment Select Committee (the Select Committee) for the opportunity to submit on the Natural Environment and Planning Bills (NEB and PB).

Te Uru Kahika is the collective voice of New Zealand's 16 regional and unitary councils. It is underpinned by an extensive network of subject-matter experts. Together, we play a vital role in championing best practice, information sharing and collaboration across regional government. As integral partners and implementation agents for New Zealand's resource management system, we also work with central government to deliver better outcomes for local people and their environment.

This submission draws on our vast collective expertise to present a perspective on behalf of regional government. Many regional and unitary councils will make individual submissions, reflecting their own local circumstances. Should our positions diverge on specific points, we respect the authority of councils to express their own views. Where differences arise between regions, we trust this supports you in understanding the complexity of the issues being considered.

Te Uru Kahika advocates for a Resource Management System that delivers strong outcomes for our communities, encompassing regional economies and environments. Our submission focusses on matters in the proposed new resource management system at a higher-level, noting that individual councils are likely to provide more comprehensive submissions. We highlight potential improvements to the Bills that warrant further consideration and will ultimately ensure outcomes the Government is seeking.

Te Uru Kahika wants to see a new resource management system that is more efficient, cost-effective, and reduces regulatory burden while providing long-term certainty for New Zealanders, upholding the integrity of Te Tiriti o Waitangi/Treaty of Waitangi and appropriately managing effects on the environment.

We also make this submission as an infrastructure and public transport provider. We construct, renew, upgrade and maintain flood control and protection infrastructure and drainage; manage public transport infrastructure and run significant regional operations.

Te Uru Kahika urges the Government to continue to work on a multi-partisan approach, to provide these reforms the best possible chance of enduring through subsequent electoral cycles, without repeated wholesale change.

We strongly emphasises that resource management reform cannot succeed unless it is tightly integrated with the Government's wider reform programme. Poor alignment across these reforms will amplify system risk. Effective sequencing and well-designed transition arrangements are non-negotiable if councils are to deliver the outcomes Government expects within already constrained financial and workforce settings.

Te Uru Kahika welcome the opportunity to give feedback on the Bills to the Select Committee, and our contribution aims to ensure their provisions can be successfully implemented, and resource management system goals achieved.

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We wish to be heard in support of our submission.

Nāku iti noa, nā

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ON BEHALF OF REGIONAL CHIEF EXECUTIVE OFFICERS
TE URU KAHIKA | REGIONAL AND UNITARY COUNCILS AOTEAROA

OPENING COMMENT – OUR POSITION

1. This submission provides a platform for productive engagement with Central Government, via the Environment Select Committee, for further refinement and implementation.

2. **Regional Government welcomes the introduction of the Natural Environment and Planning Bills.** Our sector has been calling for significant change to the current resource management system for some time. Resource management reform must be able to address today's challenges across the economy and growth alongside climate change, natural hazards and the condition of our local and regional environments.

3. Te Uru Kahika **strongly emphasises that the Government's suite of parallel reforms presents a significant implementation risk for local government.** Resource management reform, occurring alongside Simplifying Local Government and rate-capping proposals, creates compounded system pressures, including the potential loss of institutional knowledge, service disruption, reform fatigue, and confused accountability for communities. Alignment across all major reforms — resource management, emergency management, climate adaptation, water services, simplifying local government, and rate-capping — **is** essential if the outcomes sought by Government are to be delivered within the already constrained financial and workforce capacity of councils.

4. Furthermore, **the timing of the Simplifying Local Government proposal raises significant risk with respect to system implementation**, including the potential loss of elected regional governance to provide political oversight for transition. This presents a further significant risk to the success of the future resource management system. The design and sequencing of multiple transitions will determine the success or failure of these reforms.

5. **Ultimately, we want to see a new resource management system capable of wider support, based on policy settings that endures between political cycles, and which can be successfully implemented.** As proposed the new system generally provides for effective sequencing from higher level policy direction and strategic decision-making, and offers an overall streamlining of resource management processes and lower-level decision-making.

6. **While we support the Bills' introduction, many aspects of these proposals require adjustment either in the higher-level settings or detailed provisions**, covered in the body of our submission. We believe these changes are necessary to ensure the new system is more widely supported and can be successfully implemented.

7. **Also, a durable and trusted system requires alignment with Te Tiriti o Waitangi/Treaty of Waitangi o Waitangi and existing treaty settlement commitments,** so that the architecture of the new system is stable, implementable, and nationally consistent from the outset. Our sector also supports deep and enduring partnerships between our councils and mana whenua – we achieve significant outcomes together and a loss of Māori participation in the new resource management system reflects a net loss in terms of the greater system outcomes being sought.

8. **Getting the transition right is imperative for successful implementation,** requiring the right sequencing of further policy effort and the detailed build, collaboration with system implementers, and investment in the retention of existing workforce capability and capacity of Regional Government.

9. **We acknowledge the crucial detail to come through the development of coherent new national policy direction and regulations once new legislation is in place**, providing the base of decision making on regional growth, resource use and environmental protection to come.

10. **We urge the Government to engage Regional Government on the development of all aspects of transition detail** to ensure its effectiveness and practical workability. We offer our expertise at a practical level in advancing solutions, and encourage the Government to continue working closely alongside us to leverage off our capability in this space.

11. **We support the efficient pace of transition providing it is carefully managed**, but we also want implementation to be successful. To achieve this outcome, we believe good transition requires some additional time to be built in. We cover this in our submission, and the rationale for it.

12. In supporting pace, **we know full well system transition will come at considerable cost to regional government**, which will be multiplied across the delivery of the full set of reforms currently in play. These costs are unknown, and on top of existing delivery of regional and unitary council functions poses a significant point of concern for councils in the face of the rate capping proposals. In the case of unitary councils these impacts may be more acutely felt with compounded workload and sequencing pressures.

13. **Te Uru Kahika and our member councils are also clear on the importance of iwi/hapū participation in resource management decision-making.** We are committed to our delegated responsibilities to implement Te Tiriti o Waitangi/Treaty of Waitangi provisions (where applicable) and to working in genuine partnership with iwi and hapū in our regions to inform our collective view on system reform. We support the government's intention to uphold Treaty settlement legislation.

14. We remain **committed to working with the Government to ensure that legislative reform is workable, efficient, delivers for our communities** and **protects and enhances Māori rights and interests** as guaranteed by Te Tiriti o Waitangi/Treaty of Waitangi. These aims are not mutually exclusive.

1. SYSTEM FOUNDATIONS: PURPOSE AND GOALS

Purpose and connection between the two Acts

15. Te Uru Kahika submits that there needs to be strengthened higher-level connection between the two Bills.

We appreciate the desire for operational clarity inherent in separating the resource management system into two Acts. Without strong high-level connection between the two Acts there is potential for a dual system with overly complex connections and hence slower decision making throughout, including processes at the consenting/permission level, which will frustrate the streamlined, efficient system that the Government is seeking.

16. We support the provisions (clause 27) that purpose national instruments as an opportunity to help resolve conflicts between the two Acts and competing goals, and to "enable integration at the strategic level of decision-making" under both Acts. To unlock the optimal alignment of the planning sequence expressed as 'the funnel' Te Uru Kahika urges the Government to ensure new national direction is in place prior to the commencement of the regional spatial planning process.

17. Te Uru Kahika also submits that for operational clarity, the ability to transfer powers be provided for in both Bills. This reflects what is in place in the current resource management framework, providing flexibility to councils to establish more integrated processes and services for activities requiring approvals under both Acts.

Goals in the two Bills

18. Te Uru Kahika strongly maintains that the goals of both Bills must be included in each piece of legislation. This is essential to ensure genuine integration of strategic planning and decision-making across the new resource management system and to provide a coherent basis for developing national direction.

19. The current Planning Bill fails to include any explicit goals for the natural environment. This omission creates significant uncertainty about how Natural Environment Plans are expected to give effect to regional spatial planning. While the Bill clearly anticipates that environmental opportunities and constraints will shape regional spatial planning, this expectation is not supported by its stated goals. This misalignment risks undermining the effectiveness and clarity of the entire framework.

20. Te Uru Kahika makes points on specific goals as drafted, and suggest additional goals below, to better support the purpose of both Bills.

21. We are concerned that the Bills do not sufficiently articulate the role of climate change across their provisions missing key system inter-linkages (across related reforms) as a result. In particular, the absence of clear climate related goals may limit the integration of climate resilience into environmental and planning decisions.

22. **Te Uru Kahika recommends adding a new goal to the NEB to strengthen adaptation resilience**. We also suggest revising the natural hazard goals so they clearly allow for managing the consequences of natural hazards across the whole system. This reflects the strong links between the new resource management system, the Climate Change Response Act, and upcoming legislation such as the Emergency Management Bill and future climate adaptation legislation (including the National Adaptation Framework).

23. Te Uru Kahika considers that the NEB goals should place a stronger focus on environmental enhancement, and that both Bills need to better recognise the importance of flexibility and choice for future generations. Currently, the goals do not require natural resources to be used and developed in a way that meets the needs of future generations. This is important because how resources such as freshwater and coastal marine areas are allocated affects economic wellbeing of communities now and in the long term. The NEB goals should therefore explicitly aim to sustain this future potential.

24. Throughout New Zealand, there are examples of ecosystems that have been greatly depleted such as wetlands, and some places where communities have expressed concerns about significant degradation of the environment. The NEB clearly expects these situations to be addressed, and this should be expressed in the Bill's goal on indigenous biodiversity.

25. Te Uru Kahika supports the intention of the goal currently supporting indigenous biodiversity, but consider the current focus be adjusted to maintaining and enhancing indigenous biodiversity. We believe a quantitative goal (and supporting measurement and evidence requirements) is better expressed within the detail of national direction.

26. We also **recommend ensuring the goals are aligned with existing Treaty settlement arrangements** and established mana whenua roles, so that early system settings support coherent implementation and reduce the risk of misalignment emerging further down the planning hierarchy.

27. **Te Uru Kahika** recommends **that**:

The goals within the Natural Environment Bill are adjusted as follows:

- Add a goal - to protect the natural environment in a way that preserves options and opportunities for future generations.
- Add a goal - to increase adaptation resilience to climate change including protecting those natural ecosystems that contribute to resilience.
- Adjust the goal on indigenous biodiversity to – "maintain or enhance indigenous biodiversity"
- Extend goal e) by adding "including identification of areas inappropriate for development"

- Work with iwi to broaden the Māori interests' goal to ensure recognition of relationship of Māori and their culture and traditions with ancestral lands, water, sites, wāhi tapu and other taonga (beyond sites of significance).

The goals in the Planning Bill are adjusted as follows:

- To ensure new land use, development and infrastructure reduce exposure to natural hazards and their consequences.
- Extend goal h) by adding "including identification of areas inappropriate for development"

Integrating climate resilience

28. Te Uru Kahika strongly asserts that risk-based planning is essential to protect communities, critical infrastructure, and ecosystems. We fully support the Bills' intent to embed natural hazard risk management into all planning functions, as this is critical to reducing long-term vulnerability and achieving genuinely resilient development. We also **recommend that explicit consideration of climate change and climate adaptation must remain central to decision-making**, given the need for planning to keep pace with changing physical conditions and emerging risks. These requirements must be strengthened in both Bills.

System performance

29. Te Uru Kahika supports the requirement in both Bills for the Ministry for the Environment's Chief Executive to develop and maintain a system performance framework. We consider that this framework should explicitly measure progress toward the goals in Clause 11 of both Bills. Clear measures are essential for the Minister, the Chief Executive, and councils to understand how well the system is functioning and to carry out their monitoring responsibilities. Without defined measures, assessing system performance and carrying out effective reviews will be difficult.

30. While the Bills allow national direction to specify outcomes that plans must achieve, **we recommend a** mandatory **requirement to measure progress towards goals** - ensuring it is directly linked to the goals in Clause 11.

Timeframes

31. Te Uru Kahika maintains firmly that delivering the Bills' "funnel" approach—front-loading effort into strategic resource management direction—cannot be achieved within the current compressed timeframes. Rushing this work, especially under tight constraints to align with national direction, risks undermining the very strategic intent the Bills rely on.

32. We **strongly recommend extending the timeframe for developing regional spatial strategies by at least nine** months**.** This additional time is essential to ensure strategies are robust, effective, and genuinely strategic. This position is supported by Taituarā's detailed analysis.

2. FUNCTIONS AND RESPONSIBILITIES

2.1 Joint and separate functions

33. Te Uru Kahika generally supports the new functional arrangements in the Bills. However, the division of responsibilities for natural hazards—particularly where they involve the beds of lakes and rivers—is unclear. Management of natural hazards in lake and river beds must remain the sole responsibility of regional councils. We recommend that the Bills clearly confirm this so responsibilities are aligned across regional land-use and natural environment planning.

34. We also recommend that regional councils retain responsibilities for the investigation and monitoring of contaminated land, naturally drawing on established expertise and experience within regional government.

35. Te Uru Kahika emphasises that the goals and functions in the Bills must be aligned to capture the efficiencies of regional-scale delivery and to integrate effectively with existing regional responsibilities such as civil defence, emergency management, flood protection, and biosecurity. The proposed shifts in functions are also deeply connected to Treaty settlement mechanisms, statutory acknowledgements, and established mana whenua roles. Altering these arrangements risks undermining long-standing, effective partnerships and implementation practices. Clear alignment is essential to avoid disruption and maintain system integrity.

36. As responsibilities for land use planning would predominantly shift to territorial authorities, relevant provisions in the PB need to explicitly require consideration of regional council functions, including flood protection (flood hazard management), to ensure sufficient integration of planning functions.

37. Planning and implementation, including delivery of new services associated with new responsibilities will add cost to regional government, particularly during the implementation phase of the new system out to the early 2030s. Proposed changes are uncosted which needs to be acknowledged.

38. Under the NEB, regional and unitary councils will be responsible for monitoring compliance with standards, rules, and permits. The EAG report identified compliance, monitoring, and enforcement (CME) as a function needing major improvement, shifting the system from a focus on consenting to a stronger, more effective compliance approach. The Government has also signalled the possible creation of a national compliance and enforcement regulator. Te Uru Kahika has written to Minister Bishop to acknowledge ambition for reform, offering regional government support and input on this work. We strongly encourages early and ongoing engagement with local government to ensure any new model is workable.

39. Te Uru Kahika considers that effective CME depends on three things: clear prioritisation, strong capability, and adequate resourcing. With these in place, the status quo—or any of the EAG's options—could function effectively. Structural changes alone will not fix the underlying issues. To

ensure CME and the wider regulatory system work well, strong integration with councils' policy, planning, and consenting functions must be maintained. Te Uru Kahika welcomes further engagement on this matter.

2.2 Summary of recommendations

40. **Managing natural hazards beds of lakes and rivers:** Adjust functional description in the Bills so that the management of natural hazards in relation to the beds of lakes and rivers remain the sole responsibility of regional councils. Clarify to ensure it can integrate across the development and implementation of both land use and natural environment plans.

41. **Contaminated land functions:** Adjust relevant functions description in the Bills so that regional councils retain responsibilities for the investigation and monitoring of contaminated land.

42. **Better align goals and functions:** Adjust provisions in both Bills to ensure integration with existing roles such as civil defence, emergency management, flood protection, and biosecurity; and alignment with Treaty settlement arrangements and established mana whenua roles.

43. E**xplicitly require territorial authorities to consider relevant regional council responsibilities:** require when carrying out land-use planning function, including flood protection and flood hazard management.

3. TE TIRITI O WAITANGI/Treaty of Waitangi

44. Te Uru Kahika and our member councils are committed to strong, enduring relationships with Māori. These relationships are central to how we work and essential for meeting our current and future legislative responsibilities.

45. Early, meaningful involvement of iwi and hapū in resource management decision making leads to clearer pathways through complex issues, fewer delays later in the process, and durable, efficient outcomes.

46. We encourage the government to work closely with iwi, hapū and councils to ensure the new resource management system genuinely upholds Te Tiriti o Waitangi/Treaty of Waitangi and honours Treaty settlements, strengthening certainty, stability and legitimacy.

3.1 Upholding Te Tiriti o Waitangi and Treaty settlements

47. Regional government seeks a system that is lawful, durable, and trusted. It must uphold the integrity of Te Tiriti o Waitangi/Treaty of Waitangi, uphold the Crown's binding commitments and maintain settlement redress in a way that gives Post Settlement Governance Entities (PSGEs) confidence their negotiated arrangements will continue to have effect, including for iwi and hapū yet to settle. Durable reform must ensure Māori participation is applied clearly and consistently across regions.

Treaty responsibilities in system design and settlement redress

48. Te Uru Kahika supports the inclusion of specific mechanisms to uphold Te Tiriti o Waitangi/Treaty of Waitangi responsibilities. However, there is concern that without a sustained and adaptable Treaty duty applying across the whole system (as existed in RMA ss6-8), those mechanisms alone may not provide equivalent protection.

49. Under the RMA, Part 2 provides a binding statutory framework that embeds Te Tiriti o Waitangi/Treaty of Waitangi principles in decision-making and anchors them in operative provisions. Sections 6(e), 7(a) and 8 have provided legal clarity and consistency by requiring Māori relationships with whenua, wai and taonga, and the exercise of kaitiakitanga, to be considered directly in decisions. Without an equivalent duty, there is a risk that the practical effect of Article 2 obligations and settlement arrangements may be reduced.

50. Our member councils make a range of recommendations on how equivalency with sections 6, 7 and 8 of the RMA might best be achieved, and Te Uru Kahika encourages the Government to consider these carefully while continuing to work with post-settlement governance entities.

51. Regional government has a direct role in implementing many treaty settlement mechanisms that interact with resource management and environmental decision-making. As proposed, the new system alters the way settlement redress is expressed, including through changes to planning provisions, Māori participation settings, and the treatment of settlement equivalence (the extent to which settlement redress is preserved) in new instruments. The new system should not disadvantage iwi and hapū who are still in the Treaty settlement process, or lock in planning frameworks that reduce the practical effect of future settlements.

We recommend the Government work with iwi and local government to develop legislative provisions that deliver an equivalent effect to Part 2 of the RMA, including a clear, operative Treaty clause applying across the system, and giving effect to that duty through national and regional instruments and plans, so as to ensure equivalency in natural environment and land use planning and to maintain the practical and legal effect of Treaty settlement redress.

Settlement transition timeframe creates implementation and cost risk for local government

52. The proposed two-year transition timeframe creates implementation, cost, and legal risks for councils. Fixed commencement dates and translating settlement mechanisms into new spatial and combined plans risk councils making planning decisions without certainty about how settlement redress will be maintained. Uncertainty about the consequences if agreement cannot be reached within the two-year period creates ongoing risk for councils including how conflicts are to be managed during plan development and implementation.

53. If the transition period was extended, the Crown and iwi, as Treaty Partners, could reach durable agreements that ensure settlement arrangements are accurately carried into the new system, reducing uncertainty for councils.

We recommend re-assessing the two-year timeframe and strengthening transitional arrangements – including extensions, continued effect of current mechanisms, and clear statutory guidance where amendments remain unresolved – and consider region-by region commencement once settlement amendments are agreed.

3.2 Māori participation and partnership throughout the system

54. Māori participation is integral to a durable and trusted resource management system and requires clear direction to avoid legal uncertainty and implementation risk. Te Uru Kahika supports the recognition of iwi and hapū planning documents and statutory acknowledgements, the inclusion of a commissioner with tikanga expertise on hearing panels, and the duties to consult and notify iwi authorities in certain circumstances.

55. However, we note that a single Māori commissioner cannot substitute for direct consultation with hapū and iwi, especially for site-specific, localised or sensitive matters. There is no statutory provision in the PB for iwi representation on regional spatial planning committees, leaving it up to councils to decide and the possibility of legal challenge.

We recommend strengthening obligations to take into account iwi/hapū planning documents, enable a Māori commissioner to request (where applicable) direct consultation with local at place iwi and hapū, and lower notification thresholds with explicit consideration of cumulative cultural effects to support clearer and more durable decision-making. Add provisions to the PB to at least enable iwi representation on spatial planning committees.

Iwi authorities

56. Schedule 1 clause 7(3) of the PB and the equivalent clause in the NEB remove the requirement to consult iwi authorities on the first round of national direction. This clause disapplies section 46(1), which ordinarily requires the Minister to provide iwi authorities with draft national instruments, allow adequate time for advice, and have regard to that advice. Under the exception, iwi authorities receive only a 20-working day submission opportunity, which the Minister may shorten.

57. Excluding iwi authorities at this stage may result in national direction that is misaligned with Treaty settlements, customary marine title rights, iwi and hapū planning documents, and existing partnership arrangements increasing the risk of later rework, appeals and implementation delays for councils.

We recommend reinstating the requirement to consult iwi authorities on the first round of national direction, including the duty to have regard to any advice provided.

58. The definition of Iwi Authority needs to be clearer, more concise and unambiguous to prevent illegitimate or self-appointed groups from claiming representative status. A tight, objective definition ensures consistency, legal defensibility and respect for iwi autonomy in decision making.

We recommend rewording the definition of Iwi Authority to:

Iwi authority means the entity is authorised to represent Iwi that:

(a) Has been recognised as an Iwi by a statutory body or statutory recognition process and;

(b) Has, through a documented process and consistent with Tikanga Māori, the mandate to act on its behalf for the purposes of this Act.

Protecting taonga through regional spatial planning, sites of significance, and wāhi tapu

59. Te Uru Kahika supports the recognition of Māori land and culturally significant places and the potential for regional spatial planning to integrate cultural values.

60. However, the Bills provide no enforceable national standards for reflecting Māori priorities, protections for culturally significant sites remain conditional or inconsistent, and wāhi tapu outside MACAA receive limited statutory recognition. The Bills also do not explicitly require councils to work in partnership with iwi and hapū.

We recommend setting enforceable national direction standards for integrating Māori interests into spatial and combined plans, require identification and protection of wāhi tapu and sites of significance across all environments, and require councils to work in partnership with iwi and hapū, supported by national guidance and dedicated Crown funding.

Partnership tools and local agreements (transfer of power, Joint Management Agreements (JMAs), Mana Whakahono a Rohe (MWāR), override powers)

61. Te Uru Kahika supports the continued availability of transfers of powers, JMAs and the retention of existing MWāR.

62. The exclusion of iwi authorities, hapū and PSGEs from the definition of "public authority" limits the practical use of transfers and JMAs, and the inability to initiate new MWāR agreements after commencement diminishes future adaptability for locally negotiated partnership agreements.

We recommend amending the definition of "public authority" to include iwi authorities, provide for new MWāR agreements post commencement, and require consultation with Iwi authorities before override powers are exercised, ensuring local agreements cannot be displaced.

Participation pathways in consenting and inclusion of non-settled iwi/hapū and settled iwi/hapū

63. Te Uru Kahika supports clause 134 which upholds the current RMA and MACAA obligations to seek the views of Customary Marine Title Applicants prior to lodging a consent/permit application.

MACAA implementation and protections

64. Te Uru Kahika supports the inclusion of protections for customary marine title (CMT) holders, including the adverse effects test in NEB s103(1), notification requirements, and permission rights.

65. However, key gaps limit the practical effect of these provisions. NEB s159 and MACAA s93(5) require only that CMT planning documents be "had regard to"; this is significantly weaker than the "recognise and provide for" standard previously applied under the RMA. Further, NEB s103(2) enables permitted activity rules to override s103(1), allowing activities with more than minor adverse effects to proceed subject only to registration. Participation is also constrained by the resource-intensive nature of challenge processes under NEB s102, which risks inequitable access for CMT groups without dedicated resourcing. These issues are heightened by the large number of MACAA applications nationally that remain undecided under the more stringent tests introduced by recent legislative amendments.

Recommendations:

66. Uplift the standard in NEB s159 to at least "recognise and provide for" CMT planning documents.

67. Remove NEB s103(2) to ensure full effect is given to s103(1).

68. Require councils to recognise and provide for CMT planning documents in plan making and consent/permit application processing and resourcing CMT holders to participate meaningfully in NEB s102 challenge processes

69. Adopt clause 134 which upholds the RMA and MACAA requirement for consent/permit applicants to seek the views of Customary Marine Title groups, including MACAA applicants whose claims have not yet been heard or decided.

70. These amendments will reduce procedural uncertainty, avoid litigation risk, and ensure consistent treatment of CMT holders nationwide, which in turn supports clearer planning pathways for councils and applicants.

3.3 Summary of recommendations

71. **Upholding Te Tiriti o Waitangi/Treaty of Waitangi:** That the Government work with iwi and local government to develop legislative provisions that deliver an equivalent effect to Part 2 of the RMA, including a clear, operative Treaty clause applying across the system, and giving effect to that duty through national and regional instruments and plans, so as to ensure equivalency in natural environment and land use planning and to maintain the practical and legal effect of Treaty settlement redress.

72. **Re-assess the two-year timeframe and strengthen transitional arrangements**: including extensions, continued effect of current mechanisms, and clear statutory guidance where amendments remain unresolved – and consider region-by region commencement once settlement amendments are agreed.

73. **Clear direction for Māori participation:** strengthen obligations to take into account iwi/hapū planning documents, enable a Māori commissioner to request (where applicable) direct consultation with local at place iwi and hapū, and lower notification thresholds with explicit consideration of cumulative cultural effects to support clearer and more durable decision-making. Add provisions to the Planning Bill to at least enable iwi representation on spatial planning committees.

74. **Clarity on iwi authorities:** reinstate the requirement to consult iwi authorities on the first round of national direction, including the duty to have regard to any advice provided.

    Reword definition of Iwi Authority to:

    Iwi authority means the entity is authorised to represent Iwi that:

    (a) Has been recognised as an Iwi by a statutory body or statutory recognition process and;

    (b) Has, through a documented process and consistent with Tikanga Māori, the mandate to act on its behalf for the purposes of this Act.

75. **Clear direction for protecting taonga:** set enforceable national direction standards for integrating Māori interests into spatial and combined plans, require identification and protection of wāhi tapu and sites of significance across all environments, and require councils to work in partnership with iwi and hapū, supported by national guidance and dedicated Crown funding.

76. **Amend elements in partnership tools:** amend the definition of "public authority" to include iwi authorities, provide for new MWāR agreements post commencement, and require consultation with Iwi authorities before override powers are exercised, ensuring local agreements cannot be displaced.

77. **Amend** elements **of MACAA provisions:**

    - Uplift the standard in NEB s159 to at least "recognise and provide for" CMT planning documents.
    - Remove NEB s103(2) to ensure full effect is given to s103(1).
    - Require councils to recognise and provide for CMT planning documents in plan making and consent/permit application processing and resourcing CMT holders to participate meaningfully in NEB s102 challenge processes
    - Adopt clause 134 which upholds the RMA and MACAA requirement for consent/permit applicants to seek the views of Customary Marine Title groups, including MACAA applicants whose claims have not yet been heard or decided.

4. SYSTEM TRANSITION

4.1 Pace of change: ensuring new system is ready to implement

78. Te Uru Kahika believes implementation timing is too constrained particularly around the regional spatial planning process. To ensure greater chance of enduring outcomes, we suggest extending the overall implementation timeframe by nine months. This still enables full system implementation by around the end of 2031.

79. As we presented earlier in this submission, getting national direction right, at the top of the funnel, including integration and conflict resolution mechanisms, are critical to ensure regional spatial planning and regulatory planning to follow can deliver effective, robust, clear, straight forward planning frameworks for regional communities.

80. Even with overall timeframes extended we foresee risk in all councils moving through the transition phase at once, with a significant strain on workforce capacity and the availability of experts including hearing commissioners, planners, lawyers and scientists, as regions and councils commence the crucial planning phases at once. We support the position put forward by councils to minimise transition risk, including the possible sequencing of regional spatial planning, where those regions with RSPs already in place to commence in a second tranche at a later point. This would enable a planning bottleneck to be practically managed, while prioritising those regions without establish RSPs.

81. Cost of transition and implementation out to early 2030s, will be significant for regional government, including investments in process, additional resource, institutional arrangements and consultation mechanisms to support the spatial and regulatory planning processes – let alone training and other system support. These costs come at a time when local authorities face significant financial pressures, through rate-cap proposals and infrastructure upgrades to improve community resilience. Examples include:

(a) **permitted activity registration** – additional costs will be incurred in the establishment and maintenance of systems for the registration of permitted activities. In some regions, additional staff will be needed to review and verify data and to meet new provisions that direct local authorities to advise resource users, within 10 working days, as to whether their activity meets the conditions of the rule. Where costs cannot be recouped these will be passed onto resource users.

(b) **regulatory relief** – new regulatory relief framework require councils to provide compensation to landowners where plan provisions significantly impact on a landowner's reasonable use of land. The Government is not subject to these same obligations, with the impact that local authorities are subject to greater financial risk, despite having less capacity to pay.

(c) **system oversight and monitoring** – the transition from a system that manages activities on a consent-by-consent basis (RMA), to a system that relies on limits, action plans and caps and resource use (NEA) will require more oversight, monitoring of system performance and investment in data, tools and systems. An uplift in capability and capacity will also be required for local authorities, as users and staff come to grips with the new system.

(d) **breaches of environmental limits** – regional and unitary councils are accountable for remedying breaches of environmental limits (including costs), even where breaches are the consequence of a Minister's decision (e.g. **through** the significant infrastructure consent pathway). Accountabilities, including costs, should lie with decision-making roles, particularly given councils will have less capacity to pay in light of proposed rate-caps.

(e) **allocation models –** the Bills propose to establish new allocation models (market-based and comparative consenting). If **centralised** systems are not established, local authorities will bear costs of establishing and maintaining these systems. In larger regions, where natural resources are scarce (e.g. Canterbury) cost and time spent in administering these systems will be significant, given the number of resource users potentially impacted.

82. We suggest a mixed model approach to extending consent durations (as opposed to a single common expiry date), purely to enable consent loads to be managed, minor consenting matters to be dealt with efficiently, and environmental risk to be managed. We discuss this further below.

83. Transition timing must also avoid creating interim periods where the practical effect of settlement redress or statutory acknowledgements becomes uncertain, as this would generate avoidable legal and planning risks for councils and communities.

84. Efficiencies will likely require integrated delivery where appropriate, requiring agility where appropriate – including improving provisions to enable transfer of powers to integrate approval processes and service efficiency.

4.2 Extension of consent duration

85. The extension of consent durations during the transition period has the potential to disrupt timely consent/permit application processing in 2031. An estimated 35,000 consents are scheduled to expire during the transition period. Although the need for some replacement consents may reduce under the proposed system, there is likely to still be a need for Natural Environment replacement permits, particularly for activities that require a qualitative assessment. For example, water-takes beyond a threshold will still need to be assessed for whether they are an efficient use/allocation. Extending the duration of water-takes is unlikely to result in those water take permits being permitted in the future system, or the matters of discretion being materially different. Under the RMA, the value of investment is given regard in the processing of a replacement resource consent application. As an example, in the Bay of Plenty there have not been any replacement water-take applications declined or publicly notified under the RMA. We find that many older water-take consents provide excessively more allocation than is required by the consent holder, as shown by

water use records. The replacement consent process is important for freeing up water allocation for new users to utilize, providing for economic growth and development. Also, in some regions, common catchment expiries are established and extending the duration of some water takes will throw the system out of synchronization.

86. National health standards are already in place via the National Environmental Standard for Air Quality (NES-AQ). The Bay of Plenty Regional Council submission provides examples of air discharges and impacts in relation to the proposed consent duration extension. We suggest that the impact on human health from air discharges be considered when deciding whether to extend the duration of such consents.

87. Some consents are for short-term activities, such as earthworks and bore drilling. Extending these consents will create an administrative burden on both the council and consent holder and result in no benefits to any party.

88. As demonstrated above, there are consequences of extending the duration of all consents and in some cases, this may not have benefits. Accordingly, a more nuanced approach is recommended, and this may include region-specific provisions. If some consents are extended in duration, then we recommend that the legislation provides for review of those consents (instead of relying on RMA review clauses which are sometimes inadequate), to safeguard against perverse outcomes, such as impacts on human health and water quality.

89. We recommend staggering the extended expiries to reduce the impact on consultants, planners and applicants. Extending durations for a set timeframe relative to the original expiry will stagger the new expiries. Having all consents expire at the same time will cause frustrating processing delays due to shortages in the workforce.

90. We provide a practical position on how the current consenting system ought to work through transitional provisions covered by these Bills, commencing in 2028, and particularly around allocatable resources subject to replacement consents.

4.3 Summary of recommendations

91. **Extend transition timeframes:** Extend the overall transition timeframe by nine months, to the end of 2031.

92. **Minimising transition risk:** Consider the possible sequencing of regional spatial planning, where those regions with RSPs already in place to commence in a second tranche at a later point.

93. **Consent durations:** If an extension to resource consent durations is implemented during the transition, then provide a specific review provision, enabling extensions from the consent expiry date and consider a more nuanced approach to the types of consents to be extended.

5. REGIONAL SPATIAL PLANNING

5.1 Discussion

94. Te Uru Kahika supports greater emphasis on regional spatial planning in the future resource management system. The benefits of regional spatial planning are evident, and we emphasise the need for integrated planning across land use, water services, natural hazards and climate adaptation, infrastructure, and transport.

95. RSPs provide a key opportunity to create a coherent, forward-looking framework for the region that spatially identifies opportunities and constraints in a way that supports well-informed decision-making.

Status and hierarchy

96. We support the hierarchical framework with RSPs to be given effect to in the land-use plans and the natural environment plan of the combined plan. Clear roles and responsibilities in preparing RSPs are required to ensure efficiency. We support a more streamlined and flexible process with statutory timeframes, while ensuring robust engagement with iwi, central government, and communities.

97. Te Uru Kahika supports giving Regional Spatial Strategies sufficient legal weight to require council long-term plans and other statutory plans to give effect to them. Currently, RSPs can only require tools to be "taken into account," which is too weak to deliver the level of integration the government intends. We therefore support more directive provisions in the PB to ensure strong alignment, including across climate change, emergency management, local government, and water services legislation.

98. Frameworks under the associated Acts should be consistent with the PB and we recommend that clearer direction be provided in the PB about how RSPs are to be given effect to, through related statutory plans, documents and strategies under other Acts. We also support clearer direction being provided in the PB on where responsibilities, planning, funding and delivery of infrastructure identified in RSPs.

99. We make special note of the significant transport planning and operational function of regional and unitary councils, and the critical need to ensure integration of regional spatial planning with transport planning and funding processes. We discuss this further below including our recommended relief.

Governance, institutional arrangements and decision-making

100. Te Uru Kahika asserts that regional councils are critical to both the governance and delivery of Regional Spatial Strategies. To ensure democratic accountability is properly upheld, the PB must include guaranteed representation for regional councils on Spatial Planning Committees and must not leave this to optional or consensus-based arrangements.

101. We also note the need for clear legislative links between the Planning Bill and the Local Government Act to show how LGA provisions will apply to these committees. In addition, we support points made in Taituarā's submission on the detailed functions of SPCs, including member appointments, decision-making, and delegations.

102. Regional and unitary councils are uniquely equipped to lead Regional Spatial Strategies, as they are the only bodies with region-wide datasets, scientific expertise, and dedicated spatial planning teams. Existing regional growth frameworks—such as SmartGrowth, Future Proof, and the Greater Wellington Regional Growth Framework—have already been developed through rigorous, region-wide processes, including extensive community engagement and scenario analysis.

103. Te Uru Kahika strongly supports establishing a mechanism to formally streamline these existing plans or their development processes into new RSPs wherever they meet the Act's requirements. This approach would deliver significant efficiency gains, reduce duplication for councils, partners, and communities, and allow regions to move rapidly into implementation. A process agreement is one suitable tool for determining which elements can be streamlined.

104. Due to the relationships that regional and unitary councils hold across their regions and their involvement to date in the development and delivery of Future Development Strategies and growth strategies they are very well placed to coordinate the delivery of RSPs and ensure integration on regional spatial planning matters.

105. We recommend the PB should state regional and unitary councils as the default secretariat/lead administering authority for preparation of RSPs, but with an option for alternative arrangements to be made in a region if all councils agree. Similar 'default' role allocation already exists in emergency management and land transport management legislation to support those respective joint committees.

106. The integration role of RSPs, aligning regional spatial planning processes with existing Treaty settlement arrangements and mana whenua planning documents will support nationally consistent implementation and reduce the risk of conflicts emerging downstream in plan-making.

Constraints mapping

107. Standardised constraints mapping processes are needed to provide certainty for councils and all system participants. At the same time the system should enable innovation, local responsiveness, and effective collaboration across all levels of government and stakeholders.

108. RSPs should clearly reflect environmental constraints—such as available water, catchment health, significant or sensitive sites (including Sites of Significance to Māori, Outstanding Natural Features and Landscapes, Significant Natural Areas, Customary Marine Titles and Protected Customary Rights), and natural hazards—to give greater certainty for resource users, developers, and communities.

109. We also recommend explicit integration of climate adaptation into regional spatial planning for future environmental limits (ecosystems and indigenous biodiversity), enabling a stronger connection to the causes and implications of natural hazards.

110. Furthermore, as a matter of priority, regional spatial planning must be able to integrate climate adaptation (including priority for local adaptation areas) planning, emergency management readiness and response planning, flood management and protection, the presence of wider natural hazards - spatially within regions.

111. We consider there to be merit in considering opportunities for resource utilisation, in addition to constraints, as part of the content of regional RSPs. For example, some regional councils and unitary authorities already identify areas appropriate for aquaculture within the coastal marine area.

112. To maximise the value of the RSPs, it is important that mapped constraints are accompanied by concise supporting information that explains why the constraint has been identified, helping users of RSPs clearly understand environmental characteristics, values, and implications for future activity.

Process and timeframes

113. In designing for constraints, Clarity is needed on how environmental limits should be applied in RSPs, given that councils and communities will set most ecosystem health limits through regional Natural Environment Plans. We recommend that limits for a core set of indicators be established before RSPs are developed, so there are baseline protections in place (see *Environmental Limits* section below). We also propose a streamlined process to allow additional limits to be 'bolted on' to first-generation RSPs once full limit-setting is completed through natural environment planning. This would mean first-generation RSPs would not need to meet all limit-related process requirements immediately.

114. Te Uru Kahika recognises the Government's desire to implement changes to the system as quickly as possible. We consider this must be balanced with the need to ensure that the RSPs are robust and enduring, and time is required to ensure quality RSPs. The short timeframe in the PB for completing RSPs risks low-quality outcomes which do not deliver the benefits that regional spatial planning can provide.

115. Regional spatial planning in some areas may need to engage with complex issues such as climate change adaptation (including identifying priority local adaptation areas) or managed retreat and therefore requires sufficient time for meaningful community engagement, research and analysis. Also, the proposed timeframe may not be achievable due to limitations on availability of experienced independent hearing commissioners, with all the RSPs to be heard at the same time. The likelihood of unintended consequences to arise is increased when insufficient timeframes are imposed.

116. Te Uru Kahika believes timeframes for regional spatial planning need to be extended (a position shared by Taituara). An extension would better enable sufficient time for information inputs on growth, development and science and evidence across environmental constraints, alongside process needs of consultation, deliberations and decision making. We recommend the RSP process timeframes should start once new national direction comes into force, rather than at legislative enactment. We think requiring public notification nine months after the first national policy direction is delivered balances expedient delivery with the need to prepare robust RSPs.

Transport planning integration

117. While we support provisions under section 67 of the PB, this purpose will not be achieved without integrating the RSP process with key transport planning and funding processes under the Land Transport Management Act (LTMA) including via the Government Policy Statement on land transport (GPS), National Land Transport Programme (NLTP), Regional Land Transport Plan (RLTP) and Regional Public Transport Plans.

118. We submit that:

(i) The LTMA is amended to require the GPS to 'be consistent with' a RSP.

(ii) The Bill is amended to provide more clarity about the hierarchy and relationship between land use plans under the new Planning Act, and key planning and funding documents under the LTMA.

(iii) Community affordability is added to the requirements for proposed National standards that can set rules about when councils are allowed to consider if there is enough infrastructure to support a development.

Appeals

119. In the hierarchy, RSPs are intended to guide the Land Use and Natural Environment parts of the Combined Plan, and their key decisions should not be revisited later. Te Uru Kahika considers that because the RSP sits at the top of the system and is where most public input occurs, this should be reflected in appeal rights.

120. We suggest that if a local authority accepts the Independent Hearings Panel's recommendations, appeals to the Environment Court should be limited to points of law. If the authority rejects the Panel's recommendations, then full merit-based appeals should be allowed. This approach aligns with the EAG report (section 328).

121. Given the foundational nature of an RSP and the intention that matters in the plan not be relitigated at a later stage, opportunities for public input and limited appeal should be provided for.

Ministerial powers, disputes and implementation

122. The Minister will have broad powers to decide on matters relating to infrastructure and any matter considered of national interest. The Minister's decision prevails over local authority decisions in the event of conflict, which significantly centralises decision-making and risks undermining Treaty settlement provisions. Where the Minister is intending to reject the recommendation of a panel, we recommend that the Minister should be required to consult with relevant local authorities and iwi first – the latter particularly where iwi participation on relevant council policy committees is secured in a settlement.

123. Lack of clarity on dispute resolution mechanisms risks creating delays and uncertainty, especially where councils cannot agree on key provisions. We recommend establishing a clear dispute resolution pathway that prioritises local resolution (including criteria and decision-making requirements) but allow timely referral to an independent body before Ministerial involvement.

124. Te Uru Kahika supports the requirement for RSP committees to prepare a co-ordination plan. We view this as a commitment to working through implementation as part of preparing a RSP. For RSPs to fulfil their intent to be long-term and strategic, they need to be linked to infrastructure investment and commitments by local government but also by central government and its agencies. We recommend that the Bill requires participation of government agencies in the co-ordination planning process.

5.2 Summary of recommendations

125. **Governance:** Guarantee regional council representation on Spatial Planning Committees (SPCs) ensuring this is not left to consensus.

126. **Clear roles:** Identify regional and unitary councils as the default secretariat/lead administering authority for preparation of RSPs, but with an option for alternative arrangements to be made in a region if all councils agree.

127. **RSP Scope**: Expand the scope of regional spatial planning to explicitly include natural resource management.

128. **RSP timeframes:** Increase the timeframe for publicly notifying draft RSPs (at least nine months from the delivery of first national policy direction, rather than 15 months from Royal assent). If the timeframe for preparation of draft RSPs is not extended, then develop the option of the 'first' RSP to satisfy minimum requirements and timeframes, and the next RSP iteration to be more fulsome.

129. **Ensure integration with Treaty settlement arrangements** and mana whenua planning documents to maintain nationally consistent implementation.

130. **Recognising existing growth strategies:** Create a mechanism to streamline existing regional growth strategies (e.g., SmartGrowth, Future Proof) into RSPs where appropriate.

131. **Constraints Mapping:** Ensure standardised requirements for mapping environmental, natural hazards and development constraints, extending beyond urban areas. Integrate climate adaptation explicitly into RSPs, including links to environmental limits and natural hazard management. Enable the identification of priority locations for adaptation plans as part of regional spatial planning, with allowance of an appropriate timeframe for implementation. Also allow RSPs to identify resource opportunities as well as constraints, such as areas suitable for aquaculture.

132. **Environmental limits:** Set core environmental limits before RSP development begins, with a streamlined pathway to add further limits later.

133. **Strengthen emphasis on integrated planning**: Require integration across land use, water services, natural hazards and climate adaptation, infrastructure, and transport.

134. **Confirm RSPs must be given effect to** in land-use and natural environment plans. Introduce more directive provisions so RSPs have sufficient legal weight and statutory plans (including long-term plans) must give effect to them.

135. **Ensure alignment across related legislation**, including climate change, emergency management, local government, and water services. Provide clearer direction in the Planning Bill on how RSPs apply across other statutory plans and infrastructure responsibilities. Clarify how Planning Bill and Local Government Act provisions connect in relation to SPCs.

136. **Strengthen transport planning integration,** recognising the major transport functions of regional and unitary councils. Amend the Land Transport Management Act so the Government Policy Statement on land transport must be consistent with RSPs. Clarify the hierarchy between land-use plans and transport planning/funding documents (GPS, NLTP, RLTP, RPTP).

137. **Appeals:** Limit Environment Court appeals to points of law where councils accept Independent Hearings Panel recommendations. Allow merit-based appeals where councils reject the Panel's recommendations. Ensure meaningful public input and limited appeal rights at the RSP stage, given its foundational role.

138. **Ministerial powers and disputes:** Require Ministerial consultation with councils and iwi before rejecting a panel's recommendations, especially where Treaty settlement participation applies. Establish a clear dispute-resolution pathway, prioritising local resolution but enabling referral to an independent body before Ministerial intervention.

139. **Integration and Coordination Plans:** Require more directive cross-party and cross-agency requirements (e.g., in Long Term Plans, Regional Land Transport Plans, Water Services) to align funding and delivery commitments. Require government agency participation in RSP co-ordination plans to support long-term implementation and infrastructure commitments

140. **Transition and** Interlinkages**:** Ensure smooth transition from existing plans, have a mechanism that recognises parts of existing RSPs can be transferred to a RSP, integrate with funding and infrastructure planning, and maintain alignment through regular review.

6. REGULATORY PLAN MAKING

6.1 Discussion

141. Te Uru Kahika supports more stream-lined plan-making, with sound foundations being set by the RSP process. Clear, consistent responsibilities for regional and unitary councils under the Bills is imperative, given the need for integrated, outcomes-focused resource management.

142. Natural Environment Plans will be less complex and controversial if major conflicts and constraints on development are adequately resolved through the regional spatial planning process. We endorse our previous recommendations on integration across the two Bills, the appropriate sequencing of environmental limits, and flexibility to adjust plans as transition is progressed.

143. Plan-making must be supported by agile and appropriately scaled planning processes, and enabled by digital integration of existing information and data platforms essential to the new e-planning system.

144. We highlight the importance of new natural environment plans enabling the use of both regulatory and non-regulatory tools. That approach will better enable us to focus regulatory effort on high-risk activities and otherwise enable practical, non-regulatory solutions.

145. Te Uru Kahika supports the use of voluntary actions and action plans, but we recommend that the NEB explicitly require information from voluntary actions and freshwater farm plans to be provided to regional and unitary councils. Without this information, councils will struggle to apply the tests in clause 64 before using input or land-use controls.

146. Te Uru Kahika recommends that the NEB make it clear that communities can set their own local goals, as long as these do not conflict with national instruments or the goals in the Bill. Current plans already reflect a range of community aspirations—such as sustainable economic use, tourism, recreation, and healthy ecosystems. While the Bill notes that community aspirations can influence environmental limits, it should also explicitly recognise the ability to set local goals.

147. Natural Environment Plans should clearly give effect to Treaty settlements, and take into account iwi management plans and planning documents prepared by Customary Marine Title groups. They should also involve communities and tangata whenua in their preparation. Clarity on how Natural Environment Plans must give effect to relevant settlement arrangements is essential to avoid inconsistent regional practice and reduce litigation risk during transition.

148. Te Uru Kahika considers it essential that regulatory plans stay aligned with new national instruments. Frequent changes to national direction or standards could create instability, slow consenting, and complicate local policy settings. We therefore recommend streamlined mechanisms to update regulatory plans when national instruments change, and we also ask that national instruments be required to set out clear transition pathways for plans and consents.

149. The Bills separate built and natural environment processes in a way that overlooks the strong connections between land and other natural resources such as water, air, soil, and vegetation. Because the Planning Bill does not reference the Natural Environment Plan, its provisions cannot be applied to land-use decisions. This creates a real risk that land-use activities will be approved without properly considering their environmental effects. Land use can impact water quality and quantity, air quality, and plant communities, so it must be managed with these effects clearly in mind.

150. Unitary councils have shown that combined plans lead to more integrated management, better mitigation, and improved environmental outcomes. It is therefore ironic that, although combined plans will now be required, the proposed split between the built and natural environment could undermine the very benefits combined plans provide. Recognising how land connects with other natural resources is not a weakness in the system—it is essential to good planning.

151. Te Uru Kahika supports faster, more adaptive plan-making. To reduce delays—consistent with our recommendation for RSPs—we propose that when a local authority accepts an Independent Hearings Panel's recommendations, appeals on Natural Environment Plans be limited to points of law. If the authority rejects the Panel's recommendations, merit-based appeals should be allowed. Because Natural Environment Plans will include many bespoke, locally specific provisions, allowing full merit appeals on all matters would slow the system and create heavier testing for lower-level instruments. We also see value in reinstating the former NBA approach that allowed urgent, minor, or targeted plan changes to follow shorter processes.

6.2 Summary of recommendations

152. **Require voluntary actions and freshwater farm plan information** to be provided to regional and unitary councils, so they can apply clause 64 tests before using land-use or input controls.

153. **Explicitly allow communities to set local goals**, provided these do not conflict with national instruments or Bill-level goals.

154. **Plan content and process in relation to Iwi/Māori :** Provide clarity on how Natural Environment Plans must give effect to relevant settlement arrangements.

155. **Create streamlined mechanisms to update regulatory plans when national instruments change,** and require national instruments to include clear transition pathways for plans and consents.

156. **Address the disconnection between built and natural environment planning**, ensuring Natural Environment Plan provisions apply to land-use decisions given the environmental impacts of land use. Avoid structural separation of built and natural environment plans developed by unitary councils.

157. **Limit appeals on Natural Environment Plans** to points of law when a council accepts Independent Hearings Panel recommendations, with merit-based appeals available only when recommendations

are rejected. **Reinstate shorter plan-change pathways** (urgent, minor, targeted) similar to the former NBA to support faster, more adaptive plan-making.

7. ENVIRONMENTAL LIMITS

7.1 Discussion

158. Te Uru Kahika supports the use of environmental limits under the NEB to protect human health and natural ecosystems. We agree that environmental limits to protect human health should be set nationally, whereas environmental limits to protect natural ecosystems should allow for local variations. To ensure the framework is sufficiently robust and future-proof, we recommend that the environmental limits regime should explicitly anchor to ecosystem health (rather than only 'life-supporting capacity').

159. We support regional and unitary councils being assigned the responsibility for setting environmental limits to protect natural ecosystems. Regional and unitary councils have been tasked with managing natural resources for decades, so are best placed to understand local ecosystems, pressures, and community aspirations. Our expertise and experience will ensure that limits to protect natural ecosystems are grounded in local knowledge, responsive to regional variation, and integrated with existing and new planning and delivery systems.

160. Environmental limits must be based on robust methods and evidence. National direction should provide consistent limit-setting methodologies that are adaptable to local conditions. National methodologies should embed mātauranga Māori indicators, such as mauri and cultural flow requirements, alongside biophysical attributes.

161. We consider that regional and unitary councils should have the ability to set local limits that are *more stringent* than national bottom lines where enhanced environmental outcomes are sought, for example to reflect community aspirations and values. The option for regional and unitary councils to set environmental limits that are *less stringent* than national bottom lines (as would be enabled by the current drafting) must be tightly constrained to narrow and well-defined circumstances (e.g. where concentrations are above national limits due to natural processes or conditions). We note that setting less stringent limits may not only undermine environmental protection but may also lessen the system incentive to constrain resource use and thereby curtail headroom for future economic development.

162. We support a phased implementation approach. Initially, environmental limits must be put in place for a core set of indicators ahead of RSPs being developed, to ensure that environmental outcomes and future development opportunities can be realised. To protect natural ecosystems, limits should focus effort first where environmental pressures are greatest. Limits can be developed for other indicators over time, prioritised according to the more significant environmental pressures, and/or where community aspirations for environmental protection are highest. Limit-setting should be aligned with existing planning and consultation processes to reduce duplication and consultation

fatigue. Such phasing-in of environmental limits would streamline early implementation, reduce complexity, and build confidence in the system.

163. Te Uru Kahika emphasises that environmental limits must uphold Te Tiriti obligations and reflect both scientific and cultural measures. As noted above, councils need flexibility to strengthen limits beyond national floors where local conditions or tikanga demand higher protection, supported by resourcing for mana whenua participation. This approach ensures limits are legally robust, culturally inclusive, responsive to regional realities and supportive of intergenerational wellbeing, all of which will reduce litigation risk and build trust.

164. As a point of specific detail, we recommend climate change to be incorporated into the environmental limit-setting framework, including setting limits and defining management units, because shifts in rainfall, temperature, water demand, and other physical drivers will influence the ability of the natural environment to maintain target states.

165. We emphasise that environmental limit-setting must be effectively embedded within an adaptive management approach. Monitoring, investigations, evaluation and reporting activities must be well designed and appropriately resourced to enable such an adaptive management approach to function effectively. In addition, Natural Environment Plans must also be agile and timely so limits can be adjusted when new information or emerging issues arise.

166. We recognise that environmental limits are just one of several available tools to manage activities and achieve environmental goals. Other tools include activity restrictions, best management practices, performance standards, education and partnership campaigns. Allowing regional and unitary councils to apply a range of regulatory and non-regulatory tools for resource management will minimise costs while maximising flexibility, innovation and efficiency.

7.2 Summary of recommendations

167. **Assign regional and unitary councils' responsibility for setting limits for natural ecosystems,** recognising their long-standing expertise, local knowledge, and relationships with communities.

168. **Anchor** environmental **limits to ecosystem health** (not only "life-supporting capacity") to ensure a strong, future-proof framework.

169. **Base environmental limits on robust, nationally consistent methodologies**, adaptable to local conditions and incorporating mātauranga Māori indicators such as mauri and cultural flow requirements.

170. **Integrate climate change into the limit-setting framework**, including how limits are set and how management units are defined.

171. **National consistency with local flexibility:** Embed key principles for environmental limit-setting in the legislation (e.g. manageability, evidence-basis, goal-relevance). Allow councils flexibility to set environmental limits that are more stringent than national bottom lines where local conditions or tikanga demand higher protection. The ability for councils to set environmental limits that are less

stringent than national bottom lines must be under only well-defined, tightly constrained conditions.

172. **Joint management of interacting limits:** Ensure that that the provisions require and enable joint management where appropriate by adjacent regional and unitary councils and/or other agencies in cases of cross-border, cross-domain or interacting health and environmental limits.

173. **Adopt a phased implementation approach**, starting with a core set of environmental limits before RSP development, targeting areas of greatest environmental pressure first.

174. **Simplify and centralise reporting and review requirements** allowing for staggered or targeted reporting. Ensure that reporting and review requirements support adaptive resource management and plan-making.

175. **Require national methodologies for environmental limits to explicitly enable incorporation of mātauranga Māori** indicators (e.g., mauri, cultural flow requirements) alongside biophysical measures and provide dedicated resourcing for mana whenua participation in both national and regional limit-setting processes.

8. OTHER MATTERS

8.1 Regulatory relief

176. Te Uru Kahika recognises that councils hold differing positions on the regulatory relief framework.

177. We understand the general intent of the regulatory relief proposals, which aim to recognise the benefit of private landowner rights to activities on their land alongside actions made to the public good. However, given the significant fiscal, legal, and Treaty risks associated with the proposed regulatory relief (regulatory takings) framework, we consider that the regime—as currently drafted—is fundamentally flawed.

178. The framework introduces major and uncertain financial liabilities, creates material legal risk for councils, and sits in tension with councils' statutory responsibilities under the NEB, the Climate Adaptation frameworks, and settlement and Treaty commitments.

179. The design of the framework impacts regional and unitary council functions and responsibilities in relation to sites of significance to Māori, indigenous biodiversity, wetlands, and natural hazard management (including flood protection). This creates fiscal risks for councils and ratepayers and issues of equity for landowners responsible for managing environmental values, particularly in rural communities. The framework fundamentally alters long-standing expectations around the balance of private property rights and public environmental responsibilities. Without major redesign, it risks deterring councils from implementing necessary protections, including those aligned with regional spatial planning, indigenous biodiversity, climate resilience, natural hazard management, and sites of significance to Māori.

180. The proposals create a significant conflict between regional and unitary councils' general responsibility to manage natural resources and regulate activities (such as indigenous biodiversity) and regulatory relief requirements that may direct councils to compensate private landowners for imposing planning controls. This conflict exposes councils to open-ended liability and creates a perverse incentive not to schedule or regulate where required, undermining core system outcomes and national direction.

181. We reiterate that regulatory relief must not apply where controls are necessary to achieve environmental limits, meet Treaty obligations, or implement national direction. We note that the same regulatory relief framework would not apply to the Crown in forming national standards to manage land and resource use, creating inconsistencies and unfair cost-shifting.

182. Where planning controls are not imposed, regional and unitary councils face risks of legal challenge for failing to impose controls that would deliver on their functions. Where controls are imposed, they face uncertain financial risks through requirements to provide compensation, which is more significant in the context of restrictions on council spending introduced through the rate capping proposals. Ratepayers are likely to be concerned about ratepayer funds being used to compensate private landowners, aligning with the regional sector's longstanding position on avoiding unintended cost-shifting to councils and communities.

183. Including sites of significance to Māori within the regulatory relief regime carries significant risk of not aligning with Treaty principles or settlements. Failure to schedule such sites because of compensation risks would undermine the Crown's Treaty obligations and result in inequitable protection.

184. Te Uru Kahika has already recommended that "sites of significance to Māori" be removed from the list of specified topics subject to regulatory relief. This reflects the sector's consistent position that:

- Cultural values must not be subordinated to private property interests
- Protections must not regress from existing standards
- The system must not create mechanisms that in practice deter the recognition or protection of Māori sites

185. Sites of significance existed long before contemporary property boundaries. Their protection should not be contingent on the fiscal capacity of councils or the willingness of private landowners to accept environmental responsibilities inherent in their stewardship. This position is consistent with Te Uru Kahika's emphasis on upholding Te Tiriti o Waitangi/Treaty of Waitangi, meeting settlement commitments, and avoiding perverse incentives that weaken recognition or protection of Māori interests.

186. Given the conceptual, operational, and financial flaws in the regime, Te Uru Kahika recommends that the regulatory relief provisions be either:

- removed from the Bills entirely and reconsidered separately on a principled basis; or

- substantially narrowed in scope through clear exclusions, defined thresholds, prospective application only, and the removal of elements that shift Crown obligations onto councils.

187. It should also be amended to ensure that existing controls are not subject to the regulatory relief regime retrospectively. If retained, the framework must include high and objective thresholds for compensation, clear definitions (including "reasonable use"), and a robust Crown funding mechanism that avoids cost-shifting to local authorities.

188. We support further amendments consistent with the EAG report, emphasising that any regulatory relief mechanism must be equitable, affordable, and must not deter councils from making necessary planning decisions.

189. A Central Government funding mechanism is essential if the framework is retained in any form, to avoid undermining environmental outcomes, resilience, and Treaty obligations while ensuring national benefits are supported by national funding.

8.2 Summary of recommendations

190. That the **regulatory relief framework be removed** from the Bills entirely and reconsidered separately on a principled basis. Should the framework be progressed, our recommendations are summarised as follows:

191. **EAG Report alignment:** Ensure any regulatory relief mechanism is consistent with the EAG's principles of equity, affordability, and system integrity, and does not deter councils from making necessary planning decisions.

192. **Going beyond national direction settings:** Regulatory relief must not apply to controls required to achieve or maintain environmental limits, uphold Treaty obligations, implement national direction, or deliver core system outcomes (including biodiversity, natural hazards, climate resilience, and sites of significance to Māori). If any mechanism is retained, it should apply only where councils seek to impose additional controls beyond national direction and only where genuine, material impacts occur.

193. **Changes to the regulatory relief framework:** Substantially narrowing the regulatory relief scope through clear exclusions (environmental limits, Treaty obligations, national direction, sites of significance to Māori), prospective application only, and removing all elements that shift Crown responsibilities onto councils. Clear definitions (including "reasonable use of land", "significant impact", and "loss") are needed to ensure the mechanism does not create perverse incentives that deter councils from implementing necessary protections.

194. **Financial compensation:** Apply high and objective thresholds for any compensation to avoid open-ended liability and ensure relief is triggered only in cases of genuine, material impact—not when councils are fulfilling statutory functions.

195. **Funding mechanism for national benefit:** Establish an adequate and durable Central Government funding mechanism to assist councils in compensating landowners where environmental protection

and climate resilience provides significant regional and national benefit. Any regulatory relief mechanism must be fully supported by national funding to avoid cost-shifting to local authorities, especially in the context of rate capping proposals.

8.3 Consenting framework

196. Te Uru Kahika generally support the intent of the proposed consenting process improvements included in the Bills making the consenting system more efficient and cost-effective, and reducing the number of activities requiring consents supported by a range of standardisation requirements. We expect that council submissions will provide more detailed feedback on the individual clauses.

197. We note that much more detail is to follow in the development of regulations and standardised approaches and strongly encourage central government to work with local government to ensure the development of national standards and standardised activities to ensure (the achievement of new RM system goals and) workability of new provisions in implementation. Below we suggest some further improvements.

198. The controlled activity status under the RMA has been a useful mechanism for communities and councils, providing certainty to Applicants that consent will be granted and will be processed without notification. We propose that these certainties be explicitly provided for in provisions governing rules of the Natural Environment Chapter, enabling relevant rules to clearly identify which applications must be processed and granted on a non-notified basis.

199. The referral of Resource Consent Applications direct to the Environment Court has been a useful tool under the RMA for applicants, submitters and councils. This provides a faster progression to Environment Court when an appeal on an application is likely. We request that the direct referral process be provided for in the Bills in the same format as it is within the RMA. Direct referral is at the request of the consent applicant and the discretion of the relevant council(s).

200. We support the proposed rise in the effects threshold for limited or targeted notification to more than minor. However, we oppose the raising of the effects threshold for public notification to significant adverse effects and consider either 'more than minor' or 'moderate' adverse effects is a more appropriate threshold. During 2023/24, only 2.5% of all resource consent applications in New Zealand were publicly notified (2.4% in 2022/23, 2.1% in 2021/22). RSPs and land use and natural environment plans cannot anticipate every proposal and there will still be a need for public notification of some applications to provide fair opportunity to the public on proposals that have more than minor adverse effects and were not anticipated by the plan(s).

201. The Bills propose that the need for a resource consent hearing is no longer a mandatory requirement at the submitter's request but includes a determination by the consenting authority that holding a hearing will be the most effective and efficient means to test the information. We support council discretion to hold a hearing. However, this presents a point of legal challenge, and we suggest that if this is retained that any challenge to the decision to hold a hearing be considered by the High Court to limit process-driven challenges compared to merit-based appeals.

202. Currently under the RMA an activity that is permitted is an activity that does not require resource consent. The NEB proposes that instead of using the term *resource consent* that consented activities be called natural environment *permits*. An activity that does not require a permit is permitted and an activity that has gained a permit would be permitted. This is confusing terminology with the same word having two very different meanings. Building consents are also often referred to as building permits. Furthermore, for unitary councils there is benefit, for councils and applicants/consent holders, in issuing one combined consent for the same activity under the Planning Act and Natural Environment Act. Under the Bills this would require a planning consent and a natural environment permit. Having a combined approval will provide benefits for the applicant/consent holder. Accordingly, we recommend that approvals under both Bills be called resource consents.

203. The ability to jointly process consent applications (or transfer delegations) between both territorial and regional councils would further improve the system and benefit Resource Consent Applicants who require consents and permits under both Acts for the same project. We ask that the mechanism for transferring consenting powers between councils be amended to reduce administrative burdens.

204. The Bills lack a definition of infrastructure (other than a definition in the PB that only relates to designations). The RMA definition of infrastructure does not include flood control and protection works carried out by, or on behalf, of a local authority. We submit that a definition of infrastructure would be helpful and should include *flood control and protection works carried out by, or on behalf, of a local authority.*

205. In the interests of natural justice, appeals by submitters on consent/permit decisions should be limited to issues raised in their submissions. We recommend that subclause 172(2)(b) of the NEB be deleted.

206. As noted earlier, separating the management of land from other natural resources creates risks. Allowing decision-makers to consider a broader range of matters when assessing planning consent applications could improve how land use effects are managed. One way to do this is to give consent authorities working under the PB the discretion to consider the Natural Environment Plan when it is relevant. This would allow them to apply provisions specifically designed to manage land use impacts on the natural environment. There is little downside to enabling this, and it offers real potential for better resource use and environmental outcomes.

207. To support this, we propose amending Subpart 4 of Part 4 (Clause 139) of the PB to recognise relevant provisions of the Natural Environment Plan.

208. Finally, Te Uru Kahika requests that the provisions on written approvals be amended so that natural hazards are not excluded from consideration (clauses 138 and 148 of the PB and 155 of the NEB). Even if a person has given written approval, natural hazard effects should still be assessed because they impact current and future owners and occupiers of the site and are particularly relevant for

subdivisions. This would not affect the notification decision due to PB clause 128 and NEB clause 149 specifically excluding parties who have provided written approval.

8.4 Summary of recommendations

209. **Must grant direction:** Enable Plan rules to prescribe which applications must be processed and granted on a non-notified basis (similar to an RMA controlled activity status).

210. **Direct referral:** Provide for direct referral to Environment Court with the same provisions as the RMA so it is at the Applicant's request and Council's discretion.

211. **Public notification threshold:** Amend the threshold for public notification to more than minor or moderate adverse effects, and allow council discretion to hold a consent hearing.

212. **Terminology**: Avoid confusing terminology and refer to permits under the Natural Environment Bill as resource consents.

213. **Transfer between councils**: Provide an efficient process to transfer consent processing and decision powers between councils.

214. **Infrastructure** definition**:** Add a definition of infrastructure and include flood control and protection works carried out by, or on behalf, of a local authority.

215. **Submitter appeal** rights**:** Limit submitter appeal rights to issues that have been raised in their submission.

216. **Integration:** Provide for discretionary consideration of the Natural Environment plan chapter when processing Planning Act resource consent applications.

8.5 Compliance monitoring and enforcement

217. Te Uru Kahika supports the enhancements in tools and processes for compliance, monitoring and enforcement, strengthening the role of regional government to prevent adverse effects, remedy harm, gather information, deter offending and recover reasonable costs from non-compliance.

218. The two Bills are interconnected and contain many duplicate provisions, however where it relates to enforcement matters, the NEB refers to schedules and regulations made under the PB. This complicates enforcement matters as action cannot be taken under one Act without consideration of and reference to the other Act. For clarity for both regulators and regulated parties, and ease of enforcement, the NEB should standalone and relevant sections and schedules of the PB should be duplicated or shifted

219. Registration may be useful for some permitted activities, but not all activities. Registering all permitted activities will create a significant regulatory and administrative burden. We submit that registration and monitoring of permitted activities should be an option available to councils when preparing plans, rather than a mandatory legislative requirement. It is currently unclear how several other aspects of the permitted activity rule requirements would be carried out, and may make

permitted activities more akin to a consent. This includes the applicant requirements for written approvals and certified information, and Council responsibilities for verifying that information. It is also necessary to allow permitted activity rules to include conditions that are designed to avoid, remedy or mitigate adverse effects, otherwise there will be fewer permitted activities than currently.

220. Te Uru Kahika also recognises there is a cost impact for councils in creating the databases and systems to manage the registration process.

8.6 Summary of recommendations

221. **Duplicate relevant enforcement provisions in both Bills:** For clarity for both regulators and regulated parties, and ease of enforcement, include relevant sections and schedules of the Planning Bill in the Natural Environment Bill.

222. **Registration of** permitted **activities should be optional:** Make registration optional for councils when preparing plans, rather than a mandatory legislative requirement.

223. **Ensure permitted activity conditions can manage effects:** Allow permitted activity rules to include conditions that are designed to avoid, remedy or mitigate adverse effects.