

13 February 2026

Committee Secretariat  
Environment Committee  
Parliament Buildings  
Wellington  
Via email: [en.legislation@parliament.govt.nz](mailto:en.legislation@parliament.govt.nz)

Dear Chair and members of the Environment Committee

## **Manawatū District Council Submission on the Natural Environment Bill 2025**

The Manawatū District Council (MDC) thanks the Environment Committee for the opportunity to make a submission on the Natural Environment Bill 2025 ('the Bill'). The preparation of the Bill constitutes the most significant change to the New Zealand planning and resource management system since 1991, with considerable impacts on the lives of every New Zealander and many billions of dollars in public and private investment for years to come. We ask the Committee to look beyond the immediate issues of today and carefully consider the long-term benefits and costs the provisions of the Bill will confer, particularly on future generations.

This submission comprises two principal parts. The first part of the submission consists of a brief overview of the Manawatū District and general submission points on the Bill. The second part of the submission, presented in tabular form, contains points on specific subject matter areas and provisions of the Bill.

Manawatū District Council also supports many of the points raised in the submissions by Local Government New Zealand and Taituarā - Local Government Professionals Aotearoa.

### **An Overview of the Manawatū District**

The Manawatū District has a population of approximately 33,700 people and covers nearly 2,600 square kilometres. It incorporates the full or partial catchment of several rivers (the Manawatū, Rangitikei and Oroua) stretching from the boundary with Palmerston North City and the Ruahine Ranges in the east to twelve kilometres of Tasman Sea coastline in the west. Towards the coast, much of the district consists of flood plains and extensive areas of highly productive land.

Much of the land in Manawatū District is used for primary production purposes (e.g. sheep farming, dairy and cattle farming, and some horticultural and forestry uses). Areas of indigenous vegetation and reserves make up less than 13 per cent of land area (the largest areas being the Ruahine Forest Park and coastal dunelands).

Our largest town, Feilding, has a population of around 17,500, with a compact, central, business area containing around 600 businesses. The town is surrounded by highly productive land to the north, south and east, and has experienced multiple significant flood events over

its history. These latter features play a key role in determining where future urban growth areas can be located.

We are of the view that the Manawatū District Plan is pragmatic in approach and generally enabling of development. Compared to larger local authorities, we have few controls on the design or layout of buildings in residential areas. In part, this pragmatism has been brought about through necessity. Being a smaller rural council, Manawatū District Council has access to fewer specialists and experts to help us meet our obligations. This is a limitation which is often overlooked by government and non-governmental organisations based in the main centres.

MDC has included this context as a reminder that we are one of many smaller districts with characteristics, issues and planning approaches which are distinctly different to the main centres and growth areas of New Zealand (e.g. Auckland, Hamilton, Tauranga, Wellington, Christchurch, Selwyn, Queenstown, and Dunedin). It is therefore important that the future planning system does not take a 'one-size-fits-all' approach whereby detailed and costly requirements intended to address issues seen in the larger centres are unnecessarily imposed on smaller rural councils with much smaller ratepayer and funding bases.

## **General Themes**

### ***Support for Resource Management reform***

The Manawatū District Council recognises and supports the need to replace the Resource Management Act 1991 (RMA) with more modern legislation which better recognises and manages the issues facing New Zealand today.

Over many years the RMA has failed to keep pace with changes in the natural and built environments, and best practice planning approaches for managing those environments. Despite many amendments intended to address its shortcomings, the RMA became, simultaneously, more complex, and less cohesive as more issue (or circumstance) specific work-around processes and requirements were added.

Under the RMA, key natural environmental health indicators have frequently shown worsening outcomes, while in some instances, urban planning has become increasingly, litigious, and detail heavy.

Repeated amendments to the RMA, and the subsequent enactment of the Fast Track Approvals Act has demonstrated RMA processes are also not efficient for large scale infrastructure and urban development projects. However, the response to that inefficiency should not need to have been a separate piece of legislation (with its own separate purpose). It is preferable that appropriately designed, considered and enduring planning process (including for nationally and regionally significant infrastructure) be contained wholly within the principal planning legislation itself.

### ***The proposed greater use of regulations and national instruments***

Both the Planning Bill and Natural Environment Bill contain extensive references to various national instruments and regulations.

Drafts of these instruments and regulations, or detailed supplementary material providing guidance on their content, were not available at the time this submission was prepared. This has made making an informed submission on their likely effect difficult

MDC supports, in-principle, a degree of standardisation of plan formats, provisions, and processes where:

- There is no justifiable reason for plan provisions to differ from one plan to another.
- Standardisation of plan provisions will result in efficiencies in the preparation of plans, plan interpretation, and plan administration.

MDC also understands that such provisions in regulations and national instruments reduces complexity of the primary legislation and may enable a greater degree of regulatory agility to adapt to changing circumstances.

However, MDC is concerned the overreliance and intended proliferation of such instruments across two different Acts will:

- Do little to make the replacement planning system simpler for the public to understand.
- Reduce certainty for local authorities, consent applicants and the general public as regulations and national instruments can be changed swiftly, and without the scrutiny of the full select committee process.

It is noted that significant and broad planning system implementation difficulties and vulnerabilities will be created if all the required instruments and regulations do not come into force, and are not available to local authorities to use, in a timely manner. MDC urges the government:

- To ensure government departments responsible for the preparation of the instruments and regulations are fully resourced to undertake the work required.
- Provide sufficient and more realistic timeframes for the setting of environmental limits to ensure they are based on appropriate robust scientific evidence and monitoring information.
- To involve local authorities in the preparation of draft instruments to ensure there are no perverse or unintended consequences.

### ***The need for more careful implementation sequencing and timing***

Building on the matter above, Manawatū District Council urges the Environment Committee to pay close attention to the proposed sequencing and timing of implementation requirements in the Bill and key instruments under it.

Manawatū District Council considers further work is required to achieve a more logical and realistic sequencing of the preparation of national policy and instruments, regional spatial plans, natural environment plans and land use plans.

As currently written, the Planning and Natural Environment Bills (and in particular, the commencement and Schedule 1 transitional provisions) requires local authorities to commence preparation of regional spatial plans before much of the national policy direction, national standards, environmental limits and other regulations (which the spatial plan must comply with) will be in place. There is also a circularity in the preparation of regional spatial

plans, natural environment plans and land use plans.<sup>1</sup> The Bill appears to require regional spatial plans to incorporate information from natural environment plans (particularly in respect to environmental limits) and land use plans. However, natural environment plans and land use plans are meant to implement the regional spatial plan, and be notified after the regional spatial plan is decided.

Although appreciative of the need to reform New Zealand's planning and resource management systems at pace, Manawatū District Council is also concerned that timeframes for preparing national direction, regional spatial plans, natural environment plans and land use plans are overly optimistic. We agree with the Taituarā assessment that it would be better if regional spatial plans be notified within 24 months of enactment and further consideration be given to a more realistic timeframes for natural environment plans and land use plans. Such timeframes would better reflect:

- The additional process steps and more complex interdependencies and governance arrangements associated with the first generation of instruments and plans under the new Bills.
- The risk of key inputs to plans not being in place in time (e.g. the government's national flood map is not proposed for release until some time in 2027).
- The realities of preparing new types of plans under new legislation, including a much reduced ability to rely on previous legal interpretations and precedents (which, when the RMA was enacted, was a contributing factor to the first generation of RMA plans taking several years to complete).
- The complexity of implementing large scale change while the government is making wider changes to the local government system (including rates caps which may limit the resourcing needed to implement change), and to the structure and roles of central government departments responsible for overseeing the passage and implementation of the Bills.

### ***Key features of the Natural Environment Bill MDC supports***

Notwithstanding specific matters of detail outlined later in this submission, MDC supports the following general features of the Bill:

1. A clear set of goals which outlines what all persons exercising functions, powers or duties must seek to achieve.
2. Clearer and simpler drafting of provisions which involve key statutory tests for decision making around matters such as the notification of permits.
3. The introduction of environmental limits, to protect human health (with limits set at central government level) or protect the life-supporting capacity of the natural environment (with limits set by regional councils using nationally consistent methodologies).

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<sup>1</sup> See Planning Bill sections 68 and s80(2), the commencement provisions under cl5 of Schedule 1, and clauses 3, 5 and 6 of Schedule 2 (which relate to the context and content of regional spatial plans). See also s51 of the Natural Environment Bill (which relate to setting of ecological environmental limits in natural environment plans).

4. Regional councils being required to prepare an 'action plan' which, when an environment is breached, may include imposing a resource use cap, changing the rules of an environment plan, or reviewing conditions of resource permits.
5. A clear explanation of the hierarchy of the respective national direction and planning instruments and how these are intended to relate to each other.
6. The introduction (by way of reference to the proposed Planning Act) of regional spatial plans, prepared collaboratively by all the councils in a region, which sets the strategic direction for development and investment within the region, and which are intended to enable integrated decision-making and development planning.
7. The introduction of a lower-cost appeals body (the Planning Tribunal) to determine objections and appeals on administrative and lower-order policy matters which do not warrant the scrutiny of the Environment Court or a higher court.
8. The inclusion of explicit provisions relating to freshwater farm plans as an interim means to provide flexibility to better control the adverse effects of farming on water quality and ecosystems.
9. The broader range of enforcement and compliance options and powers (such as adverse publicity or monetary benefit orders) available to the Environmental Protection Authority and local authority.

***Key features of the Natural Environmental Bill MDC does not support or has concerns about***

Although supportive of the need to replace the RMA, and many of the goals in the Bill, MDC has concerns about a number of general features of the Bill which may detract from its efficient and effective implementation in the long-term. We also have concerns about the overall impact on accountability, local democracy, and financial implications for smaller councils and their communities. Principal amongst our concerns are the following:

**1. A purpose and goals which fail to explicitly acknowledge future generations**

*Submission*

With the omission of a reference to sustainable management (as used in the purpose of the Resource Management Act), the Planning Bill no longer refers to the use of land or resources being managed to benefit future generations.

The absence of consideration of explicit benefits for (or impacts on) future generations inadvertently places an emphasis on addressing the issues of today at the expense of the longer-term future. MDC submits that this is not in the greater interests of New Zealand, and appears to be at odds with:

- The intent that regional spatial plans provide for timeframes greater than 30 years.
- The rationale for setting environmental limits to safeguard the life supporting capacity of air, water soil, and ecosystems.

*Relief sought*

The purpose of the Natural Environment Bill and Planning Bill should both refer to the proposed frameworks in each Bill existing to achieve the goals in section 11, and for the benefit of both current and future generations.

## **2. Regulatory relief**

### *Submission*

Through cross-references to the Planning Bill, the Natural Environment Bill proposes the imposition of a regulatory relief regime which includes financial compensation from councils when the reasonable use of land is significantly impacted. We consider these provisions are likely to set an unwelcome precedent and will be problematic in effect and implementation. The proposed regime is particularly problematic where the regulation of the use and development of land, or the protection of heritage and various natural features is mandatory under the Bill.

The imposition of regulatory relief regime:

- Appears to apply inconsistently, in so far that the regulatory relief appears to only apply to the provisions in local authority plans, and not regulations, national instruments, standards or national rules set by central government.
- May place local authorities in a 'no-win' situation where legislation both requires local authorities to regulate certain activities, but then also compensate or offset the impact on affected landowners.
- Sets an unwelcome precedent by opening the door to financial compensation for losses of private rights imposed to achieve a broader range of public goods beyond the scope of the Natural Environment Bill and Planning Bill (e.g. restrictions on the use of land for public health and safety reasons).
- Where it entails additional expenditure by local authorities, the proposal is inconsistent with government objectives to reduce cost of living pressures, including requiring local authorities to rein in spending and rates increases.

Other provisions of the Bill already provide sufficient opportunity to challenge provisions which render land incapable of reasonable use (see section 122, and the ability to make submissions on plans, for example). Consideration could also be given to imposing a stronger duty on central government and local authorities to consider the impact of provisions on the reasonable use of private property when preparing national instruments and plans.

### *Relief sought*

- a) The deletion of the regulatory relief provisions in Part 4 of Schedule 3, of the Planning Bill, and associated cross-references to it from the Natural Environment Bill.
- b) That provisions relating to the preparation of natural instruments, standards, and national rules and rules in plans all be required to give explicit consideration as to whether the provision renders land incapable of reasonable use.

- c) Retention of proposed section 122 (without the reference to regulatory relief), which enables a person to apply to the Environment Court to have a provision deleted or modified if it severely impairs the reasonable use of land.

### **3. Few requirements to engage with local authorities when preparing national instruments, direction, and regulations**

#### *Submission*

MDC is concerned that in several parts of the Bill, there is no explicit requirement to notify, consult with or engage with local authorities when preparing a national instrument, direction, standards, or regulations. At best, the provisions provide a discretion for the Minister to consult persons who may have an interest or to notify the public generally. The situation is compounded by the ability of Ministers to amend instruments (e.g. National Standards) without a full process or any requirement to invite comment from parties including local authorities (see, for example, proposed section 90).

MDC submits that sound and effective policy is dependent on input from those who have the greatest experience of its application and will have to implement it. In this case it is local authorities which will be responsible for the implementation and enforcement of national instruments and compliance with regulations. Local authorities can advise on the practicality of what is proposed and help avoid unintended consequences.

We are also concerned that there are no fixed minimum timeframes relating to consultation or submission periods relating to various national instruments, even though minimum timeframes are specified for local authority plans.

Experience has found some government consultation periods too short to enable meaningful input. The provisions of the Bill leave this issue unaddressed. Short (or non-existent) consultation periods:

- Are inconsistent with the principles of natural justice (those affected should have an appropriate opportunity to have a say in proposals which affect them).
- Are inconsistent with the principles of good consultation (as expressed by the High Court in *Air New Zealand Ltd v Wellington Airport Ltd* HC Wellington, CP 403/91) and the principles of consultation placed on local authorities (s82 of the Local Government Act 2002 for example).
- Will work against an intent to have quality, responsible and enduring regulation (including the intent inherent in the purpose and principles of the Regulatory Standards Act 2025).

The importance of local authority input is further underlined by proposals in the Bill which may limit broader community participation. In these cases, it often falls to local authorities to represent the views of their communities.

#### *Relief sought*

- a) The following provisions should make specific reference to affected local authorities being consulted, and being given the opportunity to

submit or provide advice on, the preparation of regulations, national instruments, or directions:

- i. Provisions relating to the setting of environmental limits and national standards (sections 51 – 59).
  - ii. Provisions relating the preparation of national instruments (proposed sections 70 - 74).
  - iii. Provisions relating to preparation of the National Policy Direction (proposed sections 78 – 81).
  - iv. Provisions relating to National Standards (proposed sections 82 – 87).
  - v. Regulations made under proposed sections, 307, 310, 311 and 313 which relate to matters including fees, levies, harmful substances, exemptions from discharge provisions, local authority monitoring requirements, consent processing, resource allocation, and aquaculture activities.
- b) The minimum timeframe of consultation and submissions or feedback on proposed regulations, national instruments or directions be set at 20 working days.

#### **4. Unclear, onerous, and potentially costly permitted activity provisions**

##### *Submission*

MDC is concerned that the provisions relating to permitted activities and permitted activity rules (proposed sections 33, 39, 169 and 313) are confusing, likely to be onerous on those undertaking permitted activities.

Under the RMA, permitted activities are those which do not require a consent, and there is no requirement for a person undertaking such activities to register them formally with the council (nor for the council to have discretion to set additional conditions on them).

The Natural Environment Bill proposes a permitted activity registration process (if an activity is subject to a permitted activity rule), a local authority determination, and for the person who is undertaking the activity to undertake tasks such as seeking affected party approvals or reports from experts. Those persons may also be required to pay a fee, or a permitted activity levy to the government. This is a significantly more onerous and expensive set of requirements than for most permitted activities under the RMA.

If there is supposed to be distinction between permitted activities which need to be registered, and those which do not need to be registered and which can be undertaken without having to approach a local authority, then this needs much more explicit clarification in the Bill. This could be done by calling permitted activities which are required to be registered by a different name.

##### *Relief sought*

- a) Having a clear separation between genuinely permitted activities (where no planning consent is required and a landowner or operator is not

required to register their activity) and activities which are required to be registered, and which may be subject to conditions.

- b) Renaming permitted activities which are required to be registered and which may be subject to conditions by another name (for example 'registered activity' or 'controlled activity').

## 5. A narrow application of Treaty principles and inconsistent Māori engagement provisions

### *Submission*

Recognition of the importance of Māori participation and Te Tiriti o Waitangi / Treaty of Waitangi and its principles in planning and resource management precedes the RMA. Such recognition can be found in multiple reports from past governments, non-governmental organisations, and academia.<sup>2</sup>

Section 8 of the Bill summarises provisions in other parts of the Bill which recognise the Crown's responsibilities in relation to Te Tiriti o Waitangi / Treaty of Waitangi. However, section 8 represents a narrowed application of the principles of the Treaty and omits a broader duty for all persons acting under the Bill to take into account the principles of the Treaty (as provided for under section 8 of the RMA). The Crown's responsibilities are further watered down by proposed section 9(3), under which the obligations of the Crown to work with post-settlement governance entities to transition redress arrangements to the new legislation automatically expire after two years.

The Bill does provide for some participation by Māori (which is consistent with the principles of Te Tiriti o Waitangi / Treaty of Waitangi and its principles). However, the terminology used to describe various Māori entities is used inconsistently (e.g. Māori, iwi, iwi authorities, post-settlement government entities, customary rights groups, and just a couple of references to hapū). The effect of this is to lock some Māori groups with legitimate rights and interests out of participation in key planning and consenting processes.

The difference in terminology described above is particularly important to the Manawatū District where resident Māori comprise a mix of iwi with Treaty settlements, iwi who have yet to have claims resolved, and various marae or hapū collectives who are not in themselves iwi, iwi authorities, or post settlement governance entities.

The inconsistent referencing means the rights, sites of significance, and interests of various Māori groups are unlikely to be protected or provided for as intended under section 11, and past injustices (including those which are still the subject of Treaty Claims) may be perpetuated.

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<sup>2</sup> For example:

- Parliamentary Commissioner for the Environment. (1998). *Kaitiakitanga and local government : tangata whenua participation in environmental management*. Wellington: Parliamentary Commissioner for the Environment
- Cheyne, C. M. & Tawhai, V. M. H. (2007). *He wharemoa te rakau, ka mahue. Māori engagement with local government : knowledge, experiences, and recommendations*. A research project supported by the Royal Society of New Zealand Marsden Fund (MAU-039)

Although the general intent of 'Māori interests' goal in section 11 is supported, it is also noted that its emphasis on participation is weakened by the absence of an ability for iwi and hapū to enter into joint management agreements and initiate Mana Whakahono ā Rohe participation arrangements. Such agreements were provided for in the RMA.

*Relief sought*

- a) Replace section 8 of the Natural Environment Bill with wording which has the same or similar effect to section 8 of the Resource Management Act (duty to take into account the principles of the Treaty of Waitangi).
- b) Provisions which refer to engagement or consultation with Māori should refer to both iwi and hapū (where appropriate).
- c) The Bill should make provision for iwi and hapū to participate in and initiate joint management agreements and Mana Whakahono ā Rohe participation arrangements.

**Conclusion**

Thank you again for the opportunity to provide feedback on the Natural Environment Bill 2025.

The Manawatū District Council wishes to be heard in support of this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michael Ford', with a long, sweeping underline that extends to the right.

Michael Ford  
**Mayor**

## MDC Submission on Specific Provisions of the Natural Environment Bill 2025

Parts 1 and 2: Purpose and Foundations		
Provision(s)	MDC Position	Submission
Section 3 <i>Interpretation</i>	Partly Support	<p><b><u>Submission – Natural Environment</u></b></p> <p>Subclauses (a) and (b) of the definition of ‘natural environment’ appears to include, simultaneously, all plants (without exclusion), and plants (except pest species). This is confusing and probably unintended.</p> <p><b><u>Relief Sought</u></b></p> <p>i. Either delete the reference to plants in (a), or delete the reference to ‘plants (excluding pest species)’ in (b).</p> <p><b><u>Submission - Long-lived Infrastructure</u></b></p> <p>The definition is missing references to:</p> <ul style="list-style-type: none"> <li>• Headworks and network infrastructure relating to water, wastewater and stormwater. Such networks and headworks are large, expensive and often have design-lives exceeding 50 to 70 years.</li> <li>• Flood control and protection infrastructure (which in the case of stopbanks or flood control gates such as those at Moutoa, can be large, expensive and long-lived).</li> </ul> <p>These types of infrastructure all relate to the damming, storage, diversion or taking of water, or discharges into water such that they need to be recognised within the Natural Environment Bill.</p> <p><b><u>Relief Sought</u></b></p> <p>ii. Amend the definition of long-lived infrastructure to include:</p>

## Parts 1 and 2: Purpose and Foundations

Provision(s)	MDC Position	Submission
		<ul style="list-style-type: none"> <li>• Network, treatment, attenuation and storage infrastructure, associated with water, wastewater and stormwater networks</li> <li>• Flood control and protection works.</li> </ul>
<p>Section 4</p> <p><i>Purpose</i></p>	<p><b>Partly Support</b></p>	<p><b><u>Submission</u></b></p> <p>The purpose of the Natural Environment Bill conveys the impression that the Bill exists to create a framework for use, protection and enhancement of the natural environment (as though the framework is the desired end point). A greater sense of purpose would be achieved by linking the purpose to the goals in proposed section 11 (which effectively talk to the outcomes sought through planning and regulation).</p> <p>MDC also notes that with the dropping of any concept of sustainability, sustainable development or sustainable management, the purpose and goals in the Bill inadvertently create a focus on the short-term and makes no explicit reference to benefits for future generations (who could be shut out by a focus on current issues, or face unreasonable costs as a result of decisions taken to address the issues of today).</p> <p><b><u>Relief Sought</u></b></p> <p>Add <u>‘in order to achieve the goals contained in section 11 for the benefit of current and future generations’</u> or words to similar effect</p>
<p>Section 8</p> <p><i>Treaty of Waitangi / Tiriti O Waitangi</i></p>	<p><b>Opposed</b></p>	<p><b><u>Submission</u></b></p> <p>Section 8 purports to recognise the Crown’s responsibilities under the Treaty of Waitangi / Te Tiriti o Waitangi by paraphrasing provisions contained in other parts of the Bill. However, in so doing, the section (in conjunction with the others it links to):</p> <ul style="list-style-type: none"> <li>• Narrows the application of Treaty Principles (be they those espoused by the Waitangi Tribunal or the Court of Appeal).</li> <li>• Imposes unclear and inconsistent duties on parties exercising duties and powers under the Bill (noting in particular that those which relate to local authorities are different to those on various Ministers when the latter are exercising some of their powers),</li> </ul>

## Parts 1 and 2: Purpose and Foundations

Provision(s)	MDC Position	Submission
		<ul style="list-style-type: none"> <li>• Effectively fixes the status of Treaty Settlements to a particular point in time (it is unclear what happens with iwi or hapū who have yet to have their claims heard or resolved).</li> <li>• Prioritises iwi and iwi authorities without equal, explicit consideration of hapū (not all hapū who hold tangata whenua or mana whenua status hold views which are completely aligned with the iwi in their area).</li> </ul> <p>The circumstances above are suggestive of provisions which do not meet the spirit of the Treaty and its principles and which may give rise to further contemporary Treaty claims.</p> <p>MDC submits that the committee give consideration to how the principles of Te Tiriti can be better reflected in the Bill holistically. MDC also recommends that guidance for upholding Te Tiriti principles is sought by the committee from iwi and hapū.</p> <p>Notwithstanding the concerns above, there also appears to a typographical error in s8(b)(ii) which should refer to natural environment plans rather than land use plans (the latter being prepared under the Planning Bill).</p> <p><b><u>Relief sought</u></b></p> <ul style="list-style-type: none"> <li>i. Replace section 8 with a provision similar in form and effect to section 8 of the RMA.</li> <li>ii. The Committee seek guidance from iwi and hapū as to how the Bill, as a whole, could better uphold Crown obligations under the Treaty / Te Tiriti.</li> </ul> <p>If the relief above is not granted, MDC requests:</p> <ul style="list-style-type: none"> <li>iii. The reference to ‘land use plans’ in s8(b)(ii) be replaced by “<u>natural environment plans</u>”.</li> </ul>
<p>Section 9</p> <p><i>Crown to seek to enter agreements to uphold Treaty settlement redress</i></p>	<p><b>Partly Supported</b></p>	<p><b><u>Submission</u></b></p> <p>Manawatū District Council supports the intent that the Crown work with post-settlement governance entities (if they so wish) to seek agreement on how their Treaty settlement redress or arrangements will operate with the same or equivalent effect under the Bill.</p> <p>However, Manawatū District Council does not support section 9(3) which repeals the obligation to work with post-settlement governance entities two years from enactment and appears to make continuation of discussions and further work to transition the settlement arrangements at the discretion of the Crown. Section 9(4) appears to</p>

## Parts 1 and 2: Purpose and Foundations

Provision(s)	MDC Position	Submission
		<p>continue the discretion for the Crown to continue working with entities, but the effect of this provision would be trumped by the sunset clause in 9(3).</p> <p>Given the number of Treaty Settlements (more than 60) and the complexity Māori and the Crown will likely have in negotiating amendments to these, the expiry of the Crown obligation within two years appears to impose an unrealistic time constraint. It is Council's view that the Planning Bill is not the appropriate legislative space to dictate terms and timeframes on treaty settlement processes.</p> <p><b><u>Relief Sought</u></b></p> <ul style="list-style-type: none"> <li>i. Delete s9(3) and 9(4).</li> </ul>
<p>Section 10 <i>Treaty Redress or arrangements to be given same effect</i></p>	<p><b>Opposed</b></p>	<p><b><u>Submission</u></b></p> <p>The intent to retain and uphold existing Treaty settlements and give them the same effect as under the RMA is supported, but MDC does not support the link to section 9 in so far that subsection 9(3) ensures section 9 to expire after two years. Additionally, MDC does not support the wording of section 10(3) in so far that it appears to mean the Crown may disregard statutory acknowledgements in performing its duties (while local authorities must fulfil their duties – such as under section 189 and Schedule 2).</p> <p>Statutory acknowledgements are areas of Crown land when Māori interests have been formally recognised through a schedule in a Treaty settlement act. Often these include natural features with cultural significance such as rivers, lakes, wetlands, and small offshore islands.</p> <p>MDC has concerns about how subsection 3 is expected to be applied:</p> <ul style="list-style-type: none"> <li>i. The opportunity for iwi to be involved in an activity which affects a statutory acknowledgement area is at the consenting stage. If, as signalled by the messaging around the release of the Bill, many activities (such as mineral extraction and quarrying) may be classed as permitted activities, then no planning consent will be required. Kaitiaki of areas covered by statutory acknowledgements will not be able to have a say if the activity is listed as permitted in the relevant plan.</li> <li>ii. Local authorities may only engage kaitiaki in the context of statutory acknowledgement areas where they are an affected person in a planning consent, and in the development of the rules within the land</li> </ul>

## Parts 1 and 2: Purpose and Foundations

Provision(s)	MDC Position	Submission
		<p>use plan. If secondary legislation is released that permits certain activities with a significant environmental impact to occur then kaitiaki of statutory acknowledgement which may be affected areas will not be consulted.</p> <p><b><u>Relief Sought</u></b></p> <p>i. Delete section 10(1) and 10(3).</p>
<p>Section 11 <i>Goals</i></p>	<p><b>Partly Support</b></p>	<p><b><u>Submission- Chapeau to s11</u></b></p> <p>The chapeau to s11 states those exercising functions, duties and powers under the Act must ‘seek to achieve’ the goals. The use of ‘seek’ appears to be a weak test (the Cambridge Dictionary definition is ‘<i>to try and find or get something</i>’) and suggestive of a lack of confidence in the achievement of the goals. The RMA section 6 wording of ‘recognise and provide for’ (which relates to matters of national importance) provides a greater sense of direction, and enables some of the case law from the RMA to be reused (rather introduce a new concept, whose interpretation likely have to be tested through the Courts before its meaning is fully understood).</p> <p><b><u>Relief Sought</u></b></p> <p>i. Replace the words ‘seek to achieve’ with ‘<u>recognise and provide for</u>’</p> <p>ii. Reword s11(a)-(i) to ensure grammatical correctness as a result of the change to the chapeau</p> <p><b><u>Submission – s11 Missing Goal</u></b></p> <p>Although the Explanatory Note and several provisions of the Bill refer to adapting to the effects of climate change (such as in the context of reducing the risk from natural hazards and as a mandatory matter in regional spatial plans) there is nothing in the goals that refers to climate adaptation as being a goal. As demonstrated by recent adverse weather events, the need to plan for the effects of climate change (such as drought or more frequent heavy rainfall events) is necessary to avoid further loss to life and property.</p>

## Parts 1 and 2: Purpose and Foundations

Provision(s)	MDC Position	Submission
		<p><b><u>Relief Sought</u></b></p> <ul style="list-style-type: none"> <li>i. <b>EITHER</b> modify goal (h) (relating to safeguarding communities from the effects of natural hazards) to include a reference to adapting to the effects of climate change, <b>OR</b></li> <li>ii. Include a new goal which specifically states a goal relating to planning for, and regulating the use of land and resources to avoid or mitigate, the effects of climate change.</li> </ul> <p><b><u>Submission – s11(1)(c)</u></b></p> <p>Protection of human health from harm from contaminants is supported as a goal. However, the choice of the word ‘discharge’ appears to convey a risk from an ongoing or recent act and may miss the risk of harm associated with exposure from contaminants which are either inherent in the environment or are the result of discharges in the distant past.</p> <p><b><u>Relief Sought</u></b></p> <ul style="list-style-type: none"> <li>iii. Amend s11(c) to refer to both discharge of, and exposure to, contaminants.</li> </ul> <p><b><u>Submission – s11(1)(d)</u></b></p> <p>The overall intent of preventing the further loss of indigenous biodiversity is supported, but MDC would prefer the goal be stated in the positive (e.g. to ‘restore or promote a net gain in indigenous biodiversity across each region’). The current wording of ‘net loss’ is phrased in the negative, thereby implying that the current (depleted) state is the desired benchmark, rather than an increased level or biodiversity which is has benefits to both humankind and natural ecosystems (and their functioning).</p> <p>The goal as stated is unclear as to how net loss is intended to be measured (it is measured according to the number of species, habitat are and type, and across what scale [local, district, regional or national]?). Similarly, it is unclear how the assessment, monitoring and enforcement of a net loss (or gain) of indigenous biodiversity is to be carried out (for example the goal assumes a detailed understanding and inventory of the current state of the environment at all times, is unclear as to whether various indigenous species are interchangeable for the purposes of achieving the</p>

## Parts 1 and 2: Purpose and Foundations

Provision(s)	MDC Position	Submission
		<p>goal, and is not clear as to what account is to be taken as to the roles each species places in the healthy functioning of a local ecosystem).</p> <p><b>Relief Sought</b></p> <ul style="list-style-type: none"> <li>iv. Give further consideration as to how s11(1)(d) may be turned into a positive statement which supports the restoration or improvement of biodiversity.</li> <li>v. <b>EITHER:</b> Clarify in s11(1)(d) what scale the net loss (or gain) is to be measured over and whether or not it is in terms of species or area (or both); <b>OR</b></li> <li>vi. Clarify in the Bill that one of the matters the Minister must, mandatorily, prepare national direction on (under the sections 77 to 81) is the how the goal in s11(d) is to be interpreted and implemented.</li> <li>vii. Give further consideration to how net biodiversity loss (or gain) is to be assessed, monitored and policed in practicable manner.</li> </ul>
<p>Section 12</p> <p><i>Relationship between key instruments</i></p>	<p><b>Partly Support</b></p>	<p><b>Submission</b></p> <p>Section 12 does not mention that the instruments exist for the purpose of the achieving the goals, and the intent is for the achievement of the goals to have primacy (with circumvention of having to achieve all goals, where goals conflict, being the exception).</p> <p><b>Relief Sought</b></p> <ul style="list-style-type: none"> <li>i. Insert into a s12(1) a reference to the instruments listed existing to achieve the goals in s.11.</li> <li>ii. Insert into s12(3) an additional subclause requiring consideration of how goals relate to ‘a matter’.</li> <li>iii. Reword s12(3)(c) to be less directive (i.e. ‘<u>need not consider a goal where achievement of the goal is ...</u>’)</li> </ul>
<p>Section 13</p> <p><i>Procedural principles</i></p>	<p><b>Partly Support</b></p>	<p><b>Submission</b></p> <p>The inclusion of section 13 appears to continue the theme contained in RMA s18A. In both cases the rationale behind the provisions appears to be to codify good practice, but in doing so the sections appear only to add to the potential for legal challenges made on subjective (and potentially vexatious) grounds. Manawatū District Council is of the view</p>

## Parts 1 and 2: Purpose and Foundations

Provision(s)	MDC Position	Submission
		<p>that it would be preferable and more efficient for provisions of this nature to be placed in national planning standards or form part of the considerations which inform the making of regulations, plan rules, and consent (or permit) conditions.</p> <p>The wording of proposed section 13 is directive, meaning that list of practicable steps must be applied in respect to every action taken under the Bill. However key terms that will be instrumental in determining compliance are left undefined. If not further defined, implementation of the provisions could lead to unnecessary and unintended costs, use of resources and time being spent on compliance. Of key concern are the subjective terms or phrases:</p> <ul style="list-style-type: none"> <li>• Acting in a ‘cost effective manner’ (cost effective for whom?)</li> <li>• Acting ‘proportionately’ (what is proportionate is subjective and likely to depend on the perspective of the parties involved)</li> <li>• ‘Avoiding unnecessary repetition’ (although desirable, this is both subjective and difficult to achieve given the repetition that already exists between the two Bills and the likely need [and requirements] for repetition of material between national instruments, regional spatial plans, and other plans).</li> </ul> <p><b><u>Relief Sought</u></b></p> <p><b>EITHER:</b></p> <p>i. Delete section 13 entirely,</p> <p><b>OR</b></p> <p>ii. Provide further provisions in the Bills which guide the application of phrases ‘cost effective manner’ and ‘proportionate’ and which include who those terms and phrases are to apply to.</p> <p>iii. Delete 13(f).</p>
Section 15	<b>Partly support</b>	<p><b><u>Submission</u></b></p> <p>Use of the words ‘where practicable’ in s15(1)(a) weaken and undermine the duty of any party under the Bill to consider how adverse effects are to be avoided, minimised or remedied. Although possibly unintended, the words create the impression that a person can opt out if they are of the view such a consideration entails too much effort</p>

## Parts 1 and 2: Purpose and Foundations

Provision(s)	MDC Position	Submission
<i>Considering adverse effects of activities</i>		<p>or expense. The wording in s15(1)(a) is able to function without the ‘where practicable’ qualification, particularly when other provisions of the Bill already incorporate principles relating to proportionality.</p> <p><b><u>Relief Sought</u></b></p> <p>i. Delete ‘where practicable’ from s.15(1)(a).</p>
Section 16 <i>Overview of reference to rules</i>	<b>Opposed</b>	<p><b><u>Submission</u></b></p> <p>The intended effect and location of this section is unclear, particularly as s16(2) states the section is ‘only a guide’.</p> <p><b><u>Relief Sought</u></b></p> <p>i. Delete section 16 and move the material which defines and distinguishes between <i>national rules</i> and <i>rules</i> in environment plans to section 3 (interpretation).</p>
Section 26 <i>Duty to avoid, minimise or remedy adverse effects</i>	<b>Partly Support</b>	<p><b><u>Submission</u></b></p> <p>The RMA used the phrase, ‘avoid, remedy, or mitigate’ in respect to adverse effects. The Planning Bill, instead of ‘mitigate’ proposes to use the term ‘minimise.’</p> <p>It is unclear what ‘minimise’ is intended to mean in this context and the extent to which ‘minimise’ is to be qualified by reference to practicality or degree. For example, is ‘minimise’ intended to incorporate concepts of offsetting or compensation (and would those terms entail full or partial offsetting or compensation)? Without further clarification there is strong risk of the Courts being left to determine interpretation via case law (and such interpretations may be different to what the government intended).</p> <p><b><u>Relief Sought</u></b></p> <p>That the Bill provide a definition which makes it clear as to how the term ‘minimise’ is intended to be interpreted .</p>
Sections 32 and 33	<b>Partly Support</b>	<p><b><u>Submission</u></b></p> <p>MDC supports the concept of incorporating principles to help determine (by way of the nature of effects) which activity class any particular activity fits under. However, it is noted the relationship between s33(2)(b) (which</p>

## Parts 1 and 2: Purpose and Foundations

Provision(s)	MDC Position	Submission
<i>Principles for classifying activities and consequences</i>		<p>requires compliance with a permitted activity rule) and s39 appears to require all permitted activities to be registered, or be associated with a condition of a permit.</p> <p>This appears to be a more onerous and expensive requirement for landowners and those undertaking activities, than what the RMA currently requires (where there is no requirement in legislation for permitted activities to be registered).</p> <p>There also appears to be a typographic error in s39(2)(a) which should presumably refer to the regional council (permit authority) rather than a territorial authority. It is noted there is a cross reference to s202s which correctly refers to a 'permit authority'.</p> <p><b><u>Relief Sought</u></b></p> <ol style="list-style-type: none"> <li>i. Amend section 39(1) to remove (or qualify) the requirement for all permitted activities to comply with the permitted activity rule requirements, or make it clearer that s32(2)(b) must only be complied with if, and when, a national rule, regulations, standards, or a rule in a plan states compliance is required.</li> <li>ii. Consider renaming those permitted activities which are subject to the proposed permitted activity rule "registered activities" or "controlled activities" to better distinguish them from permitted activities which do not need to be registered.</li> <li>iii. Change the reference to 'territorial authority' in section 39(2)(a) to 'regional council' or 'permit authority'.</li> </ol>

## Part 2: Environmental Limits & National Instruments

Provision(s)	MDC Position	Submission
Section 46 and 47 <i>Purpose of environmental</i>	<b>Support</b>	<p><b><u>Submission</u></b></p> <p>Manawatū District Council supports the setting of environment limits for human health and ecological health.</p>

## Part 2: Environmental Limits & National Instruments

Provision(s)	MDC Position	Submission
<i>limits and who sets limits.</i>		<p>As humankind does not significantly vary from region to region, and frequently moves from region to region, it seems sensible for human health limits to be set at the national level, in conjunction with the central government agency with the greatest knowledge around human health.</p> <p>By contrast the natural environment varies significantly from region to region (by climate, topography, geology, water availability, and indigenous species). This means a single ‘one-size-fits-all’ numerical standard will not always be practicable. It therefore makes sense for ecological limits to be set by regional councils using one or more common ‘best practice’ methodologies.</p>
Sections 52, 53, 54 and 55  <i>Criteria for decisions relating to limits</i>	<b>Partly Support</b>	<p><b><u>Submission</u></b></p> <p>The setting of appropriate environmental limits and limit setting methodologies is critical to the achievement of the goals in section 11, but the ability of the limits to achieve the goals does not feature as a criterion in s52, s53, s54 or s55. In section 53, it appears the Minister need only consider goals.</p> <p><b><u>Relief Sought</u></b></p> <ul style="list-style-type: none"> <li>i. Insert an additional criterion in s52, s54(2) and s55(1) which requires the Minister to ‘evaluate and report on’ the extent to which the limit, or method for setting the limit, will contribute to the achievement of the goals set out in section 11.</li> </ul>
Section 66  <i>Avoiding Breach of Environmental Limit</i>	<b>Partly Support</b>	<p><b><u>Submission</u></b></p> <p>Section 66(1) should be reworded to avoid a possible misinterpretation that it is only the regional council that must avoid breaching environment limits (such that restrictions on other natural persons or persons other than a natural persons do not apply). Additionally, the duty on regional councils should be to ‘take all reasonably practical steps’, as there will be occasions where parties (or circumstances) outside the knowledge or control of regional councils may breach a limit.</p> <p><b><u>Relief Sought</u></b></p> <ul style="list-style-type: none"> <li>i. Reword s66(1) to “<u>A regional council must take all reasonably practical steps to avoid any person breaching an environmental limit</u>” or similar.</li> </ul>

## Part 2: Environmental Limits & National Instruments

Provision(s)	MDC Position	Submission
<p>Section 69</p> <p><i>Matters to consider when making national instrument</i></p>	<p><b>Partly Support</b></p>	<p><b><u>Submission</u></b></p> <p>MDC is supportive of the Minister being subject to specific process requirements, including being required to consider particular matters, when preparing national instruments.</p> <p>However, missing from section 69 and section 70 is any explicit reference to the Minister having to have regard to, or seek advice on, the necessity for the national instrument, an evaluation of alternatives, and the costs and benefits associated with proposals (including any additional costs or savings that will be imposed on those administering or implementing the instrument). This is particularly important in that national instruments (including the standardised plan provisions, and processes for setting limits) have primacy over natural environment plan provisions, and the Bill contains limited scope for such an evaluation to be carried out (or have much effect) at the regional council level. The cross reference to section 87 of the Planning Bill appears to imply only limited scope for local authorities to give additional consideration to alternatives, costs or benefits.</p> <p>It is understood the government may, in the ordinary performance of its operations, assess options around the making of regulations and national instruments through a Regulatory Impact Statement (RIS), or Cost Recovery Impact Statement (CRIS) (where a regulation or instrument proposes the use of fees or levies). However, Cabinet can still agree to progress regulations without the completion of either form of assessment. This provides little confidence that the impact on those affected (and those who will have to administer or implement the instruments) will always be fully considered and understood. Statutory requirements to carry out an evaluation mitigate that risk.</p> <p>If there is a concern that the double up in effort between complying with statutory evaluation requirements and RIS and CRIS requirements, then it should be straight forward for Cabinet to waive the requirement for the latter when an evaluation under the Planning Act or Natural Environment Act has been prepared and attached to a Cabinet paper seeking approval for regulation or instrument.</p> <p><b><u>Relief Sought</u></b></p> <ul style="list-style-type: none"> <li>i. Amend either section 69 or section 70 to include a requirement for the Minister to evaluate, or have due regard to: <ul style="list-style-type: none"> <li>a. The necessity for the instrument and any alternatives means of achieving the objectives of the instrument.</li> </ul> </li> </ul>

## Part 2: Environmental Limits & National Instruments

Provision(s)	MDC Position	Submission
		<p>b. The costs and benefits associated with the proposals in the instrument, including and additional costs or savings relating to the administration or implementation of the instrument.</p>
<p>Section 70 <i>Process for making national instrument</i></p>	<p><b>Partly Support</b></p>	<p><b><u>Submission</u></b></p> <p>Section 70(1) only requires the Minister to provide iwi authorities with a draft of proposed national instrument and give them adequate time to consider the document and provide advice on it. The wording of this section prioritises iwi and iwi authorities without equal, explicit consideration of hapū (not all hapū who hold tangata whenua or mana whenua status hold views which are completely aligned with the iwi in their area</p> <p>Despite local authorities having to comply with (and implement) national instruments, and local authorities having the best understanding as to how those instruments are likely to be applied locally (as well as what impact they may have), local authorities are not given the opportunity to consider draft national instruments nor provide advice on them. Local authorities are instead treated the same as any other member of the public under s70(2)(a).</p> <p>The discretion of the Minister to consult other person at any time (s70(3)) does not provide certainty regarding local authority input at the draft national instrument stage. Similarly, the ministerial discretion to determine the adequacy of the timeframe for consultation provides an insufficient safeguard to ensure meaningful consultation. This stands in contrast to local authorities having to consult the Minister on draft plans and being required to provide a submission period of at least 20 working days when preparing plans.</p> <p><b><u>Relief Sought</u></b></p> <ol style="list-style-type: none"> <li>i. References to ‘iwi authorities’ should be changed to recognised ‘iwi and hapū’.</li> <li>ii. The following provisions should make specific reference to affected local authorities being consulted, and being given the opportunity to submit or comment on, the preparation of draft regulations, national instruments or directions: <ul style="list-style-type: none"> <li>• Provisions relating to the preparation of national instruments (proposed sections 68 - 75).</li> <li>• Provisions relating to preparation of the National Policy Direction (proposed sections 77 – 81).</li> <li>• Provisions relating to National Standards (proposed sections 82 – 87).</li> </ul> </li> </ol>

## Part 2: Environmental Limits & National Instruments

Provision(s)	MDC Position	Submission
		<ul style="list-style-type: none"> <li>• Amendments to national standards (proposed section 90).</li> <li>• Regulations made under proposed sections, 307, 308 and 309 which relate to matters including, the preparation of spatial plans, esplanade strips, fees, the application and categorisation of rules in plans, monitoring by local authorities, timeframes and procedures, and levies.</li> </ul> <p>The provisions could take a form similar to that proposed for section 305 (Emergency Response Regulations), include the pre-circulation of exposure drafts (similar to section 58D of the Resource Management Act), or both.</p> <p>iii. The minimum timeframe of consultation and submissions or feedback on proposed regulations, national instruments or directions be set at 20 working days.</p> <p>iv. Subsection 70(5)(d) should also refer to advice received from local authorities.</p>
<p>Section 85</p> <p><i>Minister must ensure national standards enable resource use with environment limits</i></p>	<p><b>Support</b></p>	<p><b><u>Submission</u></b></p> <p>The origin of environment limits was to protect human health or ecosystem health from falling to levels whereby damage was irreparable or irreversible. The intent was that an activity should not be allowed if the limits were breached. Section 85 appears consistent with this approach.</p> <p>Variability in the natural environment means that, on some occasions, environmental limits set at the national level will not be appropriate to local circumstances (for example, being set too high for a local, highly sensitive environment). In these instances it is appropriate that regional councils have an ability to apply a more restrictive approach than a nationally set limit or standard.</p>
<p>Section 86</p> <p><i>National standards relating to significant</i></p>	<p><b>Opposed</b></p>	<p><b><u>Submission</u></b></p> <p>The conceptual origin of environment limits was to protect human health or ecosystem health from falling to levels whereby damage was irreparable or irreversible. The intent was that an activity should not be allowed if the limits were breached. The provisions of sections 46, 53-57, and 85 tend to reinforce this intent. It is generally not then acceptable that Ministers be given the ability to specify a process which would enable limits to be breached unless it</p>

## Part 2: Environmental Limits & National Instruments

Provision(s)	MDC Position	Submission
<i>infrastructure which breaches limits.</i>		<p>can be demonstrated that no alternative exists and that taking no action would result in even greater damage to human health, ecosystems or the environment. There are very few infrastructure projects where an alternative location, technology or approach could be used to avoid serious harm.</p> <p><b>Relief Sought</b></p> <ul style="list-style-type: none"> <li>(i) <b>EITHER:</b> Delete section 86 in its entirety and rely on the methodology behind the setting of environmental limits to provide flexibility to take into account appropriate infrastructure locations, types, technologies and other variables, <b>OR</b></li> <li>(ii) Add tests to section 86 which require an evidence backed demonstration that no alternative location, technology or approach exists which avoids breaching the limit, <u>and</u> that taking no action to allow the infrastructure would result in even worse harm to human health, ecological health and the environment.</li> </ul>

## Part 3: Combined Plan and other matters

Provision(s)	MDC Position	Submission
Plan sequencing Issues arising from section 68 and Schedule 2.	<b>Partly Support</b>	<p><b>Submission</b></p> <p>MDC supports the concept of regional spatial plans, natural environment plans, and land use plans supporting each other, but there is a fundamental timing issue with the intended sequencing of plans and plan provisions across the Planning Bill and the Natural Environment Bill.</p> <p>The Natural Environment Bill establishes environmental limits as being central (under a ‘development within environmental limits’ approach), but the Planning Bill puts the development of the regional spatial plan ahead of the preparation of the environment plan. This is problematic in that the regional spatial plan committee must consider environmental limits and information from a natural environment plan (see Schedule 2, clause 6 of the Planning Bill) and must identify and provide for the spatial implications of environmental limits as a mandatory content matter in the regional spatial plan (clauses 2 and 3 of the Schedule 2 of the Planning Bill). However, environmental limits</p>

### Part 3: Combined Plan and other matters

Provision(s)	MDC Position	Submission
		<p>relating to ecological health are set through environmental plans which the Bills anticipate being prepared after decisions have been taken on the regional spatial plan (see section 68 of the Planning Bill). Transitional provisions of the Planning Bill need to allow existing RMA regional plans to serve as interim natural plans (and incorporate limits as appropriate) until such time as the first natural environment plans come into force.</p> <p><b><u>Relief Sought</u></b></p> <p>i. Incorporate transitional provisions into the Planning Bill which provide for existing RMA regional plans to act as interim natural environment plans, including containing environmental limits (or equivalent provisions within those plans until such time as environmental limits are set), until such time as the first generation of natural environment plans are made operative.</p>
<p>Section 70 <i>Process for making national instrument</i></p>	<p><b>Partly Support</b></p>	<p><b><u>Submission</u></b></p> <p>Section 70(1) only requires the Minister to provide iwi authorities with a draft of proposed national instrument and give them adequate time to consider the document and provide advice on it. The wording of this section prioritises iwi and iwi authorities without equal, explicit consideration of hapū (not all hapū who hold tangata whenua or mana whenua status hold views which are completely aligned with the iwi in their area</p> <p>Despite local authorities having comply with (and implement) national instruments, and local authorities having the best understanding as to how those instruments are likely to be applied locally (as well as what impact they may have), local authorities are not given the opportunity to consider draft national instruments nor provide advice on them. Local authorities are instead treated the same as any other member of the public under s70(2)(a).</p> <p>The discretion of the Minister to consult other person at any time (s70(3)) does not provide certainty regarding local authority input at the draft national instrument stage. Similarly, the ministerial discretion to determine the adequacy of the timeframe for consultation provides an insufficient safeguard to ensure meaningful consultation. This stands in contrast to local authorities having to consult the Minister on draft plans and being required to provide a submission period of at least 20 working days when preparing plans.</p> <p><b><u>Relief Sought</u></b></p>

## Part 3: Combined Plan and other matters

Provision(s)	MDC Position	Submission
		<p>v. References to ‘iwi authorities’ should be changed to recognised ‘iwi and hapū’.</p> <p>vi. The following provisions should make specific reference to affected local authorities being consulted, and being given the opportunity to submit or comment on, the preparation of draft regulations, national instruments or directions:</p> <ul style="list-style-type: none"> <li>• Provisions relating to the preparation of national instruments (proposed sections 68 - 75).</li> <li>• Provisions relating to preparation of the National Policy Direction (proposed sections 77 – 81).</li> <li>• Provisions relating to National Standards (proposed sections 82 – 87).</li> <li>• Amendments to national standards (proposed section 90).</li> <li>• Regulations made under proposed sections, 307, 308 and 309 which relate to matters including, the preparation of spatial plans, esplanade strips, fees, the application and categorisation of rules in plans, monitoring by local authorities, timeframes and procedures, and levies.</li> </ul> <p>The provisions could take a form similar to that proposed for section 305 (Emergency Response Regulations), include the pre-circulation of drafts (similar to section 58D of the Resource Management Act), or both.</p> <p>vii. The minimum timeframe of consultation and submissions or feedback on proposed regulations, national instruments or directions be set at 20 working days.</p>
<p>Section 92 <i>Purpose of natural environment plan</i></p>	<p><b>Partly Support</b></p>	<p><b><u>Submission</u></b></p> <p>Manawatū District Council supports the purpose of natural environment plans as proposed, but requests clarification be provided as to the intended meaning of ‘enhancement’. Common dictionary definitions (e.g. the process of improving the quality, amount, or strength of something) do not always make sense when applied to aspects of the natural environment (e.g. is it to imply that biodiversity has to be increased beyond what was the natural state?).</p> <p><b><u>Relief Sought</u></b></p> <p>i. Provide a definition of ‘enhancement’ in section 3 of the Bill.</p>

## Part 4: Natural Resource Permits

Provision(s)	MDC Position	Submission
<p>Section 138</p> <p><i>Permit processing timeframes</i></p>	<p><b>Partly Support</b></p>	<p><b><u>Submission</u></b></p> <p>MDC supports the specification of the permit timeframes for basic application types within the Planning Bill but is concerned that these are expressed as maxima with no reference is made in the Bill itself to processing timeframes being paused while permit authorities are awaiting further information from applicants, situations where the applicant has asked for an application to be put on hold, or other extenuating circumstances. The Bill instead appears to suggest that suspensions will be defined through regulations (which are not yet available for parties to submit on), which would not provide long-term certainty for applicants or consent authorities (as regulations can be changed relatively quickly with minimal public input).</p> <p>The situations where processing timeframes should be suspended are clear from the content of subsequent sections (i.e. Natural Environment Bill s140 Requests for further information, and s141 requests for reports). Consent processing timeframe exemptions are also needed for specified extenuating circumstances such as during a declared state of emergency (as consent processing staff may themselves be affected by an emergency or be involved in civil defence response and short-term recovery activities).</p> <p><b><u>Relief Sought</u></b></p> <p>i. To provide transparency and certainty for consent authorities, applicants and the general public, provisions similar to RMA sections 88B and 88E (which set out the circumstances as to what time periods should be excluded from the calculation of processing timeframes) should be included in the Natural Environment Bill. At a minimum, exclusions should be provided for timeframes associated with:</p> <ul style="list-style-type: none"> <li>○ Further information requests</li> <li>○ Commissioned reports</li> <li>○ Where the applicant (or other specified party) has asked to put processing on hold.</li> <li>○ Circumstances where a consent authority is awaiting another related application.</li> </ul>
<p>Section 139</p>	<p><b>Opposed</b></p>	<p><b><u>Submission</u></b></p>

## Part 4: Natural Resource Permits

Provision(s)	MDC Position	Submission
<p><i>Certain permits must be processed within a year</i></p>		<p>MDC questions the need for section 139 and its processing timeframe of 1 year. The singling out of particular industry or business types over others for special treatment (picking winners) in the Bill is not conducive to business certainty, can result in the misallocation of resources, distort markets and disincentivises diversification of the economy and innovation.</p> <p>Section 138 already provides for processing timeframes which are shorter than the 1 year timeframe proposed, with sections 318 and 319 providing the ability for timeframes to be extended, or requirements waived to cater for complex applications. It should be possible to amend sections 318 and 319 to provide for longer timeframes if applicants or other specified groups request.</p> <p><b><u>Relief Sought</u></b></p> <ul style="list-style-type: none"> <li>i. Delete section 139 and modify sections 318 and 319 to allow for longer extension of timeframes if an application of specified group request it.</li> </ul>
<p>Section 146 <i>Notification requirements if 145 does not apply</i></p>	<p><b>Partly Support</b></p>	<p><b><u>Submission</u></b></p> <p>MDC supports the general structure and approach to section 146.</p> <p>However, some local authorities, such as the Manawatū District, include iwi and hapū whose Treaty claims have yet to be settled. Section 126 implies that these groups, even if mana whenua or tangata whenua, will not automatically be notified under s146(2) even if they have an agreement or arrangement outside of a statutory acknowledgment.</p> <p><b><u>Relief Sought</u></b></p> <ul style="list-style-type: none"> <li>i. Amend section 146 so that iwi and hapū who do not have a Treaty settlement may be notified under s146 if the relevant local authority has retained records which identifies their sites of significance, and the proposed activity is on, adjacent to, or adversely effects that site of significance.</li> </ul>
<p>Section 152 <i>Submissions on applications</i></p>	<p><b>Partly Support</b></p>	<p><b><u>Submission</u></b></p> <p>MDC appreciates the need for limiting unnecessary costs associated with large volumes of submissions from parties with no association with the region or district to which a consent application relates. However, there should be some allowance for submissions from specialist or expert groups who are representing an interest greater than that of a</p>

## Part 4: Natural Resource Permits

Provision(s)	MDC Position	Submission
		<p>member of the general public. That interest could concern situations where an application concerns technical matters (such as uncommon but high-risk impacts on human health or ecological health) and there is no person in the region or district who would otherwise have the expertise to comment on that matter.</p> <p><b>Relief Sought</b></p> <p>i. Provide a new subsection 152(1)(c) which enables a person representing an interest greater than what the general public has to make submission. If desired, the scope of that interest could be limited to providing comment on technical matters which no qualifying resident in the district or region has expertise to comment on (even if the submitter is not directly affected themselves).</p>

## Part 5: Key Roles (functions)

Provision(s)	MDC Position	Submission
Section 215 <i>Functions of Minister</i>	Partly Support	<p><b>Submission</b></p> <p>It is unclear whether s215(f) should refer to 'land use' or 'natural resources' in this context. The use of the words 'as the Minister thinks fit of any significant land use matter; also leaves the Minister with an unchecked, wide discretion to investigate matters. As with s215(g), there needs to be a link back to the purpose and goals of the Bill.</p> <p><b>Relief Sought</b></p> <p>i. Clarify whether s215(f) should refer to 'natural resources' instead of 'land use'.</p> <p>ii. Link the Ministers powers in s215(f) to being necessary to achieve the purpose and goals of the Bill.</p>
Section 217 <i>Minister may direct preparation</i>	Partly Support	<p><b>Submission</b></p> <p>Section 217 broadly mirrors some of the intent behind section 24A of the RMA, but extends the Minister's powers to directing (rather than 'recommending') a local authority to prepare a plan document, change or</p>

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<p><i>of plan, document, change or variations</i></p>		<p>variation.</p> <p>Although the reference to council functions (s222 – although the Bill incorrectly refers to s224) appears appropriate, the reference to addressing ‘the issue’ (which appears to be a ‘planning land use issue’) is vague and has the potential to be interpreted widely or misused. The direction needs to be tied back more firmly to a significant shortcoming or failure (be it an act of commission or omission) in relation to the local authority carrying out its land use planning functions.</p> <p>Subsection 217(3) and (4) are of significant concern as they appear to give permission to the Minister to skip an investigation of the local authority before issuing a direction (which would otherwise be required through section 203(2)).</p> <p>The requirement that the Minister can skip an investigation on the basis of having reasonable evidence only (s217(4)) is a fundamental breach of the principles of natural justice (as it does not provide local authorities an opportunity to respond to accusations) and may result in the Minister taking ill-informed, inappropriate or unconstructive action, particularly where:</p> <ul style="list-style-type: none"> <li>• The perceived failure of the local authority is related to a lack of resources to carry out their duties in timely manner,</li> <li>• A local authority has been given conflicting goals or provisions in national instruments which are impossible to reconcile.</li> <li>• The failure on the part of a local authority relates back to an act or omission by the central government in the performance of its functions, duties or powers.</li> </ul> <p><b><u>Relief Sought:</u></b></p> <ol style="list-style-type: none"> <li>i. Amend the cross-reference to s224 in s217(1)(a)(1) to ‘<u>section 222</u>’.</li> <li>ii. Replace the word ‘issue’ in a s217(1) and (2) with a ‘significant failure or shortcoming in the performance of its functions or duties under this Act’ (or wording to similar effect).</li> <li>iii. Delete s203(3) and 203(4).</li> </ol>

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Provision(s)	MDC Position	Submission
<p>Section 222</p> <p><i>Functions of regional councils</i></p>	<p><b>Partly Support</b></p>	<p><b><u>Submission</u></b></p> <p>Subsections 222(3) and 222(5) refer to regional councils and the Minister of Conservation performance (or non performance) of functions specified in subsection 3A (which may relate to controlling the taking, allocation of enhancement of fishery resources). However the reference to subsection 3A is unclear in that there is no subsection 3A in s222 and it is unclear as to which sections or provisions of the Natural Environment Bill the reference is supposed to relate to.</p> <p>It is noted that the control of noise as a local authority function only appears in subsection 222(4)(g), and only in relation to fisheries. It does not otherwise appear as a general function of local authorities in sections 184 and 185 of the Planning Bill, nor s222 of the Natural Environment Bill. For clarity, Manawatū District Council recommends functions relating to noise should correspond to local authority boundaries, for example:</p> <ul style="list-style-type: none"> <li>• Noise is the responsibility of territorial authorities landward of mean high water springs.</li> <li>• Noise is the responsibility of regional councils in coastal waters seaward of mean high water springs (i.e. in the coastal marine area).</li> </ul> <p><b><u>Relief Sought</u></b></p> <ol style="list-style-type: none"> <li>i. Correct the s222(3) and s222(5) cross reference to ‘subsection (3A)’ so that they cross reference the appropriate provision(s) of the Natural Environment Bill.</li> <li>ii. Clarify section 222 so that the control of noise is the responsibility of regional councils in the coastal marine area (seaward of the line of mean high water springs) and not just limited to aquaculture activities.</li> </ol>
<p>Section 225</p> <p><i>Obligations relating to statutory acknowledgements</i></p>	<p><b>Partly Support</b></p>	<p><b><u>Submission</u></b></p> <p>There appears to be no equivalent duty on central government in relation to statutory acknowledgements. Given the power of Ministers to make, delete or amend provisions in local authority plans, require compliance with standardised plan provisions, and direct other plan-content related matters, this creates a double standard and</p>

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Provision(s)	MDC Position	Submission
		<p>potential double-jeopardy situation for local authorities. This can be addressed by creating a duty for Ministers to act consistently with statutory acknowledgments when exercising their powers.</p> <p><b>Relief Sought</b></p> <p>i. Insert a similar provision to s225 into the Bill which requires the Ministers to ensure the exercise of their powers is consistent with statutory acknowledgments in the districts or regions in which the exercise of the powers is proposed. These provisions should relate to all national policy direction, national instrument, national standard and regulation making powers.</p>

## Part 6: Enforcement and other matters

Provision(s)	MDC Position	Submission
<p>Section 278</p> <p><i>Offences against this Act</i></p>	Partly Support	<p><b>Submission</b></p> <p>The list of offences described in section 278 is similar to those listed in comparable sections of the RMA (e.g. s338) and is supported. However, with the proposed introduction of registered permitted activities which may have conditions attached, a specific reference to the breach of those conditions appears to be absent.</p> <p><b>Relief Sought</b></p> <p>i. Amend section 278(1)(c) to read “any condition of a natural resource permit <u>or permitted activity which is the subject of a permitted activity rule</u>”.</p>
<p>Sections 310 and 311</p> <p><i>Regulations amending natural</i></p>	Opposed	<p><b>Submission</b></p> <p>Section 310 gives the Minister responsible for aquaculture the power to make regulations which amend regional plan provisions (i.e. delete, add or change). Giving such a power to a Minister which represents a particular industry or industry group creates the potential for conflict of interest and does not provide independent sufficient safeguards to ensure decisions are taken in the interests of overall environmental health, despite the requirement for amendments</p>

## Part 6: Enforcement and other matters

Provision(s)	MDC Position	Submission
<p><i>environment plans</i></p>		<p>to be consistent with other parts of the Natural Environment Act (which happens to also contain various exception clauses).</p> <p>It is further noted that although the Minister responsible for aquaculture must have regard to the provisions of the relevant natural environment plan, section 311 does not specifically or explicitly require consultation with the affected regional council, nor does it specify a minimum period over which consultation must enable submissions to be made.</p> <p><b>Decision Sought</b></p> <ul style="list-style-type: none"> <li>i) <b>EITHER:</b> Delete sections 310 and 311 entirely, and rely on the Minister for the Environment’s powers to make regulations and national instruments: <b>OR</b></li> <li>ii) Amend section 310 and 311 so that all references to the Minister are to Minister for the Environment, and that Minister has the discretion to consult the Minister of Conservation and Minister responsible for aquaculture.</li> <li>iii) Replace references in s311(7) to ‘adequate time’ with a requirement for consultation to be open for a minimum of 20 working days.</li> </ul>
<p>Section 313 and 314</p> <p><i>Regulations relating to natural resource levies</i></p>	<p><b>Partly support</b></p>	<p><b>Submission</b></p> <p>Section 313 allows for the making of regulations prescribing levies for the taking or use of natural resources. As with a range of other regulation making powers under the Bill, the statutory checks on the process through which a Minister may recommend the making of a regulation to the Governor-General are limited.</p> <p>Although it is understood the government may, in the ordinary performance of its operations, assess options regarding the making of regulations through a Regulatory Impact Statement (RIS), or Cost Recovery Impact Statement (CRIS), Cabinet can still agree to progress regulations without the completion of either form of assessment. This provides little confidence to territorial authorities, primary sector industries, and utility operators that the impact on their operations from the imposition of such levies has been considered and understood. An overly high levy for the taking of (for example) water could have a material affect on local authority rates or water charges, or the financial viability of primary sector producers.</p>

## Part 6: Enforcement and other matters

Provision(s)	MDC Position	Submission
		<p>It is acknowledged that there is requirement in section 314 for Minister to follow the process set out under section 70. However, as previously noted in this submission, section 70 does not provide a strong or sufficient requirement to consult those affected by a levy. For example, there is no specific requirement to provide an exposure draft, there is not an explicit requirement to consult territorial authorities or others who may be affected to any extent greater than the general public, and there is no minimum timeframe for consultation (in respect to any party). There is also no requirement within section 70 which explicitly looks at quantifiable costs and benefits (and this is only partially addressed in section 314 in its current form).</p> <p>The Minister should be required to comply with additional minimum statutory requirements before recommending regulations which impose a levy, to ensure such a levy is necessary and fair. This is particularly important given the only Parliamentary oversight of regulations is in the form of the limited powers afforded the Regulations Review Committee.</p> <p>The making of regulations imposing a levy are very rarely urgent, so a minimum requirements which include consultation and an opportunity for affected parties to comment (with a 20 working day minimum timeframe) are both appropriate and workable.</p> <p><b><u>Relief Sought</u></b></p> <ul style="list-style-type: none"> <li>i. <b>EITHER:</b> Delete subsection 314(1) and replace it with a new subsection which stipulates the minimum requirements a Minister must comply with before recommending regulations which propose imposing levies to the Governor-General. <ul style="list-style-type: none"> <li>a. The Minister must prepare an evaluation which demonstrates the necessity for a levy, the alternative courses of action which have been considered (and the reasons they were accepted or rejected), the anticipated amount or revenue to be raised and how it is proposed to be spent, and the cost impacts on those who will be expected to pay the levy.</li> <li>b. The Minister must prepare and public an exposure draft of the regulations which propose to impose a levy.</li> <li>c. The Minister must consult with persons who will be required to pay the levy (or their representatives), including giving them 20 working days within which to comment on draft proposals.</li> </ul> </li> </ul>

## Part 6: Enforcement and other matters

Provision(s)	MDC Position	Submission
		<p>d. The Minister must make available to those who are consulted, a copy of the exposure draft and the evaluation carried out under (a).</p> <p><b>OR</b></p> <p>ii. Amend either section 69 or section 70 to include a requirement for the Minister to comply or have particular regard to (as appropriate), an evaluation that includes matters the same or similar to those described in 'i' above.</p>

## Schedule 1:

Provision(s)	MDC Position	Submission
<p>Schedule 1 Clause 1</p> <p><i>Schedule 1 of Planning Act 2025 applies</i></p>	<b>Opposed</b>	<p><u>Submission</u></p> <p>Clause 1 of Schedule cross references to Schedule 1 of the Planning Bill in its entirety. Schedule 1 of the Planning Bill then also contains various references back to provisions in the Natural Environment Bill.</p> <p>Manawatū District Council's concerns regarding Schedule 1 of the Planning Bill are well traversed in our submission on that Bill, and we provide only a summary here:</p> <ul style="list-style-type: none"> <li>• Cross references to the Natural Environment Bill from the Planning Bill in (subclause 5(3)) are incorrect and unclear.</li> <li>• The timing of the issuance of national instruments relative to regional spatial plans means draft regional spatial plans need to be notified before the standards relating to their content and format are issued.</li> <li>• In the case of ecological environmental limits, notification of regional spatial plans (which are required to show the spatial implications for environmental limits) will be ahead of the notification requirements expected for environment plans (within which those limits are to be set).</li> </ul>

## Schedule 1:

Provision(s)	MDC Position	Submission
		<ul style="list-style-type: none"> <li>• Taking in account the work and resources required (and the resources likely to be available to all parties) involved in the preparation of land use and natural environment plans, the proposed timeframe for notifying environment plans is too short. A more realistic timeframe to notify would be at least 18 months from regional spatial plans being decided.</li> </ul> <p><b><u>Relief Sought</u></b></p> <ol style="list-style-type: none"> <li>i. Fix the cross-references in Schedule 1 clause 5(3) of the Planning Bill which currently refer to Natural Environment Bill sections 6.5(a), (b), (c) and (d), and section 6.8(1)(b).</li> <li>ii. Amend clause 5(4)(a) of Schedule 1 of the Planning Bill so that the first draft regional spatial plans must be notified within six months of the last national direction listed in 5(3) being issued, or 24 months after Royal Assent.</li> <li>iii. Amend clause 5(4)(b) of Schedule 1 of the Planning Bill to refer to 18 months of when a regional spatial plan is adopted under clause 29 of Schedule 2.</li> </ol>