HAWKE'S BAY
REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

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Tēnā koutou katoa

NATURAL ENVIRONMENT BILL & PLANNING BILL SUBMISSION

Hawke's Bay Regional Council (HBRC) welcomes the opportunity to comment on the Natural Environment and Planning Bills. HBRC is deeply involved in the practical delivery of New Zealand's resource management system. Our work is grounded in the unique environmental, cultural, and economic context of Te Matau-a-Māui, and informed by strong relationships with, local communities, sector partners, and tāngata whenua.

This submission reflects our regional perspective and draws on expertise from across our organisation. While HBRC contributes to national conversations through collective sector forums and supports submissions made on behalf of the sector i.e. Te Uru Kahika, this submission is made independently to represent the specific needs and priorities of Hawke's Bay. HBRC also notes that the Regional Planning Committee has also made its own submission on the Bills to strengthen Treaty related provisions and uphold the RPC as Treaty Settlement redress. We fully support the views expressed in that submission and consider them an integral part of the region's collective response.

Our feedback builds on previous input into resource management reform processes and is intended to support the Government's goals of improving system efficiency, reducing regulatory burden, and unlocking development capacity. We see this phase of reform as an opportunity to better align national direction with regional implementation, particularly in areas such as climate resilience, hazard planning, and freshwater management. We also emphasise the importance of clarity and simplicity in the regulatory framework. While HBRC supports improvements to the current system, we are mindful of the risk of introducing additional complexity or uncertainty for both regulators and resource users.

The following sections outline and summarise HBRC's key recommendations across the critical areas where we believe targeted improvements will have the greatest impact. These recommendations are intended to strengthen the Bills' effectiveness, ensure workability at the regional level, and support the delivery of robust environmental and planning outcomes.

System design & integration

- Fix the split between land use and environmental management – the two Bills must operate as a genuinely integrated system, not parallel regimes that create gaps, duplication, and litigation risk.

- Align reform with wider local government change – planning reform must be sequenced and integrated with Local Government Act, transport, water services, and hazard management frameworks.
- Provide realistic transition pathways – avoid prolonged dual RMA/new system operation; sequence national direction early and allow staged implementation.

Te Tiriti o Waitangi & Treaty settlements

- Strengthen Treaty clauses so Te Tiriti shapes *outcomes*, not just participation processes.
- Explicitly protect Treaty settlement arrangements, including statutory co-governance bodies such as the Hawke's Bay Regional Planning Committee, with equal legal weight in the new system.
- Retain Crown responsibility for settlement interpretation and renegotiation – do not devolve this to councils.
- Replace "participation" with partnership and shared decision-making throughout both Bills.

Spatial planning

- Elevate Regional Spatial Plans so they genuinely guide land use, infrastructure, hazards, and environmental outcomes.
- Amend sequencing, spatial plans must be informed by environmental limits, hazard data, climate risk and mātauranga Māori, not prepared ahead of them.
- Embed climate resilience and hazard avoidance as core drivers, not secondary considerations.

Environmental limits & effects management

- Treat environmental limits as firm bottom lines, not ceilings that can be overridden by development or infrastructure pathways.
- Provide clear national methodologies and guidance for setting limits, assessing capacity, and managing uncertainty, including the use of mātauranga Māori.
- Restore a clear effects management hierarchy with offsetting only where expressly authorised.
- Protect high-quality environments, not just manage degraded ones.

National direction

- Release national instruments early, transparently, and in partnership with councils, iwi and hapū, not mid-process.
- Avoid over-prescription, national direction should enable regional, catchment-based solutions rather than crowd out local innovation.
- Safeguard the role of cultural, archaeological, and environmental assessments so they meaningfully influence outcomes.

Consenting & plan-making

- Enable genuinely integrated consenting across both Bills to avoid multiple approvals for a single activity.
- Clarify definitions and thresholds to reduce uncertainty, inconsistent interpretation, and litigation.
- Ensure conditions and adaptive management remain available where necessary to manage risk, without undermining environmental limits.

Resourcing, affordability & implementation

- Match new duties with funding, capability support, and realistic timeframes – unfunded mandates will undermine delivery.
- Address regulatory relief risk, councils should not bear financial liability for implementing mandatory national direction without Crown co-funding.
- Recognise rate-capping constraints and the cumulative burden of reform on councils and communities.

Information, data & systems

- Invest nationally in high quality, interoperable data and digital planning systems to underpin e-planning and limit-setting.
- Require decision makers to explicitly address data uncertainty and protect sensitive cultural information through tikanga based governance.

HBRC remains committed to working constructively with central government to ensure that the provisions of the Natural Environment and Planning Bills are practical, effective, and deliverable. Our submission is intended to help shape a system that works for our region and contributes to better outcomes for our environment and communities.

Ngā mihi nui,

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Introduction

HBRC has chosen to structure its submission in four parts including;

- Part 1: High-level views on the policy intent of the overall reform package
- Part 2: Commentary on any shared provisions between the two Bills
- Part 3: Comments specific to the Planning Bill; and
- Part 4: Comments specific to the Natural Environment Bill.

This structure allows us to address both overarching policy concerns and specific technical matters in a logical sequence. Where HBRC has not submitted directly, we have provided feedback to Te Uru Kahika, and some of our sector-wide views may be reflected in their submission.

Our feedback is focused on ensuring the proposals are workable, regionally responsive, and capable of delivering better environmental and community outcomes. As a regional council, HBRC plays a critical role in implementing the resource management system, with deep knowledge of our region's environmental systems, catchments, and communities.

HBRC also reaffirms its commitment to te Tiriti o Waitangi and to working in partnership with tāngata. We encourage the Crown to continue engaging with iwi, hapū, and councils to ensure the new system effectively reflects Treaty settlements, supports enduring relationships, and upholds tāngata roles in environmental decision-making.

HBRC remains committed to supporting a resource management system that is efficient, equitable, and environmentally responsible. We believe these goals can and should be achieved together through clear direction, robust science, and practical implementation pathways.

1. Views on policy intent

1.1 Enduring and efficient resource management reform

HBRC supports a resource management reform programme that is enduring, efficient, and capable of delivering better environmental, cultural, and community outcomes across Aotearoa. To be effective, the system must be stable, clearly structured, and genuinely simpler to implement. As drafted, the Bills risk creating new divides between land use and environmental management, introducing uncertainty and duplicated processes that undermine integrated decision making. Durable reform must reflect the interconnected nature of the natural and built environments, align national direction with regional delivery, and avoid structural distinctions that create gaps, overlaps, or litigation. Transition pathways also need to be realistic and sequenced so councils, Treaty partners, and communities can participate meaningfully and confidently.

An efficient and enduring system must uphold te Tiriti o Waitangi in both process and outcome. The Bills place too much emphasis on procedural "participation" rather than the substantive expression of Māori interests, relationships with te taiao, or the integrity of Treaty settlement arrangements. This creates legal and relational risks and places councils in difficult roles that could undermine existing partnership models. Strengthening Treaty clauses, clarifying how Māori interests influence decisions, and ensuring continuity of settlement redress are essential for system legitimacy and long-term stability.

HBRC also highlights the need for integrated planning that aligns spatial planning, environmental limits, hazard management, and infrastructure investment. Spatial plans must be grounded in robust environmental information—including limits, mātauranga Māori, and climate and hazard data—but the Bills currently require spatial plans to be completed before limits are set. This sequencing flaw risks embedding development expectations that are inconsistent with environmental constraints. To support efficiency, statutory timeframes must be achievable, transitions must avoid dual regulatory regimes, and national instruments must be developed early, transparently, and in partnership with local government, iwi and hapū.

Environmental limits are an important tool, but their success depends on clear national methodologies, high quality data, and guidance that enables consistent yet regionally responsive implementation. Without this, councils face litigation risk, inconsistent outcomes, and potential environmental degradation. Likewise, the consenting framework must be efficient, risk-based, and integrated, avoiding circular exclusions between Bills and enabling streamlined joint processing, clear interpretation tests, and proportionate conditions.

Overall, HBRC seeks a reform package that strengthens clarity, reduces compliance burden is Treaty-compliant and supports partnership with tāngata, aligns planning functions across government, and equips councils with the tools, guidance, and resourcing needed to implement the legislation effectively. Enduring and efficient reform relies on coherent system architecture, realistic transitions, strong national direction, and regionally responsive delivery to ensure environmental integrity, community wellbeing, and long-term resilience remain at the centre of Aotearoa's resource management system.

1.2 Integration of Local Government change and implementation risks

HBRC emphasises that enduring resource management reform cannot be considered in isolation from the wider programme of Local Government reform. The effectiveness of the new system will depend heavily on how well the reformed planning architecture aligns with evolving local government structures, responsibilities, and resourcing models. Without that alignment, there is a significant risk of fragmentation, duplication, and confusion for councils, iwi, hapū, communities, and resource users. The Bills, as drafted, do not adequately account for the substantial operational and governance changes already underway across the local government sector, nor do they clearly articulate how existing statutory responsibilities—including flood protection, hazard management, regional transport planning, and environmental monitoring—will integrate with new planning instruments and centralised decision-making pathways. HBRC is concerned that reforms may create gaps at the interface between legislation, particularly where land use planning, infrastructure regulation, water services reform, and environmental limit setting.

Successful implementation will require coherent sequencing of legislative changes, consistent national guidance, and sustained collaboration between central government, regional councils, territorial authorities, and tāngata to ensure transitions are manageable and do not compromise environmental outcomes or community wellbeing. HBRC therefore seeks clearer integration between the Bills and other key statutes, including the Local Government Act, Land Transport Management Act, and Marine and Coastal Area Act, alongside explicit mechanisms for coordinating roles, responsibilities, and funding across the reformed system.

A well-integrated, stable institutional environment is essential to avoid imposing unsustainable pressure on councils, maintain trust in the system, and ensure the reforms achieve their intended objectives efficiently and effectively.

1.3 Upholding te Tiriti o Waitangi and Treaty settlements

HBRC strongly supports a resource management system that gives full and enduring effect to te Tiriti o Waitangi and upholds the integrity of all Treaty settlement arrangements. A strengthened, clear, and unambiguous Treaty clause is essential to ensure that the Crown's obligations are honoured consistently across all planning and decision-making processes. The Council emphasises that iwi and hapū must participate meaningfully, not merely procedurally, in the design and operation of the new system. In Te Matau a Māui, this includes recognising and preserving the unique governance arrangements established through Treaty settlements particularly the Hawke's Bay Regional Planning Committee (RPC), a co-governance body established through the Ngāti Pāhauwera and Maungaharuru Tangitū settlements and the Hawke's Bay Regional Planning Act 2015 as the region's statutory decision-making forum for natural resource planning.

These reforms will reset how authority, decision-making, and environmental outcomes are defined and delivered across the region. If te Tiriti o Waitangi is treated primarily as a procedural requirement rather than a foundation for genuine partnership, the system will create unavoidable legal risk, undermine settlement-based arrangements, and weaken the legitimacy needed for durable reform. HBRC therefore seeks stronger operational recognition of te Tiriti so that it meaningfully shapes decisions and outcomes, not just engagement processes. This includes explicit protection for settlement redress and bespoke governance arrangements, such as the Hawke's Bay Regional Planning Committee, to ensure continuity, legal certainty, and enduring partnership relationships.

The Crown must retain direct responsibility for upholding settlements between the Crown, iwi and hapū particularly where those settlements relate to resource management. This responsibility must not be devolved to local government. Agreements with iwi and hapū as to how their settlements under the RMA will now relate to the Planning and Natural and Built Environment Acts should continue to sit with the Crown, ensuring consistency, legal clarity, and the protection of settlement integrity across the country.

The Bills, as drafted, frame te Tiriti primarily through procedural mechanisms, rather than requiring Treaty consistent outcomes. This is a material shift from the RMA approach and creates significant legal and relationship risk. We seek a stronger Treaty clause that applies across all decision-making under the new Acts, not merely through prescribed participation steps. In particular, we are concerned that a time-limited renegotiation window, combined with national direction that can override regional arrangements, risks eroding (rather than maintaining) settlement intent. Settlement-based governance arrangements, such as the Hawke's Bay Regional Planning Committee (RPC), must be protected with equal legal weight and not diluted through transition provisions or national direction.

It is further noted, the Bills risk narrowing the scope of Māori interests to sites of significance and procedural engagement, rather than recognising the deeper, ongoing relationship between tāngata whenua and te taiao and the substantive influence intended by settlement legislation. While Māori

involvement is provided for through regional spatial planning committees, which must consult with iwi authorities and customary marine title groups (clause 70), the opportunity to participate in consultation does not equate with an appropriate level of influence or decision-making authority.

HBRC therefore seeks explicit legislative recognition of the RPC and equivalent settlement derived governance structures, clear guidance on how Treaty redress is to be upheld within the new system, and assurance that national direction, planning instruments, and implementation requirements cannot dilute or override the effect of existing settlements. Ensuring strong and durable Treaty provisions is fundamental to system integrity, environmental outcomes grounded in mātauranga Māori and tāngata leadership, and the overall legitimacy of the reform programme.

1.4 Spatial planning and integrated decision-making

HBRC strongly supports a resource management system in which spatial planning provides the central, unifying framework for managing land use, freshwater, natural hazards, climate adaptation, ecosystem health, and regional infrastructure. To be effective, spatial planning must be grounded in high-quality evidence, strong iwi and hapū partnership, and genuine collaboration with central government and local authorities. This ensures that decisions are coherent across the system, durable over time, and aligned with both national direction and regional priorities. HBRC requests stronger recognition of mātauranga Māori and tikanga as legitimate and essential inputs to environmental limits, spatial planning, and other planning frameworks. These knowledge systems provide important place based and long term perspectives that complement scientific evidence and improve decision-making quality. Effective integration requires clear resourcing and capability support to enable whānau, hapū, and iwi to participate meaningfully and with influence. Without this, engagement risks becoming uneven and limiting the system's ability to deliver culturally grounded and resilient outcomes. Regional Spatial Plans (RSPs) should carry meaningful legal weight, setting the strategic direction that flows consistently between natural environment plans, land-use plans, and long-term investment decisions.

HBRC supports elevating RSPs within the statutory hierarchy, but the success of this shift relies on realistic timeframes and well-sequenced reform. Spatial strategies must be informed by accurate environmental limits, climate risk information, and regional constraints—rather than being prepared ahead of these critical inputs. If sequencing is misaligned, there is a real risk of locking in development expectations that become unimplementable once limits or hazards are properly understood. While infrastructure and transport planning are central components of spatial planning, HBRC emphasises that environmental, freshwater, and hazard-related constraints must be integrated from the outset to ensure development pathways that are sustainable, resilient, and regionally appropriate.

Clear, statutory connections are also needed between spatial planning, natural environment planning, and other relevant legislation, including the Local Government Act and sector-specific regulatory frameworks. Without these linkages, councils face fragmentation, inefficiencies, and potentially conflicting obligations that undermine the purpose of a unified planning system.

Overall, HBRC seeks a spatial planning framework that provides clarity and certainty, supports integrated and adaptive decision-making, aligns long-term regional priorities, and ensures that tāngata, local government, and communities can meaningfully shape the future of their regions. This

is essential for delivering a system that is not only efficient, but also resilient, fair, and capable of responding to the environmental and development challenges facing Aotearoa.

1.5 Streamlined regulatory plan-making

HBRC supports a more agile, efficient, and proportionate plan making framework that reduces unnecessary process while still ensuring robust, evidence-based decision making. A streamlined system must leverage digital tools, modern data systems, and integrated workflows so that planning is more accessible, transparent, and responsive to both community needs and environmental priorities. Clear delineation of responsibilities for regional authorities is critical, with councils empowered to prepare plans that reflect local environmental goals, regional context, mātauranga Māori, and the aspirations of tāngata and communities, while remaining consistent with national direction. For reform to be effective, the planning architecture must avoid duplicative processes, provide clarity on when bespoke provisions are appropriate, and support the timely incorporation of new environmental information, including limits, hazard data, and climate risk assessments. HBRC emphasises that streamlined processes should not come at the expense of meaningful engagement, nor should they dilute the ability of regions to respond to unique environmental pressures or uphold Treaty-based relationships.

A modernised, digitally enabled, and proportionate planning system—backed by clear guidance, coherent legislative relationships, and realistic statutory timeframes—will be essential to ensuring the reforms deliver plans that are both efficient to produce and enduring in practice.

1.6 National instruments – quality, timing, and over prescription

As drafted, the Bills risk undermining local decision-making through greater centralisation. Locking in outcomes too early in the process, before environmental limits, hazard information, and local knowledge are fully understood, is likely to produce unrealistic settings and ineffective implementation on the ground. Durable environmental outcomes depend on regional and catchment-based decision-making, informed by local science, mātauranga Māori, and community action. A system that unduly restricts regional discretion increases litigation risk, weakens environmental outcomes, and erodes public trust.

HBRC considers it is essential that environmental limits operate as genuine bottom lines that safeguard ecological, cultural, and community values, rather than as ceilings that can be routinely overridden through infrastructure pathways or development-focused national direction. HBRC is concerned that current notification settings and early "lock-in" mechanisms risk weakening the role and influence of environmental, cultural, and archaeological assessments, particularly at the consenting stage. Cultural Impact Assessments, Cultural Values Assessments, and archaeological assessments are fundamental to kaitiakitanga, informed decision-making, and effective environmental protection. Any reform framework must preserve their integrity and ensure they meaningfully shape outcomes, rather than being treated as procedural requirements after key decisions have already been made.

HBRC notes the importance of enabling, rather than displacing, community-led catchment initiatives and collaborative environmental stewardship. HBRC has invested heavily in bottom-up, place-based approaches that build shared responsibility, trust, and long-term environmental resilience. Overly

prescriptive national direction and centrally driven planning frameworks risk crowding out these locally grounded models by constraining flexibility and discouraging innovation. Effective environmental management is strengthened when communities, tāngata, and councils are empowered to lead locally appropriate solutions, rather than having uniform approaches imposed through top down instruments that do not reflect catchment-specific conditions.

HBRC emphasises that the success of the reformed system depends fundamentally on the quality, clarity, and sequencing of national instruments. National direction must be technically robust, codesigned with regional expertise and tāngata, and released early enough to guide plan making rather than arriving mid-process or after key decisions have been made. The Bills currently place heavy reliance on national instruments to resolve uncertainties, set methodologies, and define limits, yet provide little assurance about timing, transparency, or the role of regional councils in shaping these tools. Overly prescriptive national instruments risk constraining local problem solving, undermining the ability of councils to tailor responses to regional environmental pressures, catchment complexities, or Treaty-based governance arrangements. Equally, instruments that are incomplete, inconsistent, or poorly sequenced will create confusion, litigation risk, and implementation challenges.

HBRC therefore seeks strong safeguards to ensure national direction is timely, proportionate, informed by regional science and mātauranga Māori, and aligned with the practical realities of implementation so that it supports – rather than inhibits – durable, regionally effective planning.

1.7 Resourcing, capability, and implementation burden

Compressed system timeframes will impose unaffordable costs on local government and communities, particularly under a rate-capping framework. Without extended timeframes, staged implementation, and direct Crown funding support, councils will not be able to meet statutory requirements while maintaining community affordability.

HBRC stresses that the scale of the reforms represents a profound operational shift for local government, with major implications for staff capability, regulatory systems, digital infrastructure, and long-term funding. The Bills introduce significant new responsibilities, including environmental limit-setting, complex monitoring frameworks, intensified compliance expectations, enhanced engagement obligations, and completely new plan-making processes, yet provide no clear, sustainable resourcing pathway to enable councils to meet these obligations. Without dedicated funding, capability development, and clear national support, the system risks overloading councils at precisely the time when stability and confidence are most needed.

This pressure will be compounded by the proposed rates cap, the absence of clear transitions, and the need to operate dual RMA and new system processes simultaneously for an extended period.

1.8 Natural hazards and climate risk integration

HBRC highlights the critical importance of embedding natural hazard and climate risk information directly into the foundations of the new planning system. Effective long-term planning in Aotearoa requires a system that can respond to increasing exposure to flooding, coastal hazards, wildfire risk, drought, and cascading climate-driven impacts.

While the Bills acknowledge these pressures, they do not yet provide sufficient clarity on how hazard and climate information must be incorporated across spatial planning, environmental limits, land-use rules, and consenting pathways. HBRC considers that integration requirements must align explicitly with the Climate Change Response Act, national adaptation frameworks, and the emerging guidance on climate-related risk assessment to ensure consistent, science-based decision-making.

There is also a significant sequencing risk: spatial plans may be required before updated hazard information, climate projections, or environmental limits are available. This increases the likelihood of inappropriate development, inconsistent risk tolerances, or costly retrospective corrections. HBRC strongly recommends that hazard and climate resilience be treated as core system drivers rather than secondary considerations. This includes clear requirements for consistent risk assessment methodologies, shared datasets, incorporation of mātauranga Māori, and strong links between regional-scale hazard responsibilities and local land-use controls.

Embedding robust climate and hazard integration from the outset—aligned with the Climate Change Response Act, adaptation responsibilities, and national guidance—is essential to ensure safer communities, more resilient infrastructure, and planning decisions that remain sustainable across generations.

1.9 Regulatory relief provisions create further cost uncertainty

The proposed regulatory relief provisions present a significant concern for Hawke's Bay Regional Council, particularly from a cost and resourcing perspective. This regime introduces a new and potentially substantial financial liability for councils. For HBRC, the obligation to provide regulatory relief will directly affect our revenue base, while the lack of clarity around how regulatory relief is to be interpreted creates risk of litigation. Together, these pressures could generate costs that are both material and difficult to forecast.

For HBRC, these changes would place additional strain on a rating base already dealing with the financial implications of cyclone recovery, infrastructure renewals, and increasing environmental management expectations. The uncertainty surrounding the scale of potential liabilities – particularly those arising from legal challenge – makes prudent long-term planning extremely difficult.

Affordability is a critical issue for local government, including for HBRC in the delivery of public transport infrastructure and services across the region. Reduced central government funding, combined with escalating costs, continues to place pressure on both fares and rates, limiting our ability to expand or enhance services to meet community expectations and regional growth. To support sustainable and equitable growth across Hawke's Bay, future development must be planned as efficiently as possible, and councils require suitable funding tools and mechanisms to meet increasing demand.

The Bill's requirement that councils cannot limit development due to a lack of infrastructure, and must instead deliver it in a timely manner, further intensifies these pressures. As national standards are developed to guide when councils may consider whether infrastructure is adequate to support development, it is essential that community affordability is treated as a core consideration. Without

this, the expectations placed on councils will be unrealistic and ultimately unsustainable for the communities we serve.

1.10 Information systems

HBRC emphasises that durable and effective resource management reform depends on modern, reliable, and interoperable information systems. This requires sustained national investment in digital infrastructure, consistent data standards, and secure information management. While ePlanning offers major opportunities to improve transparency, accessibility, and efficiency, these gains will only be realised if the geospatial information underpinning plans is authoritative, accurate, and fit for purpose.

Significant risks currently arise from variable data quality, gaps in biodiversity, hazard, cultural, and environmental datasets, inconsistent integration between national and local information, and the ongoing use of outdated or incompatible legacy systems. Misaligned spatial boundaries and incomplete metadata further increase the risk of legal challenge, particularly where spatial layers do not reflect the legal primacy of cadastral information or where uncertainty in datasets is not clearly communicated. These issues directly influence the strength of limit-setting, resource allocation, plan justification reports, and statutory monitoring.

HBRC emphasises the need for information systems to include clear safeguards for sensitive cultural information and tāngata data, supported by appropriate governance, access controls, and tikanga-based protocols. This is essential to maintain trust and protect cultural integrity.

HBRC therefore seeks clearer legislative direction on the requirement to "have regard to the extent of the uncertainty or inadequacy" of spatial information, alongside strengthened national data standards, clear protocols for managing and sharing sensitive information, and targeted investment to close critical data gaps. A nationally consistent, high-quality geospatial and digital foundation, supported by secure information systems and modern ePlanning tools, is essential for a system that is efficient, resilient, and capable of supporting defensible, evidence-based planning decisions across the country.

2. Shared provisions

Where the Bills contain shared or overlapping provisions, HBRC has discussed these matters within the corresponding tables below, enabling a clear assessment of their combined implications and ensuring alignment across the two legislative frameworks.

3. Natural Environment Bill

This table sets out an assessment of the proposed Bill. For each clause, the table indicates the level of support or opposition, summarises the key issues and potential impacts, and outlines the specific relief requested. Underlined italics indicate new additional wording proposed for inclusion, while strikethrough denotes text proposed for removal.

Part 1 – Preliminary provisions			
Clause	**Position**	**Issue & impacts**	**Relief sought**
3 Interpretation	Oppose in part	**Unclear status of the Hawke's Bay Regional Planning Committee Act 2015 under the definition of "Treaty settlement Act"** The lack of clear recognition creates uncertainty about how the governance arrangements in the Hawke's Bay Regional Planning Committee Act 2015 will be treated under the new system. The RPC was created to give effect to Treaty settlement redress and to embed co-governance between Post Settlement Governance Entities and the Hawke's Bay Regional Council in natural resource decision making. The Act has led to positive changes in how HBRC works with tāngata whenua and supports effective environmental outcomes, and explicit recognition will ensure this continues. **The use of the term 'includes' in a definition makes the definition open ended and creates uncertainty.** Courts treat the distinction as deliberate and interpret 'includes' as non-exhaustive. Where these definitions play a central role in determining the scope of matters to be assessed and considered in decision making, an open-ended approach creates uncertainty and increases interpretive and litigation risk. Adopting clearer, closed definitions would improve certainty and support more consistent decision making. See definitions of 'means' of 'effect'; 'natural and physical resources'; 'natural environment'; 'natural resources'**.**	1. See also Hawke's Bay Regional Planning Committee's submission on the Natural Environment Bill and the Planning Bill. 2. Amend the definition Treaty settlement Act as follows: ***Treaty settlement Act*** *means—* *(a) any other Act….* *(vi)* <u>*Hawke's Bay Regional Planning Committee Act 2015*</u> 3. Consider whether adopting closed definitions for the terms 'effect'; 'natural and physical resources'; 'natural environment' 'natural resources' would improve legal certainty and support more consistent and predictable decision making.

Part 1 – Preliminary provisions			
Clause	**Position**	**Issue & impacts**	**Relief sought**
4 Purpose	Oppose in part	**Artificial division between natural and built environments** The split between the Natural Environment Act and the Planning Act creates challenges in urban areas, where natural features and built infrastructure are closely linked. Things like waterways, vegetation, and flood protection works fall under both systems and need to be managed together. Strong coordination is needed to ensure this separation does not lead to conflict between development and environmental protection. **Ensuring clarity and scope of the bills purpose** Uncertainty over how "use, protection, and enhancement" are weighted may result in increased litigation risks and inconsistent decision-making. **Definition of 'use'** A narrow interpretation of "use" may create uncertainty for essential functions such as flood protection and critical infrastructure. While these activities are likely covered by the current definition, this is only implicit and relies on broad interpretation. Explicit recognition would improve certainty and reduce the risk of inconsistent application. **Ambiguity around resilience and climate adaptation** Ambiguity around resilience and climate adaptation in the purpose statement may leave gaps in managing long-term risks. An explicit reference to resilience and climate adaptation would better support responses to climate-related change.	4. Strengthen statutory provisions for the integration of natural and built environments across both Bills 5. Clarify whether "use, protection, and enhancement" are meant to have equal weight, or whether there is an intended order of priority (for example, protecting environmental limits before enhancement or use). 6. Amend the definition of 'use' in Part 1, clause 3 as follows: ***Use****, in relation to a use of land, means –…* *(g) the construction, operation, maintenance, repair, upgrade, or removal of essential public infrastructure, and the carrying out of essential public functions, including flood protection, drainage, river management, and network utilities.* 7. Amend the purpose statement as follows: *The purpose of this Act is to establish a framework for the use, protection and enhancement of the natural environment, and its long-term resilience to climate change.*
5 Transitional, savings, and related provisions	Support in part	**Transition pressures and dual regime challenges** Regional councils will need to manage dual consenting and plan-making regimes, including ongoing RMA plan changes and appeals	8. Provide clear, early national guidance on how overlapping RMA and new Act processes are to be managed during transition, including which

Part 1 – Preliminary provisions			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		alongside preparation for the new system, creating significant resourcing and capability pressures. Clear guidance and communication are needed to reduce the risk of public confusion confidence in regulatory processes, particularly where plan changes or appeals are already underway. Uncertainties are likely to be resolved through litigation rather than plan-making, increasing costs and delays.	statutory regime applies at each stage of plan-making, consenting, and appeals. 9. Provide training and resourcing support to councils to manage transition risks and avoid reliance on litigation to resolve uncertainty.
6 Act binds the Crown	Support in part	**Enforcement complexity arising from crown exceptions** The Act binding the Crown supports accountability, but specified exceptions (e.g. national security, certain conservation land, prisons) may limit the practical application of enforcement in some circumstances. Enforcement against Crown entities may be more complex than for private parties, particularly where standard enforcement tools have practical or legal limits.	10. Establish clear statutory guidance or alternative enforcement pathways so that councils can apply the Act consistently and effectively when dealing with Crown agencies.
8 Treaty of Waitangi/Tiriti o Waitangi	Oppose	**Statutory recognition of the Regional Planning Committee's decision-making role** HBRC supports clause 8(c)(ii), which requires Natural Environment Plans to be prepared in accordance with iwi participation legislation, which by definition includes the Hawke's Bay Regional Planning Committee framework. This provides appropriate recognition of existing Treaty settlement arrangements. Introducing a similar provision under clause 8(a) would provide greater certainty that the RPC is the intended decision-maker for Regional Spatial Plans, consistent with Treaty settlement redress and established co-governance arrangements. **The RPC is not explicitly recognised**	11. See also Hawke's Bay Regional Planning Committee's submission on the Natural Environment Bill and the Planning Bill 12. Amend to expressly recognise the RPC's co-governance role and ensure it applies to the preparation of the Natural Environment Plan and Regional Spatial Plan for Hawke's Bay. 13. Amend clause 8(c)(ii) to specifically recognise the Hawke's Bay Regional Planning Committee Act 2015.

Part 1 – Preliminary provisions			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		The Hawke's Bay Regional Planning Committee (RPC) or its status as a legislated co-governance body arising from multiple Treaty settlements is not specifically acknowledged in the Natural Environment Act and the Planning Act. Without explicit recognition, the RPC's future could be viewed as uncertain – this should be remedied to provide clarity and continuity. **An equivalent role for the RPC in plan-development processes is not provided** The Bills make no provision for the RPC in the development of regional spatial plans or natural environment plans. These plans are fundamentally equivalent to those for which the RPC has statutory responsibility under the RMA, but the Bills provide no guarantee of an ability for the RPC to exercise this responsibility. This omission departs from the signalled intention that Treaty settlement redress or arrangements will operate with the same or equivalent effect as under the RMA. **Treaty obligations are diluted, resulting in reduced recognition of Māori interests** Obligations to consider Māori rights, interests and relationships are diluted. As a result, even if the RPC is given a role under the Natural Environment Act and the Planning Act, its ability to make effective resource-management decisions in line with kaitiakitanga responsibilities is undermined. In particular, the practical expression of Māori interests is narrowed and fails to recognise the intrinsic nature of their relationship with te taiao. This is largely reflected through an emphasis on participation	14. Add a strengthened, directive Treaty clause that applies a single overarching duty across all decision-making processes. 15. Amend to specifically provide for Māori relationships with te taiao. 16. Amend to include clear and enforceable duties for decision makers to ensure Treaty obligations are met, rather than relying on consultation only model 17. Amend clause 8 as follows: *(a) …* *(i) Māori ~~participation~~ partnership and shared decision making in the development of national instruments, spatial planning, and land use plans; and…* 18. Clarify the respective responsibilities of the Crown and local authorities in giving effect to Treaty obligations under the Act, to avoid inconsistent interpretation and implementation. 19. Confirm that clause 8 does not replace, dilute, or supersede settlement-specific protections preserved under clauses 9 and 10.

Part 1 – Preliminary provisions			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		and engagement requirements within plan-making, national direction, and limit-setting processes. By framing Māori interests as "participation" the following risks arise: • engagement as sufficient compliance, even where decisions may undermine Māori values or Treaty-based interests; • iwi and hapū are more likely to challenge plans, limits, and decisions; and • regional councils may be left managing disputes and uncertainty arising from weak statutory direction. The current drafting risks over-emphasising participation as a process and undervaluing the substantive role Māori interests play in achieving durable and trusted environmental outcomes. This increases legal risk and may strain existing council and PSGE relationships, including those that currently operate effectively through partnership models.	
9 Crown to seek to enter agreements to uphold Treaty settlement redress or arrangements	Oppose in part	**RPC has a clear statutory mandate** With respect to the RPC, a transitional period of up to two years for renegotiating Treaty-related arrangements is unnecessary because the RPC already has a clear statutory mandate, and the Bills can and should directly recognise its continued role. **Transitional risks while settlement discussions occur** While the obligation rests with the Crown, regional councils will continue to exercise statutory functions during this period and may need to implement settlement-related provisions in plans, environmental limits, and decision-making processes while discussions are ongoing.	20. See also Hawke's Bay Regional Planning Committee's submission on the Natural Environment Bill and the Planning Bill. 21. Amend to expressly recognise the RPC's co-governance role and ensure it applies to the preparation of the Natural Environment Plan and Regional Spatial Plan for Hawke's Bay. 22. Amend to ensure that settlement-based governance, such as the RPC, is transitioned into the new system with equal legal weight rather than being left contingent on future negotiations.

Part 1 – Preliminary provisions			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		Without clarity on roles, timeframes, and interim expectations, there is a risk of: • inconsistent implementation across regions, • uncertainty for PSGEs and communities, and • councils being exposed to legal and relationship risk during transition.	23. Clarify the expected role of local authorities during the period in which the Crown is seeking agreements with PSGEs, including: • how councils are to operationalise existing settlement redress in plans and decisions during the interim period; and • how councils are to manage uncertainty where agreement has not yet been reached. 24. Confirm that councils will be appropriately supported and resourced where new or modified obligations arise from agreements entered under clause 9. 25. Confirm that existing deed-based arrangements are within scope, including where they give effect to Crown commitments but are not established directly by Treaty settlement Acts.
10 Treaty redress or arrangements to be given same or equivalent effect	Support with amendment	**Lack of provision for the RPC to operate with equivalent effect to the RMA** HBRC supports the apparent intention to ensure that Treaty settlement redress or arrangements will operate with the same or equivalent effect as under the RMA. However, the Bills themselves fail to achieve this intention because they do not explicitly recognise the existence of the RPC. The RPC's functions are left contingent on future negotiations or discretionary decisions, rather than being carried forward as an integral part of the new framework. **Ensuring continuity and integrity of Treaty settlement commitments**	26. See also Hawke's Bay Regional Planning Committee's submission on the Natural Environment Bill and the Planning Bill. 27. Amend to expressly recognise the RPC's co-governance role and ensure it applies to the preparation of the Natural Environment Plan and Regional Spatial Plan for Hawke's Bay. 28. Provide guidance on how "same or equivalent effect" is to be interpreted and applied by local authorities, particularly where Treaty settlement

Part 1 – Preliminary provisions			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		The requirement to give settlement arrangements the "same or equivalent effect" is a critical transitional safeguard. However, in the absence of RMA Part 2 and clear statutory direction, it places significant interpretive and operational responsibility on councils, particularly where settlement redress was negotiated with explicit reference to RMA mechanisms. Without clear national guidance, there is a risk of: • inconsistent application across regions, • uncertainty for PSGEs as to how settlement commitments will be upheld, and • increased litigation during transition. Some settlement arrangements, including co-governance and joint decision-making structures, may not be established by statute but are integral to the effect of Treaty redress and should be recognised as such.	redress was negotiated with reference to RMA-based mechanisms. 29. Seek guidance on managing overlapping, transitional, or outdated arrangements during the move to the new system. 30. Confirm that national direction and standardised plan content will not override or dilute settlement arrangements preserved under clause 10 unless replacement arrangements are agreed under clause 9. 31. Provide nationally consistent guidance to support implementation of clause 10 and reduce legal uncertainty for councils and Treaty partners.

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
11 Goals	Support with amendment	**Goal framework is reactive rather than proactive** The current goals focus on safeguarding communities from natural hazards through proportionate, risk-based planning. But they do not make climate change mitigation and adaptation a core driver of decisions. Without a clear, proactive goal, there is a risk the system may stay focused on responding after events, rather than driving the major shift needed to build long-term regional resilience.	32. Amend Clause 11 to include a new goal to provide for climate change mitigation and adaptation as a primary driver of all decision making under this Act 33. Amend clause 11(f) as follows: to provide for Māori interests through— *(i)* *Māori ~~participation~~ partnership and shared decision-making in the development of*

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		Uncertainty arising from lack of hierarchy between goals The absence of a hierarchy between the goals creates uncertainty when goals come into tension, such as balancing environmental limits against essential public functions. During transitional periods, or when national direction is incomplete or silent, councils may lack a clear statutory basis to rely on the goals to guide decisions. The practical influence of the goals will depend heavily on how fully and consistently they are translated into national direction and standards, creating variability in how they are understood and applied across regions. **Māori participation vs influence** The current goal framework frames te Tiriti largely through procedural participation and identification rather than requiring Treaty consistent outcomes or substantive influence in decision making. This represents a material change from the RMA and is likely to drive inconsistent practice and increase exposure to Treaty-based litigation. This creates legal risk for councils, who must give effect to te Tiriti but lack clear statutory guidance on how participation should translate into decision outcomes. **Goal requiring "no net loss" in indigenous biodiversity allows offset with areas of lower quality** The current "no net loss" objective does not refer to ecological condition, which allows high-quality habitats to be offset with larger areas of low-quality or degraded land. For example, the loss of a healthy wetland could be "offset" by protecting poor-quality pasture margins. This weakens biodiversity outcomes, increases dispute risk, and undermines public confidence. Explicitly linking "no net loss" to	*national instruments, spatial planning, and natural environment plans; and* 34. Amend clause 11(d) as follows: *to achieve no net loss<u>, and preferably a net gain, in the extent, condition, and ecological function</u> in indigenous biodiversity:* 35. Amend clause 11(b) as follows: *to safeguard the life-supporting capacity of air, water, soil and ecosystems <u>for future generations.</u>* 36. Amend clause 11 as follows: *All people exercising or performing functions, duties, or powers under this Act must seek to achieve the following goals subject to **sections 12 and 69<u>(2)(a)-(c)</u>**: …..* <u>OR</u> incorporate the principles identified at clause 69(2)(a)-(c) into clause 11. 37. Provide guidance on how conflicts between goals are to be resolved in practice. 38. Provide guidance setting out how councils must demonstrate that Māori interests are substantively considered and reflected in decision-making, consistent with te Tiriti obligations. 39. Confirm that detailed guidance will be provided through national direction and practicable

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		ecological condition would improve clarity, environmental outcomes, and decision-making durability. **No sustainability or intergeneration lens** There is no explicit reference to intergenerational wellbeing / future generations and sustainability. Risks depleting natural resources for future generations or even current commercial use if protection mechanisms are inadequate. **Cross referencing to clause 69** In the Bill, all people must seek to achieve the stated goals, subject to sections 12 and 69. While most readers will correctly infer that clause 69 applies only to the Minister, its inclusion as a qualification on the obligations of all persons creates unnecessary interpretive complexity and increases the risk of inconsistent interpretation and litigation.	methodologies to ensure that "no net loss of indigenous biodiversity" maintains ecological condition and prevents high quality habitats being offset by lower-quality areas. 40. Amend clause 11(d) as follows: *All persons exercising or performing functions, duties, or powers under this Act must seek to achieve the following goals subject to section~~s~~ 12 and, in the case of national instruments, section 69:*
12 Relationship between key instruments in decision making	Support with amendment	**Impacts of prescriptive national direction on local decision-making** Prescriptive national direction has the potential to significantly constrain local discretion, limiting the ability of regional councils to tailor planning responses to local environmental, cultural, and community contexts. Where national requirements are not sufficiently nuanced, tension may arise between centrally set expectations and region-specific needs or priorities. This can reduce flexibility, lead to inconsistent outcomes on the ground, and create challenges for councils attempting to balance national consistency with local relevance. The hierarchy of instruments listed for the NE Bill omits any reference to the equivalent level to the equivalent of natural environment plans, namely land use plans prepared under the Planning Bill. The regional spatial plan may not resolve all challenges between the two types of	41. Ensure national instruments allow for regional variation where robust evidence supports such variation. 42. Clarify the alignment between land use plans and natural environment plans, including where regional land use rules are necessary or other regulations also apply, such as for water services or climate change. 43. Provide guidance on the circumstances in which decision-makers may have regard to system goals directly, including with respect to goal alignment between the Planning Bill and Natural Environment Bill.

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		plans. For example, even enabling additional housing in rural areas will place further pressure on any already over-allocated local water resources. Equally, discharges associated with additional housing (which may be controlled in time under separate regulation by Taumata Arowai) may result in unacceptable effects in the environment if environmental constraints are not factored into land use decision-making. Likewise, the relationship between any necessary regional land use rule and that prepared within a land use plan is not addressed.	
13 Procedural principles	Support with amendment	**Risks in applying the obligation to act in an enabling manner** The requirement to act in an enabling and solutions focused manner may be challenging in over-allocated or environmentally constrained catchments where no feasible "solution" exists other than refusal or strict restrictions to protect limits and ecosystem health. Clear clarification is needed around how this obligation interacts with duties to uphold environmental limits to avoid applicants arguing that refusal or tight controls are inconsistent with the procedural requirement to be 'enabling', which would increase litigation risk and place additional pressure on councils such as HBRC in catchments that are already under significant stress.	44. Amend clause 13(e) as follows: *act in an enabling manner (for example, by being solutions-focussed) where consistent with environmental limits, targets, and obligations under this Act….* 45. Clarify in guidance that the obligation to act in an "enabling manner" does not require approval of activities where doing so would breach environmental limits or undermine ecosystem health. 46. Confirm in guidance that procedural principles are intended to support how decisions are made, not to override or dilute substantive environmental outcomes. 47. Request national guidance or best-practice material on applying clause 13 in: • over-allocated environments, and

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
			• situations where refusal or strict controls are necessary to give effect to limits.
14 Considering effects of activities	Support with amendment	**Consideration of effects** The requirement to "give particular consideration" provides flexibility but does not clarify how matters should be weighted, particularly in the absence of national direction. Experience under the RMA shows that similar uncertainty led to prolonged litigation. Clause 14 limits the effects that can be considered under the Natural Environment Bill, with land use effects intended to sit mainly under the Planning Bill. When read alongside section 14(1)(j) of the Planning Bill, there is a risk that some mixed or cumulative effects, such as land use impacts on freshwater, may be excluded from both systems. While this may reduce duplication, it increases the likelihood of uncertainty at the interface between the two Bills, particularly where environmental effects or use of the natural resource base do not fit neatly within one statutory regime. Where climate-driven effects overlap with land-use activities, there is uncertainty about whether they can be considered under the Natural Environment Bill. This increases the risk of appeals, regulatory gaps, and litigation.	48. Amend Clause 14(b) as follows: *must not consider effects regulated under the Planning Act 2025, <u>except to the extent that those effects relate to the protection of natural resources or environmental limits under this Act</u>* 49. Provide clear boundaries and guidance on different "effects" considered between Bills are essential to avoid regulatory gaps or overlaps. 50. Confirm that where effects are mixed or classification is uncertain, at least one Bill must apply, and that neither Bill should be read as deferring responsibility to the other. 51. Clarify the intended meaning and legal effect of "give particular consideration", including whether it implies prioritisation, weighting, or procedural emphasis only. 52. Ensure that national instruments will provide guidance on the interface between the two Bills, to avoid regulatory gaps, duplication, or inconsistent application. 53. Clarify (through guidance or national direction) that climate-change-related effects, including effects on natural hazard risk and ecosystem resilience, are not excluded from consideration under clause 14 solely because they also relate to land use.

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
15 Considering adverse effects of activities	Oppose in part	**Unclear Scope of clause 15(3) - Restriction on offsetting and compensation** Clause 15(3) is unclear and appears to be overly broad in its current drafting. While the policy intent appears to be to limit the use of offsetting and compensation in the absence of national direction, this is not expressly stated. The clause relies on contextual interpretation which increase litigation risk. **Absence of a default effects management hierarchy** If national direction is delayed, incomplete, or silent, councils lack a clear statutory basis for sequencing effects management. This increases uncertainty, inconsistent regional practice, and litigation risk, particularly in contested or cumulative effects situations. **Broad discretion created by new qualifiers** The new wording reduces the need to assess very small effects but gives decision-makers more discretion over how effects are managed. There is no requirement to avoid effects before relying on offsetting, and "mitigate" has been replaced with "minimise", using subjective terms such as "where practicable" and "where appropriate". For example, a water take that affects a stream may be approved based on proposed planting or restoration, even if the impact could have been avoided, depending on how "practicable" is interpreted. Without national guidance, this provides limited clarity on how effects management should influence approval decisions. **Risk of incremental degradation** The exclusion of less than minor effects (unless cumulative effects exceed the threshold) may unintentionally weaken management of incremental degradation, particularly in already stressed	54. Amend clause 15(3) as follows: (3) *If no national instrument is in force to guide or direct the use of offsetting and compensation, the management of adverse effects by way of offsetting or compensation must not be undertaken except in the context of determining an application for a permit.* 55. Amend clause 15(4) as follows: ~~*Offsetting and compensation must not be used to justify an activity that does not comply with applicable environmental limits, unless expressly authorised by a national instrument.*~~ *If no national instrument specifies how, or in what order, adverse effects are to be managed, the approaches in subsection (2)(a) must be applied in the order listed.* 56. Amend Clause 15 to inset three new subclauses as follows: *(1A) Where environmental limits apply to an activity, compliance with those limits must be the primary basis for determining whether the activity may proceed, and subsection (1) applies subject to that compliance.* *(2A) national instrument must provide guidance on the preparation and use of joint regional*

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		environments, without clear guidance on cumulative effects assessment. **Division of effects management between the two Bills** Clause 15 requires decision-makers to consider all adverse effects of an activity and how they are managed. However, under the new system, responsibility for managing effects is split between the Natural Environment Act and the Planning Act. This split is artificial and makes it harder to apply clause 15 in a consistent and efficient way. The Planning Act generally allows activities unless rules restrict them. In contrast, the Natural Environment Act generally restricts activities unless rules allow them. This creates tension between the two systems and makes it unclear how effects should be managed when an activity is subject to both Acts. As a result, some effects may fall between the two systems, or be considered separately by different authorities, leading to gaps, duplication, and inconsistent decisions. This also increases complexity and cost for applicants, who may need multiple consents to address what is essentially a single activity. further, restricting the effects that can be considered under the Natural Environment Bill may lead to more complex decision-making, higher costs for applicants, and increased risks to the environment and people. Example 1: Bridge Construction Example 1: HBRC has recently been involved in consenting for new bridges that are located within the Heretaunga Plains Flood Protection Scheme. Under the operative regional plan, a bridge consent addresses both natural environment and land use effects.	*and district planning documents for the integrated management of effects under this section.* *(3A) Offsetting and compensation must not be used to justify an activity that does not comply with applicable environmental limits, unless expressly authorised by a national instrument.* 57. Amend 15(1)(b) as follows: *must not consider a less than minor adverse effect unless the cumulative effect of 2 or more such effects create effects that are greater than less than minor or where the receiving environment is degraded, vulnerable, or subject to environmental limits.* 58. Provide early, binding national guidance on the intended meaning and application of "where practicable" and "where appropriate" 59. Clarify the intended meaning of "minimise", including how it is expected to operate relative to the RMA concept of mitigation. 60. Amend clause 15 to require that, when considering a natural resource use activity, decision-makers must have regard to all relevant effects on the natural environment, people, and land use, including effects managed under both this Act and the Planning Act 2025.

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		Under the proposed regime, the Natural Environment Plan would address effects relating to effects relating to the natural environment, but would not address those for land use, including natural hazard effects and those on the built environment (which includes stop banks and other flood scheme infrastructure under control of the regional council). A separate land use consent (from the territorial authority) would be needed to address effects on the flood scheme infrastructure (which is under regional council control). This is neither efficient nor effective for decision-making and does not make a lot of sense. <u>Example 2: Coastal Discharge</u> A discharge point which straddles the coastal marine area/land boundary. Under the RMA, a regional coastal plan may form part of a regional plan 'where it is considered appropriate to promote the integrated management of a coastal marine area and any related part of the coastal environment. This recognised the complexity and sensitivity of undertaking activities near the coast. This concept of integrated coastal management has been lost in the new Bills and will add to the complexity of managing activities here. While there is opportunity to prepare joint regional and district planning documents (clauses 292-293 Planning Bill, clause 332 Natural Environment Bill) this is not included until the very end of each Bill, almost as an afterthought.	61. Provide guidance on joint planning documents.
17 Restrictions on land use	Support with amendments	**Implications for managing land-use activities** Regional and district plan provisions must remain aligned with the Planning Act framework. Misalignment may create uncertainty about the legal status and enforceability of rules, particularly where legacy	62. Ensure clear alignment between the two systems to avoid gaps, duplication, or inconsistent implementation across the region.

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		provisions continue to have effect, complicating consent processing, enforcement, and increasing the risk of legal challenge.	
18 Restrictions on use of coastal marine area	Support with amendments	**Implications for managing coastal activities** The clause maintains strong regulatory control over coastal activities, requiring regional councils such as HBRC to ensure that rules remain robust and aligned with national direction. However, there is potential for overlap with emerging marine spatial planning processes and existing fisheries legislation, which may create uncertainty at the interface of these regimes.	63. Align with other marine legislation – including clear boundaries and coordination mechanisms to avoid duplication, gaps, or conflicting management expectations.
19 Restrictions on use of beds of rivers and lakes	Support with amendments	**Implications for managing river and lakebed activities** The clause maintains regulatory control over activities within river and lake beds, requiring HBRC to ensure that its rules remain clear, up to date, and aligned with national direction. However, there is potential for confusion if rules are not harmonised with the Planning Bill, creating uncertainty about which regime applies in practice. There is also a risk of overlap with flood protection responsibilities and the Soil Conservation and Rivers Control Act, which may lead to duplication or inconsistent management expectations across these frameworks.	64. Provide guidance on interface with flood protection and other relevant legislation. Clear rules needed to avoid regulatory gaps.
20 Restrictions relating to water	Support with amendments	**Implications for water allocation and permitting** There is potential for tension between allocation decisions and the need to uphold environmental limits, particularly in catchments where water bodies are already over-allocated or under stress. While essential uses are protected, allocation frameworks will need to be sufficiently clear and defensible to manage pressure on the resource and avoid uncertainty or conflict during implementation.	65. Provide guidance on prioritisation/allocation where limits are close to being breached.

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
21 Discharges	Support with amendments	**Implications for managing pollution control functions** There is potential for overlap with hazardous substances legislation and other environmental regulatory regimes, which may create uncertainty at the boundaries of responsibility. Clear alignment and coordination will be important to avoid duplication, conflicting requirements, or gaps in the management of contaminants and discharges.	66. Provide guidance on interface with hazardous substances and other environmental legislation.
23 Discharge of harmful substances from ships or offshore installations	Support with amendment	**Implications for regulating discharges from ships and offshore installations** This clause prohibits the discharge of harmful substances or contaminants from ships and offshore installations unless authorised through regulation, a rule, a permit, or where the discharge meets specified effects thresholds. Its implementation will require strong interagency coordination between organisations such as the EPA, Maritime NZ, and regional councils to ensure clear roles, consistent decision making, and effective compliance and enforcement across the marine environment.-agency coordination between organisations such as the EPA, Maritime NZ, and regional councils to ensure clear roles, consistent decision-making, and effective compliance and enforcement across the marine environment. **Definition for 'harmful substance' is needed** A new definition for 'harmful substance' that is not open to broad interpretation is needed. This is essential to support consistent compliance, avoid ambiguity, and ensure that prosecutions are not undermined by unclear terminology.	67. Provide clear national guidance on how discharges from ships and offshore installations are to be regulated, including a simple and explicit outline of agency roles and responsibilities across Maritime NZ, the EPA, and regional councils. Guidance should also clarify authorisation pathways and enforcement expectations to ensure consistent practice and avoid gaps or duplication. 68. Amend clause 3 to add a new definition for 'harmful substance'.

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
24 Prohibitions relating to radioactive waste or other radioactive matter and other waste in coastal marine area	Support with amendment	**Prohibition on discharge of radioactive waste and matter in the coastal marine area** It is unclear who is responsible for compliance, monitoring and enforcement.	69. Provide clarity on responsibility for compliance and monitoring of this prohibition.
25 Certain existing activities allowed	Support with amendment	**Implications for managing existing uses during plan changes** There is potential for disputes over what constitutes "same or similar" effects, which may create uncertainty for both applicants and council during implementation.	70. Provide guidance on assessing "same or similar" effects and managing disputes.
26 Duty to avoid, minimise, or remedy adverse effects	Support with amendment	**Implications of clause 26 and its interaction with environmental limits** Clause 26 may be interpreted as requiring proponents to minimise adverse effects, while environmental limits operate as firm thresholds. This can create dispute where limits are close to being breached. For example, a catchment may already be near a nitrate limit. A new discharge proposal may include mitigation measures and claim that effects have been "minimised". However, the additional load may still result in a limit breach. In such cases, applicants may argue that refusal or enforcement is unreasonable despite the limit being exceeded.	71. Provide national guidance clarifying that the duty to avoid, minimise, or remedy adverse effects does not override environmental limits, to reduce reliance on enforcement and litigation for interpretation.
27 Other legal requirements not affected	Support with amendment	**Interaction with other legal requirements** Clause 27 clarifies that obligations under the Natural Environment Act do not override other legal requirements, ensuring activities must still comply with all relevant legislation unless expressly provided	72. Provide guidance around how any conflicts between the following are intended to be resolved: • Te Tiriti o Waitangi (given weaker prescribed engagement / participation in clauses 8-11)

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		otherwise. This reduces the risk of conflicting duties or double jeopardy across regulatory regimes and supports integrated, legally coherent enforcement. For HBRC, this means maintaining coordinated compliance processes across statutes and ensuring enforcement action is aligned to avoid overlap or inconsistency	• Natural Environment Bill rules, and • bylaws made under other Acts 73. Amend clause 27(4) as follows: *This section does **<u>not</u>** limit…* 74. Request implementation guidance to support integrated compliance and avoid duplicative enforcement or uncertainty for regulated parties.
28 Purposes of key instruments	Support with amendment	**Omission of regional council responsibilities relating to land use management** Regional councils have a direct interest in land use management as part of carrying out their statutory functions under multiple Acts. This interest extends beyond the designation of activities. For example, HBRC is responsible for flood protection and drainage schemes across economically significant areas of Hawke's Bay, including the Heretaunga Plains and Upper Tukituki schemes. Some land use controls are necessary to protect the functional integrity of these assets. While a regional spatial plan may identify the location of these schemes, land use decisions that affect them are largely made by territorial authorities. For example, new development near stopbanks or drainage channels may be approved without fully considering impacts on flood management. This can make it harder for regional councils to protect their infrastructure and long-term investment.	75. Amend clause 28(1) to recognise the purpose of the preparation, implementation and administration of **natural environment plans** may include regulation of the use and development of land as proposed below: *(a) Enable and regulate the use, protection, and enhancement of <u>land and</u> natural resources within a region…*
32-38 Classification of activities	Support with amendment	**A 'registered permitted activity' is managed differently to a 'permitted activity'**	76. Amend clause 32(a) by adding a new sub-clause: *i. <u>for a **registered permitted activity,** information provided through registration</u>*

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		The Bill proposes that some (but not all) permitted activities may require registration. It should be clear that this is a different class of activity to one that does not require registration. Changes are needed to recognise this distinction at clause 32, 33, and 39 and to ensure alignment with clause 202. **'Acceptable' requirement for discharge rules** It appears that Natural Environment Plans are built around the concept of avoiding the breach of environmental limits. The bottom-line discharge requirements of s70 RMA have not been transferred through to this Bill. The nearest equivalent appears to be at s32 of the Bill, where the concept of an 'acceptable' activity is introduced. S70 RMA was a pivotable consideration when developing regional plans. Equally, s107 RMA provided similar bottom-line protection for consenting discharges. Ss70 and 107 effectively describe tangible minimum ''acceptable' requirements which any person can identify, and provide clarity in assisting people to understand their obligations under s26 of this Bill to 'avoid, remedy, or minimise adverse effects'. HBRC considers that the essential elements of s70 RMA should be included within the NE Bill as a minimum-acceptable standard for discharge rules when plan-making (s32) and a minimum-acceptable condition for consenting/permitting discharges (new provision by s99). This would: (a) Partly address practical gaps in the processes for environment-limiting and setting management areas described below at ss46-59 and at ss85-86 (relating to national standards and environmental limits)	*requirements under section 39 demonstrates compliance with permitted activity requirements.* 77. Either amend clause 32(a) by requiring that a permitted activity discharge must meet the effects requirements of s70(1) RMA OR add a new clause before clause 99 to require discharge activities must, as a minimum, meet the requirement of s70(1) RMA. 78. Amend clause 32 to provide for a transition to meet the s70(1) RMA requirements where the environment is currently degraded with respect to those requirements. 79. Amend clause 33 by amending the heading: ***(33) Consequences of permitted, registered permitted, restricted discretionary, or ~~restricted~~ discretionary activity classification*** 80. Amend clause 33 by adding a new clause below clause 33(2): *(2A) If the activity is classified as a registered permitted activity, -* *(a) The activity does not require a natural resource permit; but* *(b) The activity does require registration; and*

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Clause	**Position**	**Issue & impacts**	**Relief sought**
		(b) Enable early enforcement action where there is any such discharge issue, and the ability to immediately rectify any damage to the environment or people (rather than waiting for monitoring to indicate an environmental limit has been breached). **Section 33 is labelled incorrectly** The header should include 'registered permitted activity' and delete the second 'restricted'.	*(c) <u>The activity must comply with any requirements –</u>* *i. <u>In a registered permitted activity rule; and</u>* *ii. <u>In each instrument listed in subsection (1).</u>*
39 Permitted activity rules	Support with amendment	**A 'registered permitted activity' is managed differently to a 'permitted activity'** This section sets out requirements for registration of some permitted activities but does not address all permitted activities. The wording should be reflected to make this clear.	81. Amend clause 39 to apply to registered permitted activities, by amending all references in the section header and content to: *<u>Registered</u> permitted activity*
40-44 Relationship between national rule and other instruments	Support with amendment	**Bylaws may cover similar matters to national rules but are better tailored to the local situation** Local authorities hold bylaw-making powers under several acts, including the Local Government Act (both 1974 and 2002), the Maritime Transport Act 1994, the Soil Conservation and Rivers Control Act 1941 and the Reserves Act 1977. Regional councils are more constrained in terms of what they can make bylaws for than territorial authorities. Without the detail of what is proposed in national rules, it is difficult to assess the impact of this clause. For example, if national direction is provided regarding earthworks, this could include earthworks in the vicinity of stop banks. In this case, the bylaw should apply as it will likely be more stringent to protect the integrity of the stop bank and provide for community safety.	82. Amend clause 40 to remove bylaws from the list of instruments controlled by national instruments: *40(4) In this section, an instrument means a rule in a plan, a rule in a proposed plan that has legal effect, a natural resource permit, ~~a bylaw or~~ a water conservation order* Alternatively, require the bylaw is reviewed to ensure consistency with national direction while enabling more activity-specific or location-specific bylaws. This would need to be addressed in Schedule 7 Amendments to other legislation, where a change would be required to the Local

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		Bylaws are much more tailored to local conditions, so it is difficult to see why a national rule should prevail.	Government Act 2002 in that Act's provisions for bylaw-making.
45 Defined terms	Support with amendment	**Definition for 'best obtainable information' be placed in Clause 45** Clause 45 applies to all the sub-part, so it is confusing to have the definition located in Clause 59 later in the subpart, following from the process to establish management units.	83. Amend clause 45 by moving the full definition of 'best obtainable information' from clause 59 to clause 45.
46-50 Environmental limits and why they are required	Support with amendment	**Clarity in how environmental limits fit in the plan framework** Clauses 46 - 50 place environmental limits at the core of the new system and expand their use across multiple domains. Given the regulatory consequences of breaching a limit, clearer guidance is needed on how limits are to be reflected in plans and day-to-day decision-making. **Inconsistent treatment of air compared to other domains** Councils must set ecosystem health limits for most domains but may only set limits for air if directed by national standards. This creates a risk where air-related ecosystem impacts are not adequately managed. For example, an industry may release a contaminant to air (e.g. fluoride). Emissions may comply with human health limits but still exceed levels that protect vegetation. The contaminant can settle on nearby crops and cause damage. The ability to set an air ecosystem health limit would help avoid this outcome. **Limited information and compulsion to set environmental limits for domains** Councils do not yet have reliable data for some domains, especially indigenous biodiversity. This makes it difficult to define clear	84. Provide guidance on how environmental limits are to be embedded in natural environment plans and applied in day-to-day decisions, including monitoring and responses to exceedances. 85. Amend clause 49 to provide flexibility for the Minister in setting human health limits for domains to: *(1) The Minister must set human health limits for attributes, <u>in accordance with national direction, approved methods, and available evidence,</u> within the following ….* 86. Amend clause 50 to provide flexibility for regional councils in setting ecosystem health limits for domains to: *(1) A regional council must set ecosystem health limits, <u>in accordance with national direction, approved methods, and available evidence,</u> …* 87. Amend clause 50(3) as follows:

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		"biophysical states" or acceptable levels of harm for a management unit'. For example, a council may be required to set a biodiversity limit for a catchment without good information on species condition or long-term trends. Any limit set in these circumstances is likely to be arbitrary and open to challenge. National direction should identify where limits must be set, based on data availability, rather than requiring limits in all domains regardless of evidence. **Risk of regional inconsistency for ecosystem health limits** Without national direction regarding indicators for ecosystem health limits, there is a risk of significant inconsistencies in limits being applied across the country, making it difficult to understand the national picture of the state of the environment, or contribute effectively to any international environmental reporting. **Mātauranga Māori appears not to be recognised for limit-setting** The opportunity to use mātauranga Māori when setting environmental health limits has neither been clearly recognised nor provided. **Challenges in assessing environmental capacity** Assessing environmental capacity is important for effective resource management, but requires reliable data, robust methods, and clear guidance. The attributes selected to assess capacity may come from a range of scientific disciplines and should include mātauranga Māori Māori. Natural variability and short monitoring records can make it difficult to distinguish long-term trends from short-term change,	*(3) An ecosystem health limit for the domain of air may be set by a regional council* ~~*only if directed by national standards.*~~ 88. Alternatively, amend both clause 49 and clause 50 by deleting 'land and soil', and amend clause 50 by deleting 'indigenous biodiversity' 89. Provide guidance on achieving regional consistency for those environmental limit attributes that warrant consistent nation-wide reporting. 90. Provide for the use of mātauranga Māori in setting environmental limits. 91. Clarify the role of environmental capacity in resource management, including how it is to be assessed and how it should influence decisions on the use of natural resources.

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		which affects confidence in capacity assessments and timeframes for improvement. At present, available methods do not fully account for natural variability and sampling error. For example, typical 5-year monitoring windows do not cover full climatic cycles, and this makes it difficult to distinguish natural from human-induced changes. Nor are there robust methods to fully account for both natural variability and sampling error in setting or evaluating attribute sites. Consequentially, any overall assessment is difficult, including for setting timeframes to achieve the desired state. It is important to clearly define where environmental capacity is assessed within a catchment. Capacity should be set first for key receiving environments, such as lower river reaches and estuaries. For example, a small stream can take a little extra nitrate. Another nearby stream can too. But both flow into the same estuary. Together, the extra nitrate causes algal growth in the estuary, even though each stream looked "fine" on its own. **Clarify that environmental limits can be used to manage high quality environments** There is nothing explicit in the Bill that indicates that higher quality environments can be managed to maintain that higher quality environment. This could be achieved if management units are able to be appropriately scaled.	
51-57 How environmental limits must be set	Support with amendment	**Quality of national direction is critical** Good national direction is important for consistent environmental outcomes, but it also needs to allow for local conditions. For example,	92. Actively involve regional council technical staff when developing ecosystem health attributes and methodologies.

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		a river catchment with high bird populations may have naturally higher bacteria levels, making standard limits difficult to apply fairly. **Draft national direction is not yet available** Given the central role of national standards and methodologies under clauses 51 and 54, access to draft national direction would help councils better understand how the framework will operate in practice. This would support early consideration of transitional arrangements, default methods, and how uncertainty will be managed. **Relationship of environmental limits with management units and capacity of the natural environment** The Bill sets limits, management units, and capacity assessments in different places. These need to work together, otherwise it will be hard to assess what the environment can really cope with under clause 57 (capacity assessments). For example, a nitrate limit might be set for groundwater, but the management unit for the connected river is different, so the river keeps getting worse even though the groundwater limit is technically "met". **Decision-making criteria for higher quality environments** The Bill does not clearly explain how existing high-quality environments will be protected. Some catchments are mostly in good condition, with only one or two weaker attributes. Without clear direction, these areas risk gradual decline. National methodologies and limit-setting processes should require stronger protection where environmental quality is already high. **Gaps in framework for addressing unacceptable adverse effects quickly**	93. Ensure national standards for environmental limits and management units: • use appropriate scales for different environments • properly assess environmental capacity, where appropriate use a more holistic manner • protect high-quality environments • clearly address natural background conditions 94. Amend clause 52(3)(a) by adding further considerations for making decisions relating to environment limits *(3) …..* *(a) consider-* *(i) <u>the qualities and uses of the existing environment</u>* *(ii) the extent, scale, and impacts of any environmental degradation; and* *(iii) the trend, direction, and pace of the degradation; and* *(iv) the difficulty in reversing the degradation if action is delayed; and* *(v) <u>the benefits of environmental enhancement</u>* 95. Amend clause 52(3) by inserting the following *<u>(iv) use the best obtainable information</u>*

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		As discussed under clause 32-38 above, the framework does not set in place a minimum bottom-line currently provided for through s70 and 107 RMA for unacceptable discharges. It is unclear if the environmental limit and management area framework would enable such bottom-lines to be introduced, even at a region-by-region level, as s70 and 107 RMA content does not relate to specific attributes. **‘Notification draft’ terminology** At s52(7) the use of ‘notification draft’ is clarified for both national direction and natural environment plans. The term ‘draft’ is confusing for plan-making. This term is only used at clause 14 of Schedule 3 Planning Bill 2025 for the pre-notification version provided to iwi authorities (which has no legal effect). From the time of public notification, it is referred to as a proposed plan (whether the notified version or the decisions version) until such time as the proposed plan is made operative. This can be simplified to avoid confusion.	96. Consequentially amend clause 52(5) to refer to section 52(30(c) and delete clause 52(4) and (7).
58-59 Management units and related methodologies	Support with amendment	**Placement of definition for ‘best obtainable information’** This definition applies to all of the sub-part, it is clearer to relocate to Clause 45, to sit with the other definitions for subpart 4 – Environmental limits. **Scale of management units and environmental capacity** The Bill recognises the importance of setting limits at the right scale and assessing environmental capacity. This is a positive approach, but clear guidance will be needed on how information is combined and how exceedances are managed in practice.	97. Relocate the full definition of ‘best available information’ from clause 59 to clause 45 - Defined terms. 98. As a consequential amendment, delete clause 59 Best obtainable information. 99. Clarify, through national direction how assessments of environmental capacity are to be used in limit setting and decision-making, including the consequences where capacity is exceeded.

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
60-65 Action plans and caps on resource use	Support with amendment	**Recovery of costs for action planning and resource caps** Additional costs will be incurred when a regional council is required to undertake action planning, review resource caps and implement solutions identified. Consider cost recovery considering the government's proposed 'rating cap'. **Relationship between Natural Environment land use rules and Land Use Plan rules** Clause 64 sets out requirements that must be met before a land use or input rule can be introduced, and assumes a high threshold is met before their introduction. As noted under previous comments under sub-part 4 Environmental limits (clauses 45-67), there is complexity and uncertainty in demonstrating how environmental improvements will be made, and therefore, when such a land use rule or input control could be introduced. This is not a precautionary approach, and risks not being able to address one of the important pressures on environmental quality. Further, it is unclear if a regional land use rule has priority over a regular land use rule. **Aligning spatial plans with updated environmental limits** While environmental limits are identified as an input to spatial planning, the current process allows draft spatial plans to be prepared before limit-setting work is completed. Providing for timely updates to spatial plans when new environmental limit information becomes available would help ensure plans remain current and well aligned with environmental objectives.	100. Ensure that regional councils can fairly and efficiently recover additional costs arising from its responsibilities and obligations under the new natural environment planning regime, including action planning. 101. In action plans, enable the use of: • natural environmental land use rules to address breach, or risk of breaching, an environmental limit. The value of their use can then be tested through the plan-making process. • Mātauranga Māori. 102. Provide for a review of the regional spatial plan to incorporate relevant information on environmental limits set in the first natural environment plan. This review should be undertaken within a year of the natural environment plan being made operative. 103. Amend both natural environment and land use plans to provide for a regional land use rule to prevail over a Land Use Plan rule where there is any inconsistency.
66-67 Breach of environmental limits	Oppose in part	**Can a regional council alone avoid a breach?** Clause 66(1) states that a regional council must avoid breaching an environmental limit. This is not achievable. While regional councils set	104. Amend clause 66 by dividing it into two main matters:

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		the framework for managing natural resources, they are not the main users of natural resources. It is the cumulative impact of all natural resource users that results in any breach of an environmental limit. It is more reasonable for this to be the duty of all the users of the natural resource. **Clarifying management of potential environmental limit breaches** The heading of clause 67 refers to breaches of environmental limits, but the section also applies where there is a risk of a breach occurring. Clarifying this in the heading would better reflect the proactive intent of the provision. It would also be helpful to confirm that the management of over-allocation is included within this framework. **Absence of national direction to understand the full implications of these provisions** The limited national direction on environmental limits breaches has already been noted. HBRC does not know if the approach used for air quality breaches will be similar for other natural resources. **Consequences if the limit relates to protecting a high-quality environment** Based on the consequences outlined in clauses 66 and 67, it could be assumed that the breach of an environmental limit refers to a limit set at the mediocre-degraded end of the quality scale.	1. the duty to avoid an environmental limit breach (66) 2. evaluation of the likelihood of breaching an environmental limit (66A). 105. Amend clause 67 to address the breach of an environmental limit and the management response by the regional council to the breach (both new and existing) or where a breach is likely. 106. Amend the wording of clauses 66 and 67 as follows: ***66 Duty to avoid ~~Avoiding~~ breach of environmental limit*** *~~(1) A regional council~~ All persons have a duty to ~~must~~ avoid breaching an environmental limit.* ***66A Evaluating likelihood of breach of environmental limit*** *~~(2)~~ (1) A regional council must evaluate the likelihood of a limit being breached if - … (remainder of 66 (2) – (4).* ***67 Breach and likely risk of breach of environmental limits*** *(1) A breach of an environmental limit, including where over-allocation of a natural resource already exists, must be managed … (remainder of clause 67).*

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
68-76 National instruments	Support with amendment	**Regional Council participation in development of national instruments** While the Bill provides for early input to national instruments from iwi authorities and for technical advisory groups to advise the Minister, it is silent on input from the regional councils. Regional councils will implement these national instruments by developing and administering natural environment plans. They have the experience in such work, and it would seem appropriate to include their input well ahead of public consultation on any draft. Without such input, there is a real risk that national directions will be less effective and efficient in their implementation. **Drafting detail is important** Both iwi authorities and regional councils will be able to better understand and provide better feedback if they have access to draft instruments. This is important to ensure successful implementation. **Participation of Post Settlement Governance Entities in development of national instruments** The definition of “iwi authority” in clause 3 is unclear as to whether it includes post-settlement governance entities (PSGEs). As PSGEs hold governance and representation functions under Treaty settlement legislation, uncertainty about their status creates risk for consultation and engagement processes under clauses 69 - 70. Without clarification, there is a risk that PSGEs may be excluded from formal consultation on national instruments, undermining Treaty settlement arrangements and increasing litigation risk. **Transparency of decision-making by the Minister**	107. Amend clause 70(1) to require that regional councils are also provided with a draft of the proposed national instrument as follows: *(a) provide iwi authorities and regional councils with a draft of the proposed national instrument ~~or~~ and a summary of it; and* *(b) give iwi authorities and regional councils what the Minister considers to be adequate time …* *(c) have regard to any advice received from iwi authorities and regional councils on the document.* 108. Amend clause 3 to include post settlement governance entities within the definition of ‘iwi authority’ as follows: ***Iwi authority** means the authority that represents an iwi and that is recognised by that iwi as having authority to do so, and includes post settlement governance entities recognised under Treaty settlement legislation.* 109. Provide guidance on the development of national instruments. 110. Require that the equivalent of an evaluation report (refer to clause 106) is released as part of consultation under clause 70(2).

<table>
<tr><th colspan="4">Part 2 Foundations</th></tr>
<tr><th>Clause</th><th>Position</th><th>Issue & impacts</th><th>Relief sought</th></tr>
<tr><td></td><td></td><td>The Bill sets clear process requirements for making national instruments but provides limited guidance on how the Minister should explain final decisions. Providing clearer, publicly available reasons would help councils, iwi, hapū, and communities better understand how evidence and submissions have been considered.

Introducing a requirement to publish a brief decision report when approving national instruments would strengthen transparency and support consistent implementation.</td><td></td></tr>
<tr><td>77-81 National policy direction</td><td>Support with amendment</td><td>Reference to regional councils in plan preparation

Clause 79(2)(c) refers to territorial authorities and spatial planning committees but does not refer to regional councils. Given that this is the Natural Environment Bill, it would be helpful to clarify the role of regional councils in this provision to ensure responsibilities are clearly reflected and aligned with the purpose of the Bill.</td><td>111. Amend clause 79(2)(c) to include regional councils as follows:

State matters that <s>territorial authorities or spatial planning committees</s> <u>regional councils must consider in preparing plans.</u>

112. Provide guidance on the development of national policy direction.</td></tr>
<tr><td>82-90 National standards</td><td>Support with amendment</td><td>Need for supporting national direction

Further national guidance would help councils better understand how these provisions are intended to operate in practice, including their implications for the form and structure of natural environment plans.

Use of clause 70 process for amendments linked to the National Adaptation Plan

Where amendments to national instruments have been clearly signalled and consulted on through the National Adaptation Plan process, it is appropriate for these to proceed without using the full clause 70 process.

Where this has not occurred, retaining the clause 70 process provides</td><td>113. Prioritise the development of guidance on the development of national standards and the form and structure of the natural environment plan.

114. Amend clause 90 to provide that the Minister may amend a national standard in response to a national adaptation plan only where the relevant content has been subject to public consultation and scrutiny through the preparation of that plan.</td></tr>
</table>

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		valuable assurance that affected parties, including iwi authorities and regional councils, have been adequately engaged, and that regional implications have been properly considered.	

Part 3 Combined plan and other matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
91 Requirements for combined plan in Planning Act 2025 apply	Support with amendment	**Integrating planning requirements** Lack of clarity around governance arrangements, resourcing, and how disputes will be resolved. Concern about the lack of hierarchy between land use plans and natural environment plans, and how the two will interact without creating conflicts.	115. Provide guidance on governance, resourcing, dispute resolution, and hierarchy between land use plans and natural environment plans.
Subpart 1-National environment plans	Support with amendment	**National environment plans** This section describes natural environment planning requirements, not national environment plans.	116. Amend heading: *Subpart 1 – ~~National~~ <u>Natural</u> environment plans*
92 Purpose of natural environment plan	Support with amendment	**Balancing use and protection** Unclear how "enhancement" is expected to be measured or demonstrated.	117. Provide guidance on how "enhancement" is to be measured or demonstrated.
93 Each region must have 1 natural environment plan	Support with amendment	**Transitioning to a single regional plan** Lack clarity on the transitional arrangements that will apply.	118. Require guidance on transitional details – how RMA plans transition into the new planning system.
94 Schedule 3 of Planning Act 2025 applies	Support with amendment	**Aligning with the new national process** There is the potential for conflict between land-use provisions and environmental limits. Provisions lack a disputes resolutions process for	119. Require mandatory cross-plan chapters in combined plans for any land-use provision that conflicts with environmental limits.

Part 3 Combined plan and other matters

Clause	Position	Issue & impacts	Relief sought
		resolving tensions between land-use and environmental plan provisions.	120. Require a joint chapter in combined plans outlining reconciliation of trade-offs, and dispute resolution between land-use and environmental plan provisions. 121. Require an 'integration audit' at the combined plan stage, assessing alignment between land-use allocations and environmental limits.
95 Natural environment plan must include standardised plan provisions as directed by national instrument	Support with amendment	**Using standardised plan provisions** It appears councils may only choose from "alternative" standardised provisions if these are expressly provided for in a national instrument and that spatial boundaries can only be defined when authorised by a national instrument, which may create practical challenges for implementation.	122. Seek that if "alternative" standardised plan provisions be provided for in a national instrument – multiple alternatives should be required, not only one other "alternative" for example, so councils can choose the best possible fit. 123. Amend clause 95(2)(a) as follows: *(1) In particular, a regional council may do any of the following only if authorised by a national instrument:* ~~*(a)determine the spatial application of the standardised plan provision*~~
96 Plan may include bespoke plan provisions if authorised by national instrument	Support with amendment	**Allowing bespoke provisions within national parameters** Concern that bespoke provisions can only be included if they are expressly authorised, or at least not precluded, by national instruments. Under Schedule 7 (Amendments to other legislation), the Marine and Coastal Area (Takutai Moana) Act 2011 introduces new clause s93(9A), enabling bespoke plan provisions so that regional councils	124. Amend clause 96(1) as follows: *(1) A regional council may include a bespoke plan provision in a natural environment plan or proposed natural environment plan, but only if* ~~*(a) a national instrument authorises the regional council to prepare a bespoke plan provision (see section 72(1)(b)); or (b)*~~ *the national instruments do not preclude the*

Part 3 Combined plan and other matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		can meet their obligations under s93 MACAA. However, there is no equivalent exemption in clause 96 of the Natural Environment Act.	*regional council from including a bespoke plan provision.* Alternatively clarify what "national instruments do not preclude" means. 125. Amend clause 96 to include a new sub-clause (1)(c): *(c) the regional council is obliged to meet an obligation under s93 Marine and Coastal (Takutai Moana) Act 2011*
97 Core obligations when preparing and deciding natural environment plan	Support with amendment	**Meeting national direction and environmental limits** Concern about how to balance competing objectives – such as meeting freshwater limits while accommodating growth.	126. Provide guidance on the hierarchy of national instruments to help manage these tensions. National instruments should also set minimum monitoring standards to ensure that environmental limits are met.
98 Types of provisions in natural environment plan	Support with amendment	**Ensuring required elements and managing incorporation by reference** Include ecosystem health limits in the natural environment plan as these are an essential part of the planning process.	127. Amend clause 98(1) to include: (d) *must include ecosystem health limits as required by **section 50*** or words to that effect.
99-103 Further matters relating to rules	Support with amendment	**'Acceptable' requirement for discharge rules** As discussed at clauses 32-38, it appears that Natural Environment Plans are built around the concept of avoiding the breach of environmental limits, and discharge rules will not have to meet the tangible unacceptable effects identified in s70(1) RMA. These unacceptable effects are observable by any person and have formed part of RMA bottom-line environmental protection since its enactment in 1991.	128. Amend clause 32(a) by requiring that a permitted activity discharge must meet the effects requirements of s70(1) RMA *or* add a new clause before clause 99 to require discharge activities must, as a minimum, meet the similar requirement of s70(1) RMA.

Part 3 Combined plan and other matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
99 Rules may allocate natural resource activity	Support with amendment	**Allocating scarce resources** • Lack of clarity on the process and managing equity issues, particularly how allocation rules should interact with environmental limits and national instruments. • A plan rule may allocate resources in anticipation of permit expiry, but the legislation provides no guidance on timing or how far in advance this can occur. • There are no decision-making principles or guidance for allocating resources among competing activities. Principles or guidance is needed for allocating resources among competing activities. • Fixed amounts or proportional allocations do not account for variability in resource availability, such as seasonal or climate driven flow changes.	129. Amend clause 99(1) as follows: *Subject to compliance with environmental limits, a rule in a plan may allocate a natural resource use activity.* 130. Amend clause 99(2)(b) to state *may allocate a natural resource, only after environmental audit of actual usage, in anticipation….* 131. Add allocation provisions that recognise and provide for Māori customary rights. 132. Include decision-making principles under clause 99(2)(c), or guidance for allocation and variability in resource availability and competing resources. 133. Clarify when a rule in a plan may allocate resources in 'anticipation' of permit expiry.
100 Rules relating to market-based allocation process or comparative permitting process	Support with amendment	**Allowing market-based and comparative allocation** • A market for "rights to apply" could increase demand beyond sustainable limits unless the plan clearly caps tradable rights within catchment limits and minimum flows. • Markets may favour large incumbents, encourage speculation or hoarding, and disadvantage small users, Māori development interests, or essential uses. • Granting a tradable "right to apply" separates allocation from environmental effects, meaning council could receive a high volume of applications that have priority in the queue but are not environmentally viable.	134. Amend clause 100(1) as follows: *If required or authorised by a national ~~standard~~ instrument, a rule…* 135. Or amend clause 100(1) to state: *If required or authorised by a national instrument, only within established environmental limits and allocation caps set under natural environment plans, a rule in a plan may-* 136. Request that the national instrument specifies allocation caps, eligibility, anti-speculation rules,

Part 3 Combined plan and other matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		• Effective markets require complete, high-quality telemetry and verified actual use data to avoid inefficient or inappropriate allocations. • National instruments need to set explicit criteria for both market based and comparative allocation processes to ensure national consistency.	provides for Māori interests, sets comparative criteria, recognises essential uses, requires evaluation criteria for rules (environmental effects, water-use efficiency etc), and mandates universal telemetry. 137. Amend clause 100(1)(c) as follows: *enable a ~~consent~~ permit authority to…* 138. Amend clause 100((2)(b) as follows: *enable a ~~consent~~ permit authority to receive a permit application that is subject to the comparative ~~consenting~~ permitting process outside…* 139. Amend clause 100(3) as follows: *A ~~consent~~ permit authority that receives...*
101 Plan must not permit activity that has certain effects on protected customary rights	Support		140. Support as drafted, no relief sought.
102 Process if plan or proposed plan does not comply with section 101	Support		141. Support as drafted, no relief sought.
103 Activities with effects on relationship of	Support with amendment	**Protecting Māori interests in the marine area** HBRC supports the Treaty aligned intent of this provision and seeks clarity on the requirements for registration and notification. This	142. Provide clarity on whether this framework sufficiently protects tāngata whenua relationships

Part 3 Combined plan and other matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
customary marine title group with customary marine title area		clause, however, appears somewhat contradictory. On one hand, it states that certain activities "must not" occur, while on the other it suggests that an activity simply needs to be registered before it is carried out. HBRC seeks clarity on whether this framework sufficiently protects tāngata whenua relationships with the marine area, and how the provision is intended to operate in practice.	with the marine area, and how the provision is intended to operate in practice. 143. Seek clarity on the requirements for registration and notification.
105 Methods relating to incentives	Support with amendment	**Using incentives to support plan objectives** Unclear what regulatory criteria will apply and how councils should assess the appropriateness and effectiveness of incentives.	144. Provide clarity on funding and monitoring.
106 Requirements for evaluation reports	Support with amendment	**Strengthening transparency in evaluation reporting** Unclear as to what constitutes *"sufficient"* detail to meet the new requirements. Under Schedule 7 (Amendments to other legislation), the Marine and Coastal Area (Takutai Moana) Act 2011 introduces new clause s93(9B), which removes the requirement for an evaluation report in relation to regional council obligations under s93 MACAA. No equivalent exemption is provided under s96 of the Natural Environment Act. HBRC considers this difference should be clarified to support accurate plan drafting and ensure all regional council obligations are implemented effectively.	145. Provide clarity on what 'sufficient' detail is to be determined as in the evaluation report. 146. Amend clause 106 to include a new clause (1A): *(1A) an evaluation report is not required when the regional council is obliged to meet an obligation under s93 Marine and Coastal (Takutai Moana) Act 2011*
108 Requirements for justification reports	Support with amendment	**Justifying bespoke provisions** Concerns regarding differing methodologies for assessing development capacity impacts and for monitoring effectiveness. HBRC also seeks clarification on how this section interacts with potential national direction on indigenous biodiversity, such as the NPS-IB. Where a national instrument directs councils to carry out	147. Develop justification reports for aspects of indigenous biodiversity such as the identification of significant natural areas but not for all provisions relating to terrestrial indigenous biodiversity. 148. Amend the definition of specified topic as follows:

Part 3 Combined plan and other matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		functions, such as protecting and maintaining indigenous biodiversity, it is unclear why a more stringent justification report would still be required. Further guidance would help avoid unnecessary duplication. Under Schedule 7 (Amendments to other legislation), the Marine and Coastal Area (Takutai Moana) Act 2011 introduces new clause s93(9B), which removes the requirement for a justification report relating to regional council obligations under s93 MACAA. No equivalent exemption appears in s96 of the Natural Environment Act.	***specified topic*** *means any of the following topics:* *(a) a significant natural area:* *(b) a site of significance to Māori:* ~~*(c) terrestrial indigenous biodiversity*~~ 149. Provide guidance on national methodologies to assess development capacity impacts, and monitoring of effectiveness. 150. Amend clause 108 to include a new clause (1A): *(1A) a justification report is not required when the regional council is obliged to meet an obligation under s93 Marine and Coastal (Takutai Moana) Act 2011* 151. Clarify whether justification reports are still needed should a national instrument direct councils to undertake functions/responsibilities, such as the protection and maintenance of indigenous biodiversity.
110 Failure to properly prepare evaluation report or justification report	Support with amendment	**Providing accountability and opportunities for correction** These requirements may increase the risk of legal challenge if reports or supporting material are deemed inadequate. Clear guidance on what constitutes an acceptable standard of reporting would help reduce uncertainty and avoid unnecessary litigation risk.	152. Clarify what "sufficient" detail is to be determined as in the evaluation report.
111 Obligations relating to regulatory relief in	Oppose in part	**Increased appeals and requests for relief**	153. Provide definitions of "significant impact", "reasonable use", and "terrestrial indigenous

Part 3 Combined plan and other matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
Schedule 3 of Planning Act 2025		This mechanism may prompt landowners to seek relief for perceived "loss of development" opportunities they never intended to pursue, increasing workload and potential disputes. **Complexity of materiality assessments** Evaluations such as land value impact assessments can be complex, costly, and contested. **Application to Specified Māori land** There is a potential tension as to how regulatory relief would apply when national direction (such as an NPSIB type instrument) both identifies significant natural areas on Specified Māori land **and** enables specified development or use. **Interaction with national direction** National direction may require councils to protect certain areas (e.g., indigenous biodiversity), while this section could require councils to justify and potentially compensate for restrictions created to implement that same direction. **Potential fiscal exposure** Councils may face significant financial burden if required to provide relief. This could create pressure to make planning decisions based on financial constraints—such as a rates cap—rather than environmental priorities.	biodiversity" (in relation to regulatory relief) as part of national guidance on regulatory relief. 154. Provide clarity on acceptable valuation approaches, preferably allowing broader methods rather than requiring site specific valuations. 155. Amend to allow councils to cap or phase monetary relief, and/or enable co-funding from central government. 156. Should regulatory relief become a requirement, local government implementation (in relation to indigenous biodiversity) should be supported by central government funding as the protection and maintenance of indigenous biodiversity is a national priority (and internationally ratified). Achievement of national/international targets is reliant on local government implementation and should therefore be supported. 157. Should regulatory relief become a requirement, relief does not apply to general terrestrial indigenous biodiversity provisions, rather only significant natural areas as suggested under clause 108.
113–116 Fishing and aquaculture	Support with amendment	**Aligning with Treaty settlements and fisheries legislation** These provisions may limit council discretion in some areas, particularly where settlement instruments or fisheries regimes specify how certain coastal or marine matters must be managed.	158. Provide guidance on how these regimes are intended to interface to avoid gaps, duplication, or unintended conflicts with other relevant legislation.

Part 3 Combined plan and other matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
117–122 Other matters	Support with amendment	**Increasing visibility of Treaty settlements and supporting dispute resolution** "Severely impair" is ambiguous and open to interpretation.	159. Clarify what "severely impair" means under clause 122.
124 Water conservation orders	Support		160. Support as drafted, no relief sought.
125 Freshwater farm plans and Schedule 5	Support with amendment	**Implementing mandatory freshwater farm plans** • **Lack of catchment context:** Neither section 125 nor Schedule 5 includes catchment context requirements, which are essential for place-based freshwater management. • **Treatment of mixed-use farms:** It is unclear how mixed land uses will be assessed and whether thresholds apply per block or across the total farm area. • **Interaction with other planning tools:** Unclear how freshwater farm plans will align with environmental limits, action plans, regional rules, and resource consents. • **Resourcing and capability:** Successful implementation will require significant investment in enforcement, compliance oversight, and certifier/auditor capacity. • **Systems and data requirements:** Implementing freshwater farm plans will require robust data systems, GIS capability, and potentially national or shared platforms to reduce duplication and cost. The framework remains heavily dependent on future regulations to provide detail on plan content, applicable land uses, and catchment specific requirements. In addition, freshwater farm plans rely on	In relation to Schedule 5: 161. Request clarity on OIC and regulations timelines – HBRC is reliant on OIC to determine when this applies to Hawke's Bay and regulations for content - and council and industry roles. 162. Request guidance on how mixed-use farms are treated and whether thresholds apply per block or total farm area. – this may be covered under clause 5. 163. Suggest catchment context is still provided by regional council and this helps guides farm plans to operate within limits. 164. Regional councils will need a register of farms that have industry programmes so that they know those farms have been accounted for and do not need a farm plan. 165. Request guidance on how freshwater farm plans interact with environmental limits, regional rules, action plans, and permits – and resourcing to enforce environmental limit compliance.

Part 3 Combined plan and other matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		environmental limits being set so that actions and compliance can operate within the allocated limits.	

Part 4 Natural resource permits			
Clause	**Position**	**Issue & impacts**	**Relief sought**
127-128 Subpart 1—Types of permit	Support with amendment	**Wildlife approvals do not fit within the permit definitions** Clause 128 introduces a new authorising function that is not clearly integrated with the permit definitions in clause 127, for example: • clause 128 says a natural resource permit may include a wildlife approval, however, wildlife approvals are not listed in section 127 and are not defined in the Interpretation section (Part 1, clause 3) • clause 127 is framed as an exhaustive definition (“means any of the following”), indicating that the permit framework is closed. As a result, clause 128 relies on the reader to infer how a wildlife approval fits within the permit framework. This reliance on implied meaning creates ambiguity and increases the risk of inconsistent application and litigation. **Permit types outside the interpretation section** Clause 127 defines permit types outside the interpretation section, which reduces early clarity about the approvals framework. Permit types are foundational concepts that users expect to be signposted at the outset of the Act. Including a brief signposting definition of “permit” or “natural resource permit” in the interpretation section would improve accessibility and certainty without changing the substantive structure of the Act.	166. Amend Part 1, clause 3 to include two new definitions as follows: ***Permit*** *or* ***natural resource permit*** *has the meaning set out in clause 127.* ***Wildlife approval,*** *for the purposes of this Act, means a lawful authority that may be included in a natural resource permit under section 128 to authorise an act or omission that would otherwise constitute an offence under the Wildlife Act 1953, but does not include a standalone authority issued under that Act.* 167. Amend clause 146(3) to add a new clause 3A as follows: *(3A) If an application for a natural resource permit includes a wildlife approval under Section 128, the permit authority must:* *(i) notify the Department of Conservation of the application and provide the Department with a reasonable opportunity*

Part 4 Natural resource permits			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		Mandatory DOC Consultation for Wildlife Approvals Wildlife approvals are a new responsibility for regional councils and, in the absence of a statutory requirement to consult the Department of Conservation, decisions may be made without access to the specialist knowledge needed to properly assess likely impacts.	*to comment before making a decision under this section.* *(ii) take into account all comments provided by the Department of Conservation when making a decision under this section.* 168. Amend clause 149 to add a new clause (5) as follows: *(5) For the purposes of this Subpart, the Department of Conservation is deemed to be an affected person in relation to any application that includes a wildlife approval under Section 128.* 169. Amend Schedule 2 to clearly set out the information that must be provided as part of an application for a wildlife approval. 170. Provide clear guidance around wildlife approvals. Clause 128 introduces wildlife approvals as a new function to councils. National direction or guidance would support consistent and defensible assessment of wildlife impacts across regions. Clear processes are also needed to reduce duplication, overlap, and unnecessary complexity, which would otherwise increase timeframes and costs.
129-137 General requirements	Support with amendment	**Clause 130 does not clearly require sufficient information to understand the activity** Clause 130 applies a proportionality test requiring information to be provided at a level of detail proportionate to the scale and significance	171. Amend clause 130(3) and (4) as follows: *(3) An applicant must ensure that information required by subsection (2)(b) is sufficient to identify and understand the nature and extent*

Part 4 Natural resource permits			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		of the matter. However, it does not expressly require that sufficient information be provided to first identify and understand the effects of the activity. This creates a risk that proportionality is applied before effects are clearly understood and established. Without this information requirement, interpretations of what constitutes sufficient information may vary, increasing subjectivity among decision-makers, including planning tribunals, and lead to inconsistent application across regions. **An application is "lodged" when it is "received" by the permit authority, but it is unclear whether this requires payment of any prescribed processing fee.** If the meaning of "received" (including fee/payment) is intended to be left to regulations under s308, the Act should signal this more clearly to avoid inconsistent practice and the risk of "queue jumping" where competing applications are involved. The Bill also appears to enable regulations under s308 to set different maximum processing timeframes for different classes of permits, which could reduce the default 45 working day maximum for some application types. Clearer direction on how shortened timeframes will be set and applied would improve certainty and help permit authorities resource complex or high impact applications appropriately. **Clear guidance around application completeness, receipt and prioritisation** The NEA places more emphasis on what happens at the point an application is lodged, a first in, first served default for competing applications, and a new Planning Tribunal pathway for process decisions. National direction or guidance would support consistent and defensible decision making on application completeness, receipt	*of the effects of the activity, and is ~~provided~~ at a level of detail that is proportionate to the scale and significance of the matter to which the application relates.* *(4) A permit authority may accept an application that does not fully comply with subsection (2)(b) if the authority is satisfied that sufficient information has been provided to identify and understand the effects of the activity, and that the level of detail of that information provided by the applicant is proportionate to the scale and significance of the matter to which the application relates.* 172. Amend clause 130(5) as follows: *(5) An application is lodged on the date that it is received by the relevant permit authority in the prescribed form and manner, including payment of any prescribed fee (if applicable).*

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Clause	**Position**	**Issue & impacts**	**Relief sought**
		and prioritisation, including clarification of what constitutes an application being "received" and how incomplete applications are to be treated when competing applications are involved.	
138-139 Time frames and excluded time periods	Support with amendment	**Allow extension of timeframes when council operations disrupted** Clause 138(4) allows flexibility in certain circumstances. It would be appropriate to also provide for suspension or extension of processing timeframes where natural disasters, emergency events, cyber-attack or international software malfunction disrupt council operations or public participation, to improve certainty and resilience. **Wood processing activity not defined** Clause 139 refers to "wood processing activity" however, this term is not defined and may capture a broader range of activities beyond what was intended, such as furniture manufacturing. This creates uncertainty about which applications are subject to the mandatory 1-year timeframe.	173. Amend clause 138 to add a new subclause 5 as follows: *(5) A permit authority may suspend or extend the processing of an application for a natural resource permit where a natural disaster, state of emergency, or other exceptional circumstance materially disrupts:* (a) *the ability of the permit authority to process the application; or* *(b) the ability of affected persons to participate in the process.* 174. Amend Part 1, clause 3 to include a new definition for 'wood processing activities'.
140-143 Permit authority may require further information	Support with amendment	**Clause 140 does not clearly require sufficient information to understand the activity** Clause 140 applies a proportionality test to further information requests but does not expressly require sufficient information to first identify and understand the effects of the activity, nor does it clearly anchor proportionality to the scale and significance of those effects. This creates a risk that proportionality and cost considerations are applied before effects are properly established and is difficult to apply in practice where information costs are often uncertain at the time of	175. Amend Section 140(2) as follows: *(2) The permit authority may make a request under subsection (1) only if it is satisfied that obtaining the information will ensure that the permit authority has enough information to identify and understand the effects of the activity and to understand the implications of its decision, after considering –*

Part 4 Natural resource permits

Clause	Position	Issue & impacts	Relief sought
		request (as further investigations are typically scoped and costed by the applicant). **Practical uncertainty in assessing information request costs** Clause 140(2) requires permit authorities to consider the cost of obtaining further information at the time a request is made. In practice, these costs will often not be well understood by consent planners, as further investigations are typically scoped and priced by the applicant after a request is issued. This creates uncertainty about how the test is intended to operate and may imply that authorities should seek cost estimates before requesting information, adding unnecessary procedural complexity. The approach in section 92 of the RMA, which anchors proportionality to the scale and significance of the effects of the activity, provides a more workable and effects-focused framework and could be adopted here without changing policy intent.	*(a) whether the information sought is proportionate to the scale and significance of the effects of the activity; and…*
144-153 Notification, Submissions on applications and Hearings	Support with amendments	**Cross referencing error** Clause 148(1) refers to clause 145(6)(a) instead of 146(6)(a). **Use of 'includes' in the definition of 'natural resources' creates consenting uncertainty.** Clause 148 relies on the definition of natural resources, which is open ended through the use of the term 'includes' rather than 'means' (see Part 1, section 3). Courts treat this distinction as deliberate and interpret 'includes' as non-exhaustive. Because the definition plays a central role in determining the scope of effects to be assessed and matters considered in consent decisions, an open ended definition creates uncertainty for applicants, councils, and decision makers.	176. Amend clause 148(1) as follows: *(1) This section applies to a permit authority that is deciding, under section ~~145(6)(a)~~ 146(6)(a)…* 177. Amend the definition of 'natural resources' in Part 1, clause 3 as follows: ***natural resources*** *~~includes~~ means –* *(a) ~~all~~ any of the following…* 178. Amend clause 148(3) as follows: *(3) If the activity is a natural resource use activity, the permit authority may, in its discretion, consider any adverse effect of the activity on*

Part 4 Natural resource permits			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		Adopting a closed definition would improve legal certainty and support more consistent and predictable consent decision making. **Clause 149(4) contains a misplaced test within the affected person framework** Clause 149 is intended to determine whether a person is an affected person. Subsection (4) allows effects on natural resources to be considered on their own, without clearly linking those effects to impacts on specific people, which creates uncertainty around when a person is affected. Effects on natural resources is dealt with in Section 148. **Clause 149(1)(a)(ii) introduces an environmental effects test into a provision intended to identify affected people creating uncertainty.** Section 149(1)(a)(ii) links affected person status to adverse effects on a “management unit”, which is defined by reference to environmental limits. This introduces an environmental effects test into a provision intended to identify affected people, duplicating the role of section 148 and creating uncertainty about when a person is affected. **Limiting affected persons to those who “reside” in a management unit is overly narrow** this may exclude people who are materially affected but do not live there, such as landowners, workers, tāngata whenua exercising customary activities, or businesses operating in the area. Clarification is needed to better align this provision with its purpose and ensure consistent notification outcomes. It would be simpler to just require public notification if the application will cause an environmental limit to be exceeded as this would likely represent a significant adverse effect.	*natural resources and people regardless of whether a rule in a natural environment plan, land use plan, or national rule permits an activity with that effect.* 179. Amend clause 149(1)(a)(ii) as follows: *(ii) the activity’s adverse effects on an environmental limit within a management unit, or on persons within that management unit, are more than minor…* 180. Amend clause 149(4) as follows: *(4) If the activity is a natural resources use activity, the permit authority may, in its discretion, consider any adverse effect of the activity on natural resources to the extent that those effects result in adverse effects on persons ~~and people~~ regardless of whether a rule in a natural environment plan, land use plan, ~~or~~ national rule, permits an activity with that effect.*

Part 4 Natural resource permits			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		Land use plans not referenced, creating uncertainty when applying s148(3) and 149(4) Under the new planning system, effects are regulated through land use plans as well as natural environment plans and national rules. If sections 148(3) and 149(4) refers only to natural environment plans and national rules, effects permitted under land use plans cannot be considered. This risks inconsistent application of the provision and gaps where effects are allowed under a land use plan but not clearly captured by the clause. **Clear guidance or a statutory definition of 'significant adverse effects' is needed** Clear guidance "significant adverse effects" is needed to support its use as a trigger for public notification. While the Bill defines "less than minor effect" (clause 15(5)), it provides no equivalent benchmark at the upper end of the scale, creating a risk of inconsistent interpretation and notification practice between regions. This could include recognising activities that would cause an exceedance of an environmental or allocation limit as constituting significant adverse effects.	
154 - 167 Subpart 4—Consideration of application and decision	Support with amendments	**Use of 'includes' in the definition of 'natural environment' creates consenting uncertainty** Clause 156 relies on the definition of natural environment, which is open ended through the use of the term 'includes' rather than 'means' (see Part 1, Section 3). Courts treat this distinction as deliberate and interpret 'includes' as non-exhaustive. Because the definition plays a central role in determining the scope of effects to be assessed and matters considered in consent decisions, an open ended	181. Amend the definition of 'natural environment' in Part 1, clause 3 as follows: ***natural environment*** ~~*includes*~~ <u>*means any of the following*</u>*…* 182. Amend clause 156(2) as follows: *(2) If the activity is a natural resource use activity, the permit authority may, in its discretion, consider any adverse effect of the activity on*

Part 4 Natural resource permits			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		definition creates uncertainty for applicants, councils, and decision makers. Adopting a closed definition would improve clarity and reduce interpretive and litigation risk in the consenting process. **Land use plans not referenced, creating uncertainty when applying clause 156(2)** Under the new planning system, effects are regulated through land use plans as well as natural environment plans and national rules. If section 156(2) refers only to natural environment plans and national rules, effects permitted under land use plans cannot be considered. This risks inconsistent application of the provision and gaps where effects are allowed under a land use plan but not clearly captured by the clause. **Clarify that uncertainty alone should not trigger refusal** Clause 166(1) should be refined to distinguish between routine scientific uncertainty (which is unavoidable, e.g. modelling and forecasting) and situations where uncertainty relates to the risk of significant or irreversible adverse effects. Without this distinction, the clause may be interpreted to require refusal based on the mere presence of uncertainty, rather than the magnitude and reversibility of potential effects. **Adaptive management should not replace refusal in high risk situations** Clause 166(2) should be strengthened to make it clear that adaptive management is not a substitute for refusal where uncertainty is high, effects may be irreversible, or the receiving environment is particularly sensitive.	*natural resources and people regardless of whether the natural environment plan, land use plan, or a national rule permits an activity with that effect.* 183. Amend clause 166(2) as follows: *(2) …would address the concerns arising from the uncertainty or inadequacy of the information, provided the permit authority is satisfied that the effects are not likely to be significant, irreversible, or occur in a highly sensitive environment.* 184. Amend 164 as follows: *(a)(ii)any regulations~~:~~ made under this Act that expressly prohibit the granting of the permit…* *(c) granting the permit would result in the breach of an environmental limit, either alone or in combination with other activities, unless the breach…*

Part 4 Natural resource permits			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		Clear guidance on when adaptive management should and should not be used Clauses 166 to 167 provide for the use of adaptive management but do not clearly indicate when it is appropriate, or when it should be avoided due to high uncertainty, irreversible effects, or sensitive receiving environments. This creates a risk of inconsistent application and reliance on adaptive management in situations where residual risk is not well controlled. Clearer guidance on suitable and unsuitable circumstances would support consistent, precautionary decision-making and reduce the risk of significant or irreversible environmental harm. **Existing breaches are not addressed** Clause 164(c) does not address situations where an environmental limit is already breached, creating a risk that replacement or improved discharges will be prohibited even where they reduce overall effects. This repeats the former problem under RMA s107. **Clause 164(a)(ii) refers to 'any regulations' this lacks scope and certainty** Clause 164(a)(ii) prohibits the granting of a permit where it would be contrary to "any regulations". This is very broad and unclear in scope, as it does not specify which regulations are intended or whether this refers only to regulations made under the Act, environmental standards, procedural regulations, or any regulation in force more generally. The provision could unintentionally capture administrative or technical regulations not designed to operate as absolute prohibitions on permitting. **Cumulative effects not explicitly required to be addressed**	

Part 4 Natural resource permits			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		Clause 164(c) does not explicitly require consideration of cumulative effects when assessing whether a breach would occur. **Infrastructure and water services exceptions** Clause 164 allows infrastructure and water services to breach limits while prohibiting all other users, shifting environmental, regulatory, and financial burdens onto councils and other resource users, with no obligation on the activity causing the breach to remedy it. A mechanism requiring activities authorised under subsection (c)(i) or (ii) to mitigate, offset, compensate for, or progressively reduce breaches of environmental limits, nor to contribute to remediation costs should be included.	
168 – 171 Conditions of natural resource permits	Support with amendments	**Restrictive conditioning limits effective effects management** Clauses 168 and 169 may limit a council's ability to impose site specific conditions. Where conditions are not agreed by the applicant or directly linked to a plan provision, councils may be forced to either grant consent with insufficient controls or refuse it, even where effects could otherwise be appropriately managed. Greater flexibility is needed to allow proportionate conditions to manage activities with more than minor effects. For example – a groundwater take is proposed near a wetland. The plan requires consent for the take but does not specify detailed wetland protection measures. If the applicant does not agree to additional monitoring or pumping limits, those conditions may not be able to be imposed because they are not directly linked to the plan rule that triggers consent, even though they are needed to manage the risk to the wetland.	185. Amend clause 168(2) to add a new subclause (d) as follows: *(d)* *<u>the condition is reasonably necessary to avoid, minimise, remedy the adverse effects of the activity, and is proportionate to the nature and scale of those effects.</u>*
172 – 173 Appeals	Support with amendments	**Appeals on new matters create procedural risk and creates uncertainty**	186. Amend Section 172(2)(a) and (b) as follows:

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Clause	**Position**	**Issue & impacts**	**Relief sought**
		Allowing appeals on matters not raised in submissions, risks introducing new issues that were not considered during the hearing. This may have unintended consequences for interested parties who were unaware of those issues because they were only raised at a late stage. If this occurs, appeal proceedings may need to be reopened to allow participation by parties who did not make submissions.	*(2)(a)…part of the submission that is struck out under section 152(3);* ~~*and*~~ ~~(b) any matter that was not raised in the person's submission.~~
198 - 201 Transfer and surrender	Support with amendments	**Coastal dumping and incineration provisions are misplaced** Clause 198 sets out mandatory assessment considerations for dumping and incineration requests. These are substantive decision-making tests, not transfer or surrender matters and their location in this section is likely to cause confusion. Suggest relocating these provisions to Subpart 2 which governs permit assessment and decision making.	187. Relocate clause 198 to Subpart 2 'Applying for natural resource permit' which set out the general requirements when assessment permits and making decision making.
202 - Notification and registration of activity subject to permitted activity rule	Support with amendments	**Registered permitted activity provision is unclear and creates legal uncertainty** Registered permitted activity provisions in Section 202 are unclear and create a permit like registration and determination process. This risks confusion about whether this is simply a plan rule compliance check or a form of consenting. To avoid consenting by another name, we recommend the Act make it clear the permit authority's role is limited to confirming whether the plan rule will be met.	188. Amend clause 202 to add a new subclause (3A) as follows: *(3A) In making a determination under subsection (3), the permit authority's role is limited to assessing whether the requirements of the permitted activity rule will be met.*
204–207 Market-based allocation process	Support with amendment	**Application of market-based allocation process** Support the provision of alternative methods to 'first in first served' consenting approach where there are no clear legal mechanisms to reduce or reverse over-allocation once rights have been issued or	189. Amend provisions to use either permit authority or regional council consistently.

Part 4 Natural resource permits			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		sold, nor to urgently suspend rights when environmental harm is occurring. The drafting of these sections is inconsistent—for example, using both “permit authority” and “regional council.”	
208 – 214 Comparative consenting process	Support	**Application of comparative consenting process** Support clauses 208–214 as they offer an alternative to the first-in, first-served approach; however, there remains a need for clear plan criteria to avoid inconsistent or contested comparative decisions, and this approach still carries a risk of inequitable outcomes.	190. Support as drafted, no relief sought although would reserve position until details of how the system will work are provided.
Schedule 2 5 Information required in assessment of environmental effects	Support		191. Support as drafted, no relief sought.

Part 5 Key roles			
Clause	**Position**	**Issue & impacts**	**Relief sought**
215 Functions of Minister	Support with amendment	**Centralising strategic oversight** Centralising strategic oversight and direction means that regional council performance, monitoring data, and implementation decisions will feed directly into Ministerial monitoring and assessment. The introduction of investigation powers over “significant land use matters” also creates a risk of Ministerial intervention outside the traditional appeal processes. Because “significant land use matter” is	192. Support for clear Ministerial functions but seek clarity on consultation and feedback mechanisms. 193. Request clarity on thresholds, process, and safeguards for investigating “significant land use matters”.

Part 5 Key roles			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		not defined, and the Minister's investigative discretion is broad, councils face uncertainty about when local issues may be escalated to central oversight.	194. Seek transparency around how monitoring findings will be used and communicated to councils. 195. Seek early engagement with local government where economic instruments are being explored. 196. Provide definition of "significant land use matter".
216 Powers of Minister	Support with amendment	**Increasing Ministerial intervention powers** Enabling Ministerial intervention where a regional council is not exercising or performing its statutory functions increases central oversight and elevates the potential intervention risk for regional council functions under the NEA, with implications for local autonomy and prioritisation. This also creates an imbalance in which councils carry significant implementation and compliance obligations, while there is no corresponding statutory requirement for central government to provide timely, coherent national direction or adequate resourcing. **Ministerial intervention powers over land use matters** The proposed investigation and intervention powers over "significant land use matters" materially increase centralisation risk. HBRC considers these powers should be reserved for clear, systemic failure, rather than used to override locally determined priorities or methods that reflect catchment context, local science, mātauranga Māori, and community expectations. Overuse would increase litigation risk and weaken confidence in the planning system.	197. Seek clarification on the intended thresholds and use of Ministerial intervention powers imported from the Planning Act. 198. Seek assurance that these powers are intended to respond to systemic failure or serious non-performance, and will be exercised proportionately, having regard to regional context, implementation complexity, and transitional pressures, rather than being used to resolve routine plan-making or policy disagreements.
217 Minister may direct preparation of plan, document,	Support with amendment	**Addressing significant natural resource issues** Providing a mechanism to address significant natural resource issues where timely intervention is required can also reduce regional council	199. Clarify the intended meaning and scope of "natural resource issue".

Part 5 Key roles			
Clause	**Position**	**Issue & impacts**	**Relief sought**
change, or variation		discretion over plan sequencing and prioritisation, creating resourcing and programme risks during the transition to the new system. Without clear thresholds, Ministerial directions may cut across locally determined priorities or collaborative planning processes, even when councils are actively progressing work.	200. Provide guidance on the thresholds and circumstances for issuing a direction (e.g. serious or persistent non-performance rather than differences in policy judgment). 201. Require consideration of council capacity, existing statutory workloads, and transition pressures when setting timeframes for directed plan work.
218 Ministers may direct commencement of review	Support with amendment	**Directing plan reviews** There is a risk of increased plan churn and additional resourcing pressure for regional councils, particularly if reviews are directed during periods of transition or alongside other-directed plan work.	202. Seek that directions to commence a review must take into account council resourcing, work programmes, and concurrent national direction development. 203. Seek confirmation that timeframes for commencing reviews must be realistic and developed in consultation with councils.
219 Delegation of functions by Ministers	Support with amendment	**Ensuring transparency in delegated Ministerial functions** It is important to maintain transparency in the exercise of delegated Ministerial functions, including providing clarity for councils about when engagement is occurring at an official level versus a Ministerial level.	204. Require statutory provisions or supporting guidance that ensure transparent communication protocols, including clear criteria and notification processes that distinguish between official-level engagement and Ministerial-level decision-making.
221 Overview of responsibilities of regional councils	Support with amendment	**Aligning responsibilities with decision making authority** Clause 221 places broad responsibility on regional councils to manage and allocate natural resources, including coastal occupation and hazard risk, while other parts of the Act limit councils' control over key allocation mechanisms. This creates a misalignment between the responsibilities councils are required to carry and the decision-making authority available to them.	205. Amend Clause 221 and related provisions to ensure that the level of responsibility assigned to regional councils is matched with corresponding decision-making authority over allocation mechanisms, or provide clear statutory guidance that aligns national direction, allocation tools, and council responsibilities to avoid accountability gaps.

Part 5 Key roles			
Clause	**Position**	**Issue & impacts**	**Relief sought**
222 Functions of regional councils	Support with amendment	**Aligning responsibilities, allocation control and accountability** Clause 222 places primary responsibility on regional councils for setting environmental limits, administering permits, and achieving environmental outcomes. However, other parts of the Act — particularly Schedule 3 (coastal occupation and allocation) and the Ministerial direction powers in Part 5 — constrain councils' authority over key allocation and sequencing decisions. This creates a risk of misalignment between responsibility, decision-making authority, and accountability, especially in the coastal marine area.	206. Seek clarification that responsibility is intended to operate within the constraints of allocation and authorisation regimes elsewhere in the Act, including Schedule 3 and other legislation. 207. Amend Schedule 3, or elsewhere, to ensure coastal occupation and allocation of space must at least be consistent with the natural environment plan's coastal hazard, biodiversity and cultural landscape provisions, to ensure Crown and council allocation decisions support integrated coastal management.
223 Allocation of natural resources	Support with amendment	**Clarifying regional council allocation responsibilities** Clause 223 confirms that regional councils are responsible for allocating natural resources, including coastal space. In practice, however, this responsibility sits alongside nationally prescribed limits and allocation mechanisms, including those in Schedule 3. New allocation approaches — such as auctions, tenders, or comparative processes — may also require substantial system and capability development by councils. The interaction between national limits, nationally prescribed allocation methods, and the residual discretion left to councils is unclear, creating uncertainty about the extent of councils' role and accountability. In addition, referring to "regional council" responsibility may cause confusion where functions are exercised by regional entities or through joint arrangements.	208. Clarify the boundary between national direction (limits and prescribed allocation methods) and regional discretion in allocating resources under clause 223. 209. Provide guidance on when and how national standards may prescribe allocation methods, and what decision-making flexibility councils retain. 210. Clarify expectations around Treaty and equity considerations in allocation decisions under this clause. 211. Confirm consistent terminology (e.g. regional council vs regional entity) where allocation responsibilities are exercised collaboratively.
224 Regulatory agencies to enforce law proportionately,	Support with amendment	**Clarifying compliance and enforcement responsibilities** When read alongside clauses 222 and 227, it confirms that regional councils remain the primary compliance and enforcement agencies,	212. Ensure that compliance and enforcement responsibilities placed on regional councils are supported by aligned decision-making authority, adequate resourcing, and clear national guidance,

Part 5 Key roles			
Clause	**Position**	**Issue & impacts**	**Relief sought**
consistently, and reasonably		including for permits and activities arising from nationally prescribed or Crown-led allocation processes, such as those in Schedule 3. This strengthens the operational and resourcing burden on councils, which are expected to manage compliance and enforcement outcomes that may be shaped by decisions made outside their direct control, particularly where permits originate from nationally directed allocation or authorisation processes.	particularly where councils are required to enforce activities or permits resulting from nationally directed allocation processes. 213. Additionally, provide mechanisms to ensure transparency and coordination between national direction and regional enforcement responsibilities to avoid disproportionate operational pressure on councils.
225 Obligations relating to statutory acknowledgements	Support with amendment	**Clarifying the scope of statutory acknowledgements** Implementing this clause may require updates to plan templates and internal processes. However, the clause does not extend to Mana Whakahono a Rohe, joint management agreements, co-governance arrangements, relationship agreements or MOUs, or tikanga-based arrangements that fall outside settlement legislation. There is a risk that clause 225 could be interpreted as the full extent of councils' Treaty-related obligations in Part 5, rather than a minimum standard that operates alongside the wider suite of Treaty mechanisms within the Act.	214. Clarify, through guidance or explanatory material, that clause 225 does not limit or replace wider Treaty obligations, co-governance arrangements, Mana Whakahono a Rohe, or other partnership mechanisms operating under this Act or other legislation. 215. Insert a clarifying subclause confirming that clause 225 does not limit or affect other Treaty-based obligations or arrangements under this Act, the Planning Act 2025, or other enactments.
226 Provision of relevant information to post-settlement governance entity	Support with amendment	**Supporting post-settlement information-sharing obligations** This may create additional administrative work for councils, including the need to follow up conversations and manage ongoing information requests, as the clause does not include a materiality threshold or a clear endpoint for these duties.	216. Provide guidance and resourcing to support councils in meeting their information-sharing obligations with post-settlement governance entities. 217. Limit the application of clause 226 to activities that may have a material effect on the statutory area or settlement interests of the post-settlement governance entity and align the timing of information provision more closely with notification decisions to avoid ongoing, undefined obligations.

Part 5 Key roles			
Clause	**Position**	**Issue & impacts**	**Relief sought**
			218. Insert the following new subclause 226(1A) to give effect to these safeguards: *This section applies only where the consent authority considers that the proposed activity may have a material effect on the statutory area or settlement interests of the post-settlement governance entity.*
227 Information gathering, monitoring, and keeping records	Support with amendment	**Clarifying monitoring and response obligations** Clause 227 significantly expands regional councils' monitoring and response duties without clearly signalling proportionality, prioritisation, or the practical limits of council control. Clarification is needed to ensure that monitoring expectations and requirements to take "appropriate action" are risk-based and aligned with the tools, levers, and jurisdiction that councils possess, particularly in the coastal marine area and in relation to protected customary rights.	219. Provide clear national indicators and reporting expectations, supported by guidance and resourcing to ensure monitoring requirements are practical and proportionate. 220. Clarify that monitoring under this clause relates to environmental effects rather than the exercise of rights and does not change the statutory framework for customary marine title or protected customary rights. 221. Ensure national standards and regulations provide sufficient detail and consistency to support integrated monitoring while avoiding unreasonable burdens on councils or tāngata.
228 Duty to keep records about iwi and hapū	Oppose in part	**Duty to keep records about iwi and hapū** The clause appropriately supports Treaty engagement and informed plan-making; however, subsections (5)–(7) introduce restrictions on how recorded information may be used, alongside a conflict-of-law rule that could create uncertainty where obligations under the Natural Environment Act, the Planning Act, and Treaty settlement legislation intersect. In particular, the clause limits the use of iwi and hapū	222. Clarify the intended operation of subsections (5)–(7), including how conflicts with other legislation are to be identified and resolved in practice. 223. Confirm that use restrictions do not prevent regional councils from using iwi and hapū information for lawful purposes under the Natural

Part 5 Key roles			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		information to purposes "of this Act," which risks unintentionally constraining councils' ability to rely on that information for legitimate planning, spatial planning, and other statutory decision-making functions. The Act therefore requires councils to collect and maintain iwi and hapū information without clearly authorising or guiding its use across the full range of responsibilities councils are expected to fulfil.	Environment Act and the Planning Act, including joint and spatial planning processes. 224. Provide guidance on "prescribed requirements" for record-keeping and updating, including the respective roles of the Crown and regional councils. 225. Clarify how this clause is intended to give effect to te Tiriti o Waitangi principles, particularly partnership and active protection, without unintentionally limiting councils' ability to rely on iwi and hapū knowledge.
229-230 Administrative charges	Support		226. Support as drafted, no relief sought.
232 Transfer of powers	Support with amendments	**Enabling flexible governance arrangements** While this flexibility is valuable, it may require changes to accountability and reporting structures to ensure roles and responsibilities remain clear. Additionally, because transfers can be revoked at any time, the clause may create uncertainty for long term partnership or co-governance arrangements that rely on stability and enduring commitments.	227. Support the flexibility provided by Clause 232, while ensuring that clear, workable accountability and reporting structures accompany any transfer or delegation of responsibilities. 228. Provide guidance or criteria governing the revocation of transfers to give greater certainty and stability to long term partnerships and co-governance arrangements.
233-235 Delegation of functions, powers and responsibilities	Support		229. Support as drafted, no relief sought.

Part 5 Key roles			
Clause	**Position**	**Issue & impacts**	**Relief sought**
236-239 Joint management agreements	Support		230. Support as drafted, no relief sought.
240 System performance	Support with amendment	**Participating in system-wide monitoring and reporting** There is uncertainty about how this new system-level performance monitoring under the Planning Act interacts with, replaces, or supplements existing State of the Environment reporting obligations under the Natural Environment Act.	231. Clarify the relationship between system performance monitoring and regional council SOE reporting to avoid duplication and ensure efficient use of resources.
241-242 Environment Court and Planning Tribunal	Support		232. Support as drafted, no relief sought.

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
243 Duty to give certain information	Support with amendment	**Compliance and Enforcement Powers** The inclusion of an explicit cross direction power is welcomed, as it strengthens accountability in situations involving multiparty breaches. The Council notes the potential for disputes over what constitutes "reasonable grounds." Explicit privacy safeguards should be included within the Bill, including alignment with the Privacy Act and clarity regarding data storage and handling protocols, to ensure that the expanded powers are exercised in a legally robust and publicly trusted manner.	233. Retain expanded identification powers with clear operational guidance. 234. Provide protocols and examples for cross-direction powers. 235. Amend Part 1, clause 3 to include a new definition as follows: ***reasonable grounds*** *means a belief based on objective facts that would lead a reasonable person to conclude that a situation exists or an offence has occurred. It is more than mere*

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
			<u>*suspicion, but less than proof beyond reasonable doubt.*</u> 236. Provide statutory guidance and practical examples to support interpretation and implementation of "reasonable grounds." 237. Align privacy safeguards with the Privacy Act and clarify data storage requirements.
244 Authorisation and responsibilities of enforcement officers	Support		238. Support as drafted, no relief sought.
245-252 Enforcement functions of EPA	Support with amendment	**Define Thresholds for EPA Intervention (clauses 220-221 of the Planning Bill)** Empowering the EPA to intervene in enforcement actions, increases central scrutiny and may lead to duplication unless clear protocols are established. Councils must maintain transparent records and be prepared for EPA information requests, with financial implications if courts award prosecution costs in complex cases.	239. Amend clause 246 to clearly define the "necessary or desirable" threshold for EPA intervention and enforcement against regional councils, ensuring proportionality and predictability in decision-making. 240. Clarify how enforcement functions integrate with Schedule 8 of the Planning Act 2025, particularly regarding monetary benefit orders and pecuniary penalties. 241. Provide protocols for EPA Intervention - develop a Memorandum of Understanding (MoU), protocol, or criteria outlining triggers for EPA intervention, including consultation requirements and decision-making processes. 242. Include provisions to ensure cost orders issued by courts in EPA-led cases are proportionate and take

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
			into account the complexity and scale of enforcement actions. 243. Provide clear statutory guidance on data and reporting standards, including timelines for information requests and annual reporting obligations to the EPA, to support transparency and compliance. 244. Seek transitional support and funding for councils to update warrants, training, standard operating procedures (SOPs), and compliance systems in line with new enforcement tools and EPA oversight.
254-257 Declarations	Support with amendment	**Expanded Declaration Powers** The broadened declaration powers are expected to increase the complexity of plan-making and enforcement, creating a higher likelihood of legal challenges and an associated increase in workload for councils. While the procedural framework remains largely unchanged—such as requirements for notifying affected parties and reliance on Court discretion—these provisions continue to serve as a valuable mechanism for resolving contested interpretations (e.g., interactions between national rules and local plan rules, or the legality of hazard-related works). Given the wider range of instruments now subject to declaration, robust evidence, clear reasoning, and strong alignment between plans and national or spatial instruments will be increasingly important to avoid declaratory challenges and ensure defensible decision-making.	245. Provide statutory provisions to support efficient scheduling of declaration hearings and transparent criteria for granting declarations, to reduce delays and uncertainty. 246. Allow cost recovery for systemic issues. Recommend that councils be enabled to recover costs where declarations resolve systemic issues benefiting multiple parties. 247. Provide guidance on the standard of evidence required for declarations, to ensure robust and defensible outcomes and minimise litigation risk.

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
258-265 Enforcement orders	Support with amendment	**Strengthened Enforcement Order Framework** A notable shift is the change in the legal threshold from "remedy or mitigate" (RMA s.314(c)) to "minimise or remedy" (clause 258(c)). This raises the compliance bar, requiring parties to reduce adverse effects to the lowest practicable level. This change is likely to lead to more stringent requirements and greater scrutiny of council decisions.	248. Provide fast-track enforcement pathways in natural hazard contexts and explicit authority to include resilience-enhancing remedial actions (e.g., riparian restoration sediment traps) within enforcement orders. 249. Include explicit provisions allowing rapid issuance of enforcement orders in urgent environmental or natural hazard situations, with appropriate review safeguards. 250. Provide for enforcement orders to expressly permit resilience-enhancing remedial actions, such as restoration works that minimises future risk. 251. Include clear statutory guidance on the interpretation of 'minimise', including consideration of practicality, cost, and proportionality. This will help ensure enforcement orders are effective, defensible, and fair.
266-271 Abatement notices	Support with amendment	**Modernised Abatement Notice Powers** Effective preparation and defensibility will continue to rely on robust monitoring data, clear documentation of "reasonable grounds," and strong record-keeping. Abatement notices must also align with national rules, limits, regional plan rules, and the emerging climate-resilience context.	252. Provide clear criteria and examples of "reasonable grounds" to support defensible decision making. 253. Provide nationally consistent abatement notice templates and guidance, including for emergency and hazard contexts. 254. Amend provisions to include rapid issuance in urgent environmental or natural hazard situations, with subsequent review safeguards.

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
272 Water shortage direction	Support with amendment	**Water Shortage and Storage Directions** Greater legal clarity is needed regarding prioritisation of water use during shortages, particularly where competing demands—such as ecological flows, irrigation, and drinking water security—intersect.	255. Amend to align with clause 157 (drinking water considerations) and ecosystem limits in council plans, to ensure water shortage directions support public health and environmental outcomes. 256. Provide statutory guidance on prioritisation of water use during shortage events, including criteria for allocating water between competing uses.
273 Restrictions relating to enforcement orders and abatement orders	Support with amendment	**Maritime Activity Restrictions on Enforcement Tools** The clause establishes clear boundaries around when enforcement orders and abatement notices may be sought in relation to maritime activities regulated under the Maritime Transport Act 1994. By restricting the use of these tools in situations already governed by Maritime New Zealand or subject to specific maritime emergency powers, the Bill avoids duplication, conflicting processes, and potential jurisdictional overlap. However, these exclusions may limit councils' ability to intervene directly in maritime incidents, even where urgent environmental or hazard risks emerge—such as nearshore pollution or vessel-related debris affecting river mouths or estuaries. In such cases, councils may need to escalate concerns rapidly or maintain close coordination with maritime authorities to ensure a timely and effective environmental response.	257. Include narrowly defined exceptions or escalation protocols for urgent hazard or environmental risk situations for councils to act swiftly when immediate intervention is required. 258. Provide operational guidance on inter-agency coordination and clear communication requirements.
274-277 Powers of entry and search	Support with amendment	**Powers of search and entry** The word "generally" after "police constable" in clause 277 causes unnecessary ambiguity in the provision. For enforcement powers, it is essential that the legislation clearly defines who holds authority, without leaving room for doubt or inconsistent interpretation. If there	259. Amend clause 277 by removing the word "generally" after "police constable", unless a clear and specific rationale is provided.

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		are intended exceptions to police constable powers, these should be set out explicitly in the Bill or supporting regulations, rather than implied through vague language.	
278-286 Offences, Limitation periods, and Penalties	Support with amendment	**Changes to offences** Support as it expands the offence regime by making breaches of both core environmental duties and new compliance tools prosecutable. However, more detail is needed to ensure proportionality and fairness in sentencing and that revenue retention for councils is maintained so councils can resource compliance and enforcement activities.	260. Provide clear statutory factors for calibrating penalties, ensuring proportionality and fairness in sentencing. 261. Establish limitation periods that are proportionate to the nature and discovery of environmental harm, supporting effective enforcement. 262. Confirm that fine revenue retention for councils is maintained, to support ongoing compliance and enforcement activities. 263. Provide detailed guidance on the application of the new civil penalty regime and restorative compliance instruments, to ensure clarity and consistency. 264. Provide support for integration of penalty tracking and revenue management with council digital systems, to enhance transparency and efficiency. 265. Ensure that statutory defences (necessity, force majeure, maritime emergencies) are clearly aligned with existing legal standards and are practical for councils to apply.
287 Insurance against fines unlawful	Support with amendment	**Prohibition of insurance for fines** While important for compliance and insurance practices, this provision is less operationally urgent than the expanded enforcement powers,	266. Confirm that legitimate environmental liability insurance (for remediation costs) remains permissible.

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		though permit holders will need to review and update insurance arrangements to ensure they remain lawful and fit for purpose.	267. Clarify that the prohibition applies only to insurance covering fines or penalties, not to insurance for remediation or restoration costs. 268. Amend clause 287 to include as a new sub section: *This section does not prevent insurance for costs associated with remediation or restoration of environmental harm.*
288-297 Infringement offences	Support with amendments	The changes introduced through clauses 288-297 support more flexible, proportionate enforcement and stronger compliance outcomes, but they require resource to update templates, electronic workflows and staff training to ensure notices are issued consistently with the new procedures and integrated effectively within a graduated enforcement approach.	269. Clearly cross reference schedule 8 definitions and processes with enforcement sections to avoid ambiguity. 270. Provide transitional support (templates, protocols, training) so councils can implement these instruments effectively and align with EPA oversight and reporting duties. 271. Provide national direction on calculation methods, evidential standards and thresholds for monetary benefit orders and pecuniary penalties.
298 Local authorities to prepare compliance and enforcement strategy	Support with amendment	**Requirement for compliance and enforcement strategy** While the requirement strengthens transparency and accountability and supports national consistency, it also introduces additional workload and cost pressures. In the absence of national templates or detailed guidance, strategies may diverge significantly across regions, creating risks of inconsistency and reducing efficiency.	272. Provide a model structure and templates for compliance and enforcement strategies to ensure national consistency and reduce duplication. 273. Provide funding or resourcing support for councils to develop and maintain these strategies, given the additional governance and publication requirements.

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
			274. Align strategies with national compliance priorities and EPA reporting standards to avoid duplication and ensure consistency. 275. Provide clarity on review intervals and expectations for updates to ensure strategies remain current and effective.
299 Local authority or EPA to publish information about their functions, duties, and powers	Support with amendment	**Making enforcement information available** Establishes a statutory obligation for councils to publish comprehensive information on enforcement while increasing transparency, public trust and confidence. However, will require increased workload, the need for new technical infrastructure, and potential challenges in maintaining up-to-date and accurate information.	276. Amend clause 299 to require EPA and councils to jointly develop national guidance protocols, including: • Standardised templates for compliance reporting • Clear timelines for responding to information requests • Annual publication of enforcement performance metrics.
300 Functions, duties, and powers of Ministry	Support		277. Support as drafted, no relief sought.
301 Emergency works and power to take preventive or remedial action	Support with amendments	**Strengthen emergency work powers** The wider scope of emergency services raises risks around inconsistent practice, insufficient record-keeping and challenges transitioning emergency actions back into the standard planning and compliance framework.	278. Clarify what constitutes "continuing adverse effects" following emergency works. 279. Provide clearer instruction in the clause on coordination with other agencies for post-emergency compliance.

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
302 Natural resource permits for emergency works	Support with amendment	**Implementation of emergency work permits** Effective implementation of this clause will depend on consistent interpretations of "continuing adverse effects" and strong coordination with partner agencies to avoid delays. Risks include inconsistent definitions, slow inter-agency processes and increased compliance costs if regularisation is not streamlined. Councils will need efficient internal processes and coordination across Engineering, Consents and Compliance teams to ensure timely and compliant regularisation of emergency actions.	280. Clarify what constitutes "continuing adverse effects". 281. Provide guidance on coordination with other agencies. 282. Provide for streamlined processes and adequate resourcing for post-emergency compliance.
305-306 Emergency response regulations, and Annual review of emergency response regulations	Support with amendment	**Accelerated consultation** The requirement for annual review helps maintain relevance and effectiveness but adds ongoing administrative workload. Without clear national direction, there is a risk of inconsistent application across regions, reduced transparency, and operational uncertainty.	283. Include in the clause details on consultation processes, consultation timeframes, regulatory scope, and transition back to standard processes.
307-312 Subpart 3, Regulations relating to allocation of the use of natural resources	Support with amendment	**Operational challenges arising from expanded allocation and regulatory powers** These expanded powers mean councils must closely monitor regulatory changes, update internal workflows and participate in consultation and notification processes, which can affect statutory timeframes, resource capacity and stakeholder engagement. Shortened timeframes or reduced local discretion may impact service delivery and the handling of complex applications.	284. Amend the regulations to allow for extended timeframes or alternative processes where applications are particularly complex or involve significant regional interests. 285. Require that councils and affected stakeholders are consulted before any statutory timeframes are shortened or allocation methods are changed by regulation.

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
313-315 Natural resource levies	Support with amendment	**Key issues for councils under the new natural resource levy provisions** This may affect budgets, allocation methods and stakeholder engagement, particularly if new mechanisms such as auctions or tender based allocation emerge. The administrative burden of levy collection, remittance (including Crown shares), and compliance reporting may require system upgrades and cross team coordination. Reduced local discretion in levy design could limit councils' abilities to tailor allocation frameworks to regional needs, making clear transition arrangements essential to avoid disruption for consent holders and tāngata.	286. Provide clear transition arrangements for introducing levies, particularly where existing allocation regimes, consent processes, or community expectations may be significantly affected. 287. Provide explicit statutory guidance on eligible levy uses, reporting requirements, and auditing expectations, to support transparency, consistency, and defensibility. 288. Require co-design of levy frameworks with regional councils and tāngata whenua ensuring levy settings reflect local priorities, values, environmental pressures, and customary rights. 289. Require that levy revenue is retained or reinvested regionally prioritising ecosystem restoration, monitoring, and compliance functions within the management unit where the revenue is collected.
316-317 Allocation methods	Support with amendment	**Impacts of nationally imposed limits on council allocation flexibility** While national restrictions may limit local discretion, they also create opportunities—such as funding pathways or support for resilience and recovery activities—provided councils have clear guidance and robust internal systems. Effective implementation will rely on coordinated workflows, strong system integration and consistent communication with stakeholders.	290. Provide clear statutory guidance on the application and prioritisation of allocation methods, including how national direction and moratoria interact with regional priorities and existing consents. 291. Provide flexibility for councils to propose or adapt allocation methods that reflect local resource pressures, provided they are consistent with national objectives. 292. Require regular review and stakeholder engagement to address confusion or unintended

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
			consequences arising from multiple allocation methods or changes in national direction.
318 -320 Waiver and extension of time limits	Support		293. Support as drafted, no relief sought.
321-323 Coastal occupation charges and rents and royalties	Support with amendment	**Coastal related charging** These provisions increase plan making and consultation workload, require robust financial systems for collecting and remitting Crown revenue, and introduce an administrative burden associated with revenue allocation and compliance monitoring. While they create potential funding streams for coastal management, they also reduce local retention of some revenues and may require strengthened policy development, stakeholder engagement and monitoring to ensure compliance. Nonpayment may have implications for permit processes, further increasing the need for consistent enforcement and clear internal procedures.	294. Require that a share of revenue be provided for local environmental work, ensuring that a portion of coastal occupation charges and royalties is retained and reinvested in the region where it is collected. 295. Provide streamlined processes for remittance and reporting, including standardised templates and clear timelines to reduce administrative burden and support compliance. 296. Provide robust guidance on eligible activities and reporting standards, to ensure transparency, consistency, and defensibility in the use of collected funds. 297. Provide adequate resourcing for system upgrades and monitoring, enabling councils to meet new financial and reporting requirements efficiently. 298. Ensure exemptions for customary rights are clearly defined and operationalised, to protect Treaty settlements and local interests.
324-325 Service of documents	Support		299. Support as drafted, no relief sought.

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
326-327 Existing rights	Support with amendment	**Existing rights** Overall, there is no significant operational impact, but councils will need clear guidance on interpreting "existing rights" to avoid compliance disputes or misapplication of transitional provisions. Ensuring continuity with previous RMA interpretations will be important to reduce litigation risk and support consistent, defensible regulatory practice.	300. Clarify interface with new allocation methods and Treaty settlements. 301. Confirm that no new proprietary rights are created by the Act.
328-330 Vesting of reclaimed land and unlawful reclamation	Support with amendment	**Vesting and regulation of reclaimed land** The main impacts of these clauses relate to the need for clear guidance on certification pathways, responsibilities for funding and liability, and coordination with national agencies such as LINZ and the EPA. Although these changes strengthen compliance and restoration powers, they will require updated internal processes and inter-agency workflows to ensure consistent, defensible implementation.	302. Insert a clause requiring the Minister for Land Information to publish statutory guidance on: • Steps for vesting reclaimed land • Timeframes for decision-making and Gazette notice publication • Coordination with LINZ and regional councils. 303. Amend clause 329 to require that any retrospective consent application: • Demonstrates compliance with environmental limits and national standards • Includes an assessment of adverse effects and proposed mitigation • Is subject to public notification where effects are more than minor. 304. Amend clause 330 specifying: • EPA lead role for complex or multi-regional cases

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
			• Cost recovery mechanisms and central government funding support for councils undertaking removal or remediation.
331 Matters may be determined by arbitration	Support		305. Support as drafted, no relief sought.
332 Joint regional and district planning documents	Support with amendment	**Joint documents** There needs to be effective integration between the two acts, particularly where there might be conflicting issues i.e. environmental limits intersecting with land-use planning decisions.	306. Ensure joint-planning processes under the Planning Act will enable effective integration between regional and district functions. Particularly where environmental limits intersect with land-use planning decisions.
333-335 Collection and spending of levy and other money	Support with amendment	**Financial Accountability Requirements for Levy and Allocation Revenues** For councils, implementing these requirements will likely necessitate updates to financial systems, strengthened revenue tracking processes, and clear internal protocols to maintain transparency and comply with expenditure restrictions tracking processes, and clear internal protocols to maintain transparency and comply with expenditure restrictions	307. Clarity sought on reporting, auditing and ring-fencing levy spending. Councils require certainty that levy obligations do not create unfunded mandates. 308. Clarity sought on equity and affordability for resource users to ensure fair, proportionate impacts across sectors and avoid unintended economic distortions. 309. Seek clear regulatory frameworks and safeguards to avoid perverse incentives or inequitable access to resources.
336 Amendments to other legislation	Support		310. Support as drafted, no relief sought.
337 Hearing to be held in public and	Support		311. Support as drafted, no relief sought.

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
orders protecting sensitive information			

Schedule 2 Information required in application for natural resource permit			
Clause	**Position**	**Issue & impacts**	**Relief sought**
Schedule 2	Support in part	**Information gap for Wildlife Approvals:** Clause 128 of the NEA introduces wildlife approvals as a new function for regional councils. However, Schedule 2 does not currently specify what information an applicant must provide to support a wildlife approval, which may lead to inadequate assessments of impacts on indigenous fauna. Adding a new subclause that clearly sets out the specific information requested for wildlife approval applications would ensure the process is consistent and defensible.	312. Amend Schedule 2 to include a new subclause that clearly sets out the specific information required to be provided as part of an application for a wildlife approval.

Schedule 4 Water conservation orders			
Clause	**Position**	**Issue & impacts**	**Relief sought**
Schedule 4	Support		313. Support as drafted, no relief sought.

4. Planning Bill

This table sets out an assessment of the proposed Bill. For each clause, the table indicates the level of support or opposition, summarises the key issues and potential impacts, and outlines the specific relief requested. Underlined italics indicate new additional wording proposed for inclusion, while strikethrough denotes text proposed for removal.

Part 1 Preliminary provisions			
Clause	**Position**	**Issue & impacts**	**Relief sought**
3 Interpretation	Oppose in part	**Unclear application of "environment" across the two Bills** The Planning Bill and the Natural Environment Bill approach environmental effects differently. Clause 14 of the Planning Bill requires certain effects to be disregarded, while clause 15 of the Natural Environment Act requires adverse effects to be managed. For activities with mixed or overlapping effects, it is not always clear which matters should be considered under which Act. This creates uncertainty. **Use of defined term "natural and physical resources"** The term "natural and physical resources" is defined in the Interpretation section. Clarifying how this term is intended to be applied would improve consistency.	314. Provide explicit guidance (via national direction or guidance) on how the split definition of "environment" across the Planning and Natural Environment Bills is to be applied in practice, particularly when interpreting clause 15 of the Planning Bill and clause 14 of the Natural Environment Bill. 315. Add statutory direction around the term 'natural and physical resources'.
4 Purpose	Oppose in part	**Purpose of the Planning Bill fails to recognise the natural resource base for any activities** The Planning Bill does not include the Resource Management Act concept of "natural and physical resources", nor an equivalent integrative concept. While the Bill narrows its purpose to land-use planning and relies on the Natural Environment Bill to regulate natural resource effects, the absence of a bridging concept creates uncertainty where activities give rise to mixed or cumulative land-use and biophysical effects. Under the RMA, the "natural and physical resources" definition enabled integrated consideration of interacting	316. Amend the Planning Bill to add a new provision that clarifies how mixed land-use and natural resource effects will to be addressed across the Planning Bill and the Natural Environment Bill. 317. Clarify the hierarchy between use, development, and enjoyment of land and reconcile this with the Natural Environment Bill's purpose of use, protection and enhancement of the natural environment.

Part 1 Preliminary provisions			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		effects across the resource base. Its removal, combined with scope-limiting and exclusion provisions in the Planning Bill, risks fragmented decision-making and uncertainty as to which statute applies in particular circumstances, with potential implications for plan-making efficiency, consistency of decision-making, and litigation risk.	
5 Transitional, savings, and related provisions	Support in part	**Transitional provisions** Clear guidance around the transitional arrangements will help councils manage overlapping processes, responsibilities, and decision-making, and ensure a smooth transition to the new system.	318. Provide further direction and guidance on managing: • overlapping RMA and Planning Act regimes during the transition period; and • decision-making priorities where legacy RMA plans and consents interact with early spatial and land use planning under the new system.
6 Act binds the Crown	Support in part	**Enforcement complexity arising from crown exceptions** The Act binding the Crown supports accountability, but specified exceptions (e.g. national security, certain conservation land, prisons) may limit the practical application of enforcement in some circumstances. Enforcement against Crown entities may be more complex than for private parties, particularly where standard enforcement tools have practical or legal limits. Providing clear guidance on these processes would support consistent and effective implementation.	319. Provide clear guidance or establish alternative enforcement pathways so that councils can apply the Bill consistently when dealing with Crown agencies.
8 Treaty of Waitangi/Tiriti o Waitangi	Oppose	**Treaty Obligations** Clause 8 does not adequately reflect the Māori relationship with te taiao. It replaces the RMA’s approach to Treaty obligations with a framework that spreads Treaty considerations across different parts	320. Replace references throughout the bill to Māori “participation” and with “partnership and shared decision-making”.

Part 1 Preliminary provisions			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		of the legislation rather than creating a single, overarching duty. Instead of a strong, directive requirement, the clause points to processes elsewhere in the Act that relate to Treaty matters. This shift means Treaty obligations are now mainly procedural and indirect. They influence how plans and decisions are prepared, but they are not decisive on their own. This represents a significant step down from stronger statutory language such as "recognise and provide for" (RMA s6), "give effect to," or frameworks that secure substantive outcomes linked to te Tiriti. By framing Māori interests primarily through the lens of "participation," the legislation risks creating weak practical protections. Councils may treat engagement alone as compliance, even if the resulting outcomes undermine Māori values or rights. This increases the likelihood of challenges from iwi and hapū, and places councils—such as HBRC—in the position of mediating disputes created by limited statutory direction. Under the current drafting, procedural participation is over-emphasised at the expense of meaningful, substantive outcomes. This risks undervaluing the central role Māori interests play in durable planning decisions, increased legal exposure, and a loss of local autonomy.	321. Amend to specifically provide for Māori relationships with te Taiao. 322. See corresponding comments on clause 8 of the Natural Environment Bill regarding Treaty obligations, partnership, substantive recognition of Māori relationships with te taiao, and recognition of the Regional Planning Committee's co-governance role.
9 Crown to seek to enter agreements to uphold Treaty settlement redress or arrangements	Oppose in part	**Transitional risks while settlement discussions occur** While the obligation rests with the Crown, regional councils will continue to exercise statutory functions during this period and will need to implement settlement-related provisions in plans, environmental limits, and decision-making processes while discussions are ongoing.	323. See corresponding comments on clause 9 of the Natural Environment Bill regarding Treaty obligations, partnership, substantive recognition of Māori relationships with te taiao, and recognition of the Regional Planning Committee's co-governance role.

Part 1 Preliminary provisions			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		Without clarity on roles, timeframes, and interim expectations, there is a risk of: • inconsistent implementation across regions, • uncertainty for PSGEs and communities, and • councils being exposed to legal and relationship risk during transition.	324. Seek clarity on the expected role of local authorities during the period in which the Crown is seeking agreements with PSGEs, including: • how councils are to operationalise existing settlement redress in plans and decisions during the interim period; and • how councils are to manage uncertainty where agreement has not yet been reached. 325. Confirm that councils will be appropriately supported and resourced where new or modified obligations arise from agreements entered under clause 9. 326. Confirm that existing deed-based arrangements are within scope, including where they give effect to Crown commitments but are not established directly by Treaty settlement Acts.
10 Treaty redress or arrangements to be given same or equivalent effect	Support with amendment	**Ensuring continuity and integrity of Treaty settlement commitments** This clause is a critical transitional safeguard but the requirement to give settlement arrangements the “same or equivalent effect” places significant interpretive and operational responsibility on councils, particularly in the absence of RMA Part 2 and where settlement redress was negotiated with explicit reference to RMA mechanisms. Without clear national guidance, there is a risk of: • inconsistent application across regions, • uncertainty for PSGEs as to how settlement commitments will be upheld, and	327. See corresponding comments on clause 10 of the Natural Environment Bill regarding Treaty obligations, partnership, substantive recognition of Māori relationships with te taiao, and recognition of the Regional Planning Committee’s co-governance role. 328. Clarify how to operationalise “same or equivalent effect”. 329. Provide guidance on how “same or equivalent effect” is to be interpreted and applied by local authorities in the absence of RMA Part 2,

Part 1 Preliminary provisions			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		• increased litigation during transition. Some settlement arrangements, including co-governance and joint decision-making structures, may not be established by statute but are integral to the effect of Treaty redress and should be recognised as such.	particularly where Treaty settlement redress was negotiated with explicit reference to RMA mechanisms. 330. Seek guidance on managing overlapping or outdated arrangements.

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
11 -15 Core provisions for decision making	Support with amendment	**Natural environment not clearly recognised in the goals** Not clearly recognising the natural environment in the goals creates uncertainty. This gap cannot be easily fixed later through regional spatial planning. **Provision for Māori interests** Clause 11(i) is uncertain in terms of the strength of the goals for Māori interests, and the degree of involvement of Māori in developing plan instruments. Amendments to clarify that Māori interests must be meaningfully considered and weighted, consistent with te Tiriti obligations, would provide clarity and consistency. **Cross referencing to clause 45** In the Bill, all people must seek to achieve the stated goals, subject to sections 12 and 45. While the reference to section 12 makes some sense, that to section 45 does not make sense as it sets out matters that the Minister must have regard to when making a national instrument. All people do not make national instruments. At best, the	331. Provide guidance on how conflicts between goals are to be resolved in practice. 332. Require councils demonstrate that Māori interests have been meaningfully considered and weighted, consistent with te Tiriti obligations. 333. Clarify how land use activities will be regulated to ensure that the Natural Environment Bill's goal for "no net loss of indigenous biodiversity" is to be achieved, including through national direction and practicable methodologies. 334. Provide for people to have regard to the principles relating to goals set out at clause 45(2)(a)-(c), by amending clause 11 as follows: *All people exercising or performing functions, duties, or powers under this Act must seek to achieve the following goals subject to* ***sections 12 and 45(2)(a)-(c)****: …..*

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		principles set out at clause 45(2)(a)-(c) may assist people in understanding the intention of the goal framework. **Risk of gaps in relationships between instruments of the Planning Bill, Natural Environment Bill and other regulation** Like the Natural Environment Bill, the Planning Bill omits any reference to the hierarchical equivalent level to the equivalent of the land use plan, namely natural environment. The regional spatial plan may not resolve all challenges between the two plans, as discussed above under clause 12 Natural Environment Bill. The risk of gaps and overlaps between the two plans remains. **Guidance on key instruments and goals** No guidance is available to assist in navigating the space between the two plans and other related regulations. **Uncertainty created by narrowing the scope of effects** Clause 14(1)(j) of the Planning Bill excludes some land use effects where they are dealt with under other laws. This creates a risk that some effects fall between the Planning Bill and the Natural Environment Bill and are not clearly covered by either. This is most likely where effects are mixed or overlapping, such as activities that affect both land use and freshwater. While this approach may reduce duplication, it also increases uncertainty about which law applies. **No climate change consideration for effects management** Where climate-driven effects (e.g. increased hazard risk, ecosystem stress, reduced resilience) overlap with land-use activities, there is uncertainty about whether those effects are excluded from consideration under the Planning Bill. **Division of effects management between the two Bills**	335. Clarify the alignment between land use plans and natural environment plans, including where regional land use rules are necessary or other regulations also apply, such as for water services or climate change, and where local variation is warranted. 336. Provide guidance on the circumstances in which decision-makers may have regard to system goals directly, including with respect to goal alignment between the Planning Bill and Natural Environment Bill. 337. Ensure alignment with the equivalent effects provisions in the Natural Environment Bill 338. Provide guidance on how effects excluded under this clause are to be managed where regulation is required under the Natural Environment Act, such as where regional land use rules are necessary to manage effects contributing to environmental limits. 339. Clarify how conflicts between land use plan rules and natural environment plan rules are to be resolved where effects fall outside the Planning Bill but remain relevant under the Natural Environment Bill. 340. Clarify the meaning and application of the threshold "greater than less than minor", including: • how this is to be assessed consistently; and

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		The division of effects of activities between those effects that are managed under the Natural Environment Bill and those under the Planning Bill is artificial and may result in inefficient plan-making and decision-making. This is detailed in the submission point for clause 15 of the Natural Environment Bill. While there is opportunity to prepare joint regional and district planning documents (clauses 292-293 Planning Bill, clause 332 Natural Environment Bill) this is not included until the very end of each Bill, almost as an afterthought.	• whether adverse environmental effects can be included in the land use assessment. 341. Provide guidance on: • when offsetting or compensation is appropriate; and • how cumulative effects are to be assessed under the new proportionality framework. 342. Provide guidance on joint planning documents.
16-26 Subpart 2 – Duties and restrictions	Support with amendment	**Aircraft noise control, airspace and coastal marine area** Clause 17(3) does not expressly consider overflying aircraft and the relationship with regional council functions in the coastal marine area or other airspace-related effects. **Subdivision restrictions, natural hazard risks and natural environment plans** In clause 18(1)(b)(i) subdivision is restricted by rules in a land use plan or proposed land use plan, but not a natural environment plan. The framework depends on all natural resource constraints on development being translated into environmental limits or some other spatial constraint. This raises two significant issues: • The extent to which a natural resource limit (which could include limit for highly productive soil) or natural hazard risk can be effectively mapped spatially; and • The translation of those spatial plan limits and risks into a land use plan.	343. Clarify the application of clause 17(3), particularly its interaction with overflying aircraft and whether any limitations apply to regional council functions in the coastal marine area or airspace-related effects. 344. Clarify how subdivision controls under this clause are to interact with: • Māori land administered under Te Ture Whenua Māori Act; and • natural hazard risk management, including where risks are identified through regional spatial planning or regional rules. 345. Introduce notification or information-sharing requirements where subdivision proceeds under this Bill and other legislation, to ensure regional councils are aware of subdivisions relevant to regional functions and responsibilities, such as natural hazards, water allocation, and soil conservation.

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		Natural hazard risks and subdivision under Te Ture Whenua Māori Act 1993 Clause 18 does not apply to land held unless Te Ture Whenua Māori Act 1993 provides otherwise. As a result, subdivision and development restrictions under this Bill may not apply in the same way. This creates a risk where development could occur in hazard-prone areas without consistent controls. Clear national guidance is needed, developed in partnership with Māori, on managing subdivision and development in hazard-prone areas. **Information sharing to understand effects of subdivision and development on the natural environment** For regional council to be able to review environmental capacity, natural resource demands such as for water, erosion-prone land and highly productive soils, environmental limits and outcomes under the Natural Environment Bill, they will need to be informed of when and where new subdivision and development is occurring. There are no clear mechanisms for sharing such information.	346. Provide guidance for both territorial authority and regional council roles for the duties listed under subpart 2 of Part 2 Foundations
27-43 Subpart 3 key instruments	Support with amendment	**Omission of regional council responsibilities relating to land use management** Regional councils need effective land use controls to carry out their statutory functions, beyond the use of designations. For example, HBRC manages major flood protection and drainage schemes in areas such as the Heretaunga Plains and Upper Tukituki. These schemes rely on appropriate land use controls to maintain their performance and safety. While regional spatial plans may identify their location, it is not	347. Provide guidance on integration across both Bills and resolving conflicts between all the plan instruments, alignment of plan-making processes, and addressing the split between the natural environment and the built environment. 348. Ensure activity classifications in land-use plans are consistent with NEP environmental limits and natural hazard risks identified.

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		appropriate for land use decisions affecting these schemes to sit solely with territorial authorities. **Bylaws and national rules** As discussed at clause 41 of the Natural Environment Bill above, Bylaws may have different functions to a land use plan, they are not a tool of the Resource Management Act, nor these two Bills. Local authorities hold bylaw-making powers under several acts, including the Local Government Act (both 1974 and 2002), the Maritime Transport Act 1994, the Soil Conservation and Rivers Control Act 1941 and the Reserves Act 1977. Regional councils are more constrained in terms of what they can make bylaws for than territorial authorities. Without the detail of what is proposed in national rules, it is difficult to assess the impact of this clause. For example, if national direction is provided regarding earthworks, this could include earthworks in the vicinity of stop banks. In this case, the bylaw should apply as it will likely be more stringent to protect the integrity of the stop bank and provide for community safety. Bylaws are much more tailored to local conditions, so it is difficult to see why a national rule should prevail.	349. Clarify how the spatial effect of an environmental limit (as expressed in the Regional Spatial Plan) is given effect through this Land Use Plan rule framework. 350. Amend clause 40 to remove bylaws from the list of instruments controlled by national instruments: *40(4) In this section, an instrument means a rule in a plan, a rule in a proposed plan that has legal effect, a natural resource permit, ~~a bylaw or~~ a water conservation order* 351. Alternatively, require the bylaw is reviewed to ensure consistency with national direction while enabling more activity-specific or location-specific bylaws. This would need to be addressed in Schedule 7 Amendments to other legislation, where a change would be required to the Local Government Act 2002 in that Act's provisions for bylaw-making.
44-62 Subpart 4 - National instruments		**Joint responsibilities for implementation of regional spatial plan** Clause 44 commences with the statement 'A local authority and a spatial plan committee must …' but the Planning Bill provides no further guidance on what a regional council must do to implement the spatial plan. Regional council responsibilities for regional spatial plan implementation are not well defined in the Planning Bill, and not readily understood under the Natural Environment Bill either. It is	352. Provide guidance to ensure that regional councils are able to integrate national direction with spatial plan direction and easily align with territorial authority Land Use Plans. 353. Ensure transitional arrangements are coherent, consistent and provide realistic timeframes for both Bills.

Part 2 Foundations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		difficult to understand how the regional spatial plan will be jointly implemented through the natural environment and land use (and built environment) plans. **Alignment of natural environment plan and land use plans** As already discussed above, it will be challenging to manage the split of the environment into natural and built, managed under two separate but connected Bills. The two are interconnected and not mutually exclusive. Human activities impact the natural environment; the natural environment fundamentally supports the built environment. National direction will be needed for this split of plans and local authority responsibilities to work effectively. The combined plan provisions in this Bill do not guarantee alignment. **Review of spatial plan to incorporate new environmental limits** There is no requirement for immediate review of the first (or any) regional spatial plan to give effect to any spatial ramifications of new environment limits. Such timely review is essential if a good quality natural environment is to sustain and support activities and the built environment. **More information is required to understand the effect of any national policy direction** The hierarchy (the "top-down" funnel of instruments) is central to the structure of this reform. Little information is available to regional councils to understand how this will work.	354. Ensure national policy direction provides for the timely review of regional spatial plan in light of new environmental limits set under the natural environment plan. 355. Ensure clear, coherent and consistent guidance is provided to enable effective integration of national policy direction and national standards in regional and local plan documents.

Part 3 Combined plan			
Clause	**Position**	**Issue & impacts**	**Relief sought**
63 Regional combined plan	Support with amendment	**Integrating the parts of the combined plan** Different entities are responsible for preparing the three types of plan that form the combined plan. There is no express process to check, align or resolve conflicts or gaps between all the component plans. Apart from environmental limits, there is no explicit requirement for strategic-level management concepts for the natural environment to be addressed in the regional spatial plan. The Bills assume implicitly that the plans will integrate, but there is no explicit statutory obligation for this to occur at anything other than the strategic level of decision making (clause 67). A simple way to ensure natural resource effects and constraints are considered for an activity is to require an early screen to check whether the activity also requires a permit under the natural environment plan. **Lack of explicit requirement for strategic-level input from the Natural Environment Bill** The only way that natural resources are explicitly addressed in the regional spatial plan are through the environmental limits. There is opportunity for natural resource management principles to be included, in particular to align built environment and urban natural environment direction. **Combined regional plan** Clause 63 moves multiple separate plans to a single combined plan that is published by the regional council. This shift will require close coordination between regional councils and territorial authorities, along with shared systems and processes. It is likely to involve investing in new IT tools and developing clear communication	356. Improve integration between the land use plan and natural environment plan by requiring a preliminary screen of an activity to check if it is regulated under the natural environment plan. If it is, then the activity can be assessed within the constraints of the natural environment plan, and a permit gained where necessary. 357. Require integration statements or cross-references to highlight inconsistencies and explain how conflicts are resolved between the three component plans of the combined plan. 358. Enable strategic concepts for managing natural resources to be explicitly considered as part of the regional spatial plan. 359. Clarify who is responsible for ensuring that the combined regional plan integrates and does meet the purposes and requirements of both Bills.

Part 3 Combined plan			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		strategies so the public understands and can engage with the new unified planning approach.	
64 Every region must have regional spatial plan	Support		360. Support as drafted, no relief sought.
65 Geographical boundaries of regional spatial plan	Support		361. Support as drafted, no relief sought.
66 Special provision for certain areas	Support		362. Support as drafted, no relief sought.
67 Purpose of regional spatial plans	Support with amendment	**Shaping spatial planning** This approach reflects need for coherent system architecture, strong evidence and science capability, and planning processes that anticipate climate impacts, natural hazards, and infrastructure pressures. It supports a planning system where resilience is not an add-on but a core organising principle woven through regional spatial plans and implementation pathways.	363. Provide guidance on the following: • conflict resolution between regional spatial plans relative to natural environment plans and land use plans. • whether a regional spatial plan can prioritise development in areas where limits are stressed, but constraints are low. 364. Proposed timing for spatial plans is problematic as currently it would precede environmental limits being set (national instruments and criteria), making it difficult to incorporate robust information into spatial plans and to plan where things would go spatially. Timeframes should be adjusted accordingly.

Part 3 Combined plan			
Clause	**Position**	**Issue & impacts**	**Relief sought**
			365. Recommend the identification of transitional constraints while national instruments are still being developed, for environmental limits.
68 How regional spatial plans promote integration	Support		366. Support as drafted, no relief sought.
69 Process agreement for preparation of regional spatial plan	Support with amendment	**Collaboration between organisations** This clause requires early and ongoing collaboration across the planning system. HBRC must ensure meaningful iwi, and hapū engagement throughout the process and identify and address cross boundary issues such as shared catchments or regional infrastructure links. This clause reinforces the need for coordinated work from the very beginning of plan development to maintain alignment, manage overlaps, and build durable regional outcomes.	367. Request guidance on which relevant agencies and Crown entities councils are required to work with.
70 Consultation with iwi	Support		368. Support as drafted, no relief sought
71 Requirement to have spatial plan committee	Support with amendment	**Spatial Planning Committee** This clause requires HBRC to take an active role in forming and participating in the governance structures that oversee regional planning. This may involve establishing new committees, adapting existing arrangements, and developing processes to support shared governance with territorial authorities and iwi and hapū. HBRC may need new frameworks and procedures to ensure these structures function effectively and reflect the wider system's expectations.	369. Clarify how this section interacts with proposed local government reform and the combined territories board which is stated as being the intended decision-making body.

Part 3 Combined plan			
Clause	**Position**	**Issue & impacts**	**Relief sought**
72 Ministerial appointments to spatial plan committee	Support with amendment	**Spatial planning membership** Central government influence plays a significant role in regional planning, meaning HBRC must actively manage its relationships with national agencies while safeguarding regional priorities and environmental objectives. This dynamic may require clearer engagement protocols, stronger coordination mechanisms, and processes that balance national direction with local needs and on-the-ground understanding.	370. Recommend clarifying how this section interacts with proposed local government reform and the combined territories board which was stated as being the intended decision-making body. Amendments may need to be made to reflect these possible changes.
73 Role of spatial plan committee	Support with amendment	**Spatial plan committee role** Ongoing involvement in planning committees and monitoring activities will require HBRC to dedicate sustained staff time and resources. This includes supporting continuous participation, ensuring representation in governance processes, and maintaining the capability needed to meet long term system expectations.	371. Recommend clarifying how this section interacts with proposed local government reform and the combined territories board which was stated as being the intended decision-making body. Amendments may need to be made to reflect these possible changes.
74 Other requirements relating to regional spatial plans	Support with amendment	**Spatial Plan Requirements** HBRC will need strong internal processes, disciplined documentation, and clear quality assurance checks to ensure every required step is completed correctly. Meeting these expectations protects the integrity of planning decisions and reduces legal and operational risk-assurance checks to ensure every required step is completed correctly. Meeting these expectations protects the integrity of planning decisions and reduces legal and operational risk.	372. Refer to relief sought for schedule 2
75 Purpose of land use plan	Support		373. Support as drafted, no relief sought.

Part 3 Combined plan			
Clause	**Position**	**Issue & impacts**	**Relief sought**
76 Each district must have 1 land use plan	Support		374. Support as drafted, no relief sought.
77 How land use plan is prepared or changed	Support with amendment	**Preparation of land use plans** While the consultation framework is similar to the RMA, the shortened timeframes and narrower submission rights create significant pressure if plans must be completed within two years. The freshwater planning process has been removed, and regulatory relief for landowners is tightly constrained, potentially creating confusion about who qualifies.	375. Amend to require mandatory cross-plan chapters in combined plans for any land-use provision that conflicts with environmental limits. 376. Require a joint chapter in combined plans outlining reconciliation of trade-offs, and dispute resolution between land-use and environmental plan provisions. 377. Require an 'integration audit' at the combined plan stage, assessing alignment between land-use allocations and environmental limits.
Schedule 4 Independent hearings panels	Support with amendment	**Independent Hearing Panels** This arrangement adds a central influence to panel decision making and may require HBRC to budget for additional, externally determined panel costs.	378. Amend clause 1(5) as follows: *means a member of that panel appointed by the Minister under* ***clause*** ~~***57***~~ ***5****…* 379. Amend clause 1(5) to as follows: *…* *(a) by 2 or more local authorities jointly under* ***clause*** ~~***58***~~ ***6(1)*** *or following a determination under* ***clause*** ~~***59***~~ ***6(3)****; or* *(b) by a local authority on its own under* ***clause*** ~~***60***~~ ***7****…* 380. Amend clause 7(d) as follows:

Part 3 Combined plan			
Clause	**Position**	**Issue & impacts**	**Relief sought**
			how the ~~territorial authority~~ <u>local authority</u> will provide administrative and specialist support… 381.Amend clause 8(4) as follows *(a) appointed jointly under **clause 6** must be paid at a rate determined in accordance with **clause 6(1)(c) or <u>6</u>(4)**…".*

Part 4 Planning consents			
Clause	**Position**	**Issue & impacts**	**Relief sought**
107 Meaning of planning consent	Support		382.Support as drafted, no relief sought.
108 – 116 General requirements	Support with amendment	**Section 109(3) does not clearly require sufficient information to understand the activity** – Section 109(3) applies a proportionality test requiring information to be provided at a level of detail proportionate to the scale and significance of the matter. However, it does not expressly require that sufficient information be provided to first identify and understand the effects of the activity. This creates a risk that proportionality is applied before effects are clearly understood and established. Without this information requirement, interpretations of what constitutes sufficient information may vary, increasing subjectivity among decision makers, including planning tribunals, and lead to inconsistent application across regions. **Clear guidance on proportionality and acceptance of incomplete applications** - guidance on how the 'proportionate to the scale and significance of the matter' test in clause 109(3) and (4) is to be	383.Amend Clause 1(b) of Schedule 6 – see section 6 recommended amendments. 384.Provide clear guidance on proportionality and acceptance of incomplete applications.

Part 4 Planning consents			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		applied in practice, and how consent authorities should interpret and implement the discretion to accept applications that do not fully comply with Schedule 6 information requirements would assist inconsistent interpretation and application across regions and reduce procedural uncertainty and the likelihood of legal challenge.	
117 – 118 Time frames and excluded time periods	Support with amendment	**Allow extension of timeframes when council operations disrupted** - Section 117(4) allows flexibility in certain circumstances. It would be appropriate to also provide for suspension or extension of processing timeframes where natural disasters, emergency events, cyber-attack or international software malfunction disrupt council operations or public participation, to improve certainty and resilience.	385. Amend Section 117 to add a new subclause 5 as follows: *(5)* <u>*A permit authority may suspend or extend the processing of an application for a natural resource permit where a natural disaster, state of emergency, or other exceptional circumstance materially disrupts:*</u> *(a)* <u>*the ability of the permit authority to process the application; or*</u> (b) <u>*the ability of affected persons to participate in the process.*</u>
119 - 122 Consent authority may require further information or report	Support with amendment	**Clause 140 does not clearly require sufficient information to understand the activity** These clauses apply a proportionality test to further information requests but does not expressly require sufficient information to first identify and understand the effects of the activity, nor does it clearly anchor proportionality to the scale and significance of those effects. This creates a risk that proportionality and cost considerations are applied before effects are properly established and is difficult to apply in practice where information costs are often uncertain at the time of request (as further investigations are typically scoped and costed by the applicant).	386. Amend as follows: *(2) The permit authority may make a request under subsection (1) only if it is satisfied that obtaining the information will ensure that the permit authority has enough information* <u>*to identify and understand the effects of the activity and*</u> *to understand the implications of its decision, after considering –*

Part 4 Planning consents			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		Practical uncertainty in assessing information request costs Requires permit authorities to consider the cost of obtaining further information at the time a request is made. In practice, these costs will often not be well understood by consent planners, as further investigations are typically scoped and priced by the applicant after a request is issued. This creates uncertainty about how the test is intended to operate and may imply that authorities should seek cost estimates before requesting information, adding unnecessary procedural complexity. The approach in section 92 of the RMA, which anchors proportionality to the scale and significance of the effects of the activity, provides a more workable and effects-focused framework and could be adopted here without changing policy intent.	*(a)* *whether the information sought is proportionate to the scale and significance of the effects of the activity; and*…
123 – 130 Notification	Support with amendment	**Notification** Refer to comments made for Part 4 Sections 144 – 153 of the NEA.	387. Refer to relief sought in equivalent sections of the NEA.
128 Whether person is affected person	Support with amendment	**Affected persons** Refer to comments made for Part 4 Sections 149 of the NEA.	388. Refer to relief sought in equivalent sections of the NEA.
137 – 149 Subpart 4—Consideration of application and decision	Support with amendment	**Consideration of application and decision** Refer to comments made for Part 4 Sections 154 – 167 of the NEA.	389. Refer to relief sought in equivalent sections of the NEA.
150 – 153 Conditions of planning consents	Support with amendment	**Consent conditions** Refer to comments made for Part 4 Sections168 - 171 of the NEA.	390. Refer to relief sought in equivalent sections of the NEA.

Part 4 Planning consents			
Clause	**Position**	**Issue & impacts**	**Relief sought**
154 - 155 Appeals	Support with amendment	**Appeals** Refer to comments made for Part 4 Sections172 – 173 of the NEA	391. Refer to relief sought in equivalent sections of the NEA.

Part 5 Key Roles			
Clause	**Position**	**Issue & impacts**	**Relief sought**
182 Functions of Minister	Support with amendment	**Minister's functions** The Minister has the ability to recommend national direction and national standards, approves designating authorities, and monitors how the system operates under this Act and the Natural Environment Act 2025. Integration between the Acts is crucial to ensure chapters fit together and are workable in one combined plan.	392. Provide consistency in how Ministerial direction and intervention powers are exercised across the Planning Bill and Natural Environment Bill, to avoid misalignment between land use plans, regional spatial plans, and natural environment plans.
184 Overview of responsibilities of territorial authorities	Support with amendment	**Spilt of responsibilities** Despite clause 184 being framed as outlining "territorial authority responsibilities," subclauses 184(3)(4) carve out a distinct role for regional councils in the coastal marine area (CMA). Anything occurring wholly within the CMA becomes a regional council responsibility, except that territorial authorities retain responsibility for public access and for ensuring integration with infrastructure. This creates a built-in split-responsibility arrangement: the regional council manages most coastal matters, while the territorial authority still controls access and infrastructure integration, even when activities are in or directly affect the CMA. The result is a risk of misalignment between land use plan provisions—particularly those relating to access and infrastructure—and regional coastal management and permitting functions, as well as potential uncertainty where infrastructure planning crosses the CMA	393. Provide mechanisms for resolving cross-boundary and regional issues, especially for natural hazards and infrastructure. 394. Provide explicit guidance (or national direction) on how TAs and RCs must coordinate on public access and infrastructure integration where those matters intersect with RC coastal functions.

Part 5 Key Roles			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		boundary. For HBRC, involvement would primarily occur through the regional spatial plan and ensuring that these responsibilities align with natural environment plans.	
186 Information gathering, monitoring, and keeping records	Support with amendment	**Monitoring of Natural Environment Plan Rules** Under clause 186(3)(a), territorial authorities must monitor the efficiency and effectiveness of rules or other methods in the regional plan—an unusual requirement because it places responsibility on TAs to assess how regional plan provisions are working, at least within their districts. This creates risks for HBRC, including inconsistent interpretations of regional provisions and the possibility of duplicated or conflicting narratives about how effective regional rules are in practice.	395. Seek clarification that TA monitoring of regional plan rules is intended to be informative and collaborative, not an alternative performance audit of regional councils; and encourage joint reporting frameworks (aligned indicators).
187 Further monitoring requirements	Support		396. Support as drafted, no relief sought
188 Duty to keep records about iwi and hapū	Support with amendment	**Iwi hapū records** Subclause 188(6) is particularly firm: any information collected under this provision must not be used for any purpose other than administering the Act. This restriction may unintentionally limit efficient cross-system collaboration—for example, preventing the use of territorial authority–held iwi and hapū planning document records to support joint spatial planning or alignment with Natural Environment Act processes. Councils may need to manage information securely and to navigate the tension between statutory confidentiality and the practical need for integrated planning-	397. Amend 188(6) as follows: *the purposes of this Act <u>and any jointly exercised function under the Planning Act 2025 and Natural Environment Act 2025.</u>*

Part 5 Key Roles			
Clause	**Position**	**Issue & impacts**	**Relief sought**
189 Obligations relating to statutory acknowledgements	Support with amendment	**Statutory acknowledgement obligations** Councils may need to adjust internal processes, update engagement protocols, or improve coordination with tāngata to ensure compliance across planning activities. These obligations can increase administrative demands but are essential to maintaining the integrity of Treaty settlements and ensuring planning decisions respect the relationships and rights they affirm.	398. Amend clause to align with NEA to ensure statutory acknowledgements encompass the likes of other arrangements with PSGEs.
190 Provision of relevant information to post-settlement governance entity	Support with amendment	**Supporting post-settlement information-sharing obligations** This may create additional administrative work for councils, including the need to follow up conversations and manage ongoing information requests, as the clause does not include a materiality threshold or a clear endpoint for these duties.	399. Provide guidance and resourcing to support councils in meeting their information-sharing obligations with post-settlement governance entities. 400. Limit the application of clause 226 to activities that may have a material effect on the statutory area or settlement interests of the post-settlement governance entity and align the timing of information provision more closely with notification decisions to avoid ongoing, undefined obligations. 401. Insert the following new subclause 190(1A) to give effect to these safeguards: *This section applies only where the consent authority considers that the proposed activity may have a material effect on the statutory area or settlement interests of the post-settlement governance entity.*
191-192 Administrative charges	Support		402. Support as drafted, no relief sought.

Part 5 Key Roles			
Clause	**Position**	**Issue & impacts**	**Relief sought**
193 Transfer of powers	Support with amendments	**Enabling flexible governance arrangements** This flexibility is valuable, it may require changes to accountability and reporting structures to ensure roles and responsibilities remain clear. Additionally, because transfers can be revoked at any time, the clause may create uncertainty for long term partnership or co-governance arrangements that rely on stability and enduring commitments.	403. Support the flexibility provided by Clause 193, while ensuring that clear, workable accountability and reporting structures accompany any transfer or delegation of responsibilities. 401. Provide guidance or criteria governing the revocation of transfers to give greater certainty and stability to long term partnerships and co-governance arrangement-term partnerships and co-governance arrangement.
194 -196 Delegation of functions etc	Support		402. Support as drafted, no relief sought.
197-200 Power to make joint management agreement	Support		403. Support as drafted, no relief sought.
201 – 209 Power of Minister to investigate and make recommendations and delegations	Support with amendment	**Ministerial powers** These provisions enhance transparency and accountability around ministerial directions but also introduce notable implications for local democracy, as central intervention may override or redirect local priorities. While such powers could be beneficial when addressing urgent resilience or hazard risks, they may also disrupt local planning workflows, potentially creating misaligned sequencing across regional and district plans.	404. Provide consistency in thresholds, processes, and safeguards for Ministerial intervention across the Planning Bill and Natural Environment Bill, to provide certainty for councils and avoid misaligned plan sequencing or resource allocation. 405. Provide clear guidance on information standards, formats, and timeframes where information requests affect regional councils.

Part 5 Key Roles			
Clause	**Position**	**Issue & impacts**	**Relief sought**
			406. Seek provision for cost recovery or support where information requests are extensive or resource intensive.
210 -215 System performance framework	Support	**Participating in system-wide monitoring and reporting** There is uncertainty about how this new system-level performance monitoring under the Planning Act interacts with or supplements existing State of the Environment reporting obligations under the Natural Environment Act.	407. Clarify the relationship between system performance monitoring and regional council SOE reporting to avoid duplication and ensure efficient use of resources. 408. Seek confirmation that appeal rights and the scope of Environment Court jurisdiction under Schedule 9 are intended to be materially consistent with the RMA framework during transition.

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & Impacts**	**Relief sought**
217 Duty to give certain information	Support with amendment	**Compliance and Enforcement Powers** We note the potential for disputes over what constitutes "reasonable grounds." To promote consistent national practice, we recommend that the Ministry provide statutory guidance and practical examples to support interpretation and implementation. HBRC also seeks the addition of explicit privacy safeguards within the Bill, including alignment with the Privacy Act and clarity regarding data storage and handling protocols, to ensure that the expanded powers are exercised in a legally robust and publicly trusted manner.	409. Retain expanded identification powers with clear operational guidance. 410. Provide protocols and examples for cross-direction powers. 411. Amend Part 1, clause 3 to include a new definition as follows: ***reasonable grounds*** *means a belief based on objective facts that would lead a reasonable person to conclude that a situation exists or an offence has occurred. It is more than mere*

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & Impacts**	**Relief sought**
			suspicion, but less than proof beyond reasonable doubt. 412. Align privacy safeguards with the Privacy Act and clarify data storage requirements.
218 Authorisation and responsibilities of enforcement officers	Support		413. Support as drafted, no relief sought.
219-227 Enforcement functions of EPA, and Proceedings under this subpart	Support with amendment	**Define Thresholds for EPA Intervention clauses 220-221 Planning Bill** HBRC will need to update operational procedures, staff training, and reporting systems to meet these new requirements. The EPA is empowered to intervene in enforcement actions, which increases central scrutiny and may lead to duplication unless clear protocols are established. Councils must maintain transparent records and be prepared for EPA information requests, with financial implications if courts award prosecution costs in complex cases.	414. Amend appropriate clause clearly define the "necessary or desirable" threshold for EPA intervention and enforcement against regional councils, ensuring proportionality and predictability in decision-making. 415. Clarify how enforcement functions under the NE Bill integrate with Schedule 8 of the Planning Act 2025, particularly regarding monetary benefit orders and pecuniary penalties. 416. Provide protocols for EPA Intervention - develop a Memorandum of Understanding (MoU), protocol, or criteria outlining triggers for EPA intervention, including consultation requirements and decision-making processes. 417. Include provisions to ensure cost orders issued by courts in EPA-led cases are proportionate and take into account the complexity and scale of enforcement actions.

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & Impacts**	**Relief sought**
			418. Provide clear statutory guidance on data and reporting standards, including timelines for information requests and annual reporting obligations to the EPA, to support transparency and compliance.
228-231 Declarations	Support with amendment	**Expanded Declaration Powers** The provisions also introduce exclusions related to customary rights, clarifying the limits of declaratory jurisdiction. The broadened declaration powers are expected to increase the complexity of plan-making and enforcement, creating a higher likelihood of legal challenges and an associated increase in workload for councils. Given the wider range of instruments now subject to declaration, robust evidence, clear reasoning, and strong alignment between plans and national or spatial instruments will be increasingly important to avoid declaratory challenges and ensure defensible decision-making.	419. Provide statutory provisions to support efficient scheduling of declaration hearings and transparent criteria for granting declarations, to reduce delays and uncertainty. 420. Allow cost recovery for systemic issues. Recommend that councils be enabled to recover costs where declarations resolve systemic issues benefiting multiple parties. 421. Provide guidance on the standard of evidence required for declarations, to ensure robust and defensible outcomes and minimise litigation risk.
232-239 Enforcement orders	Support with amendment	**Strengthened Enforcement Order Framework** A shift is the change in the legal threshold from “remedy or mitigate” (RMA s.314(c)) to “minimise or remedy” (NE Bill s.258(c)). This raises the compliance bar, requiring parties to reduce adverse effects to the lowest practicable level. This change is likely to lead to more stringent requirements and greater scrutiny of council decisions. HBRC supports the intent to strengthen environmental protection but recommends that the Bill provide clear statutory guidance on the meaning of “minimise”, including how factors such as practicality, cost, and proportionality should be weighed. Such clarity will help ensure enforcement orders are effective, defensible, and fair.	422. Provide fast-track enforcement pathways in natural hazard contexts and explicit authority to include resilience-enhancing remedial actions (e.g., riparian restoration sediment traps) within enforcement orders. 423. Include explicit provisions allowing rapid issuance of enforcement orders in urgent environmental or natural hazard situations, with appropriate review safeguards.

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & Impacts**	**Relief sought**
			424. Provide for enforcement orders to expressly permit resilience-enhancing remedial actions, such as restoration works that minimise future risk. 425. Include clear statutory guidance on the interpretation of 'minimise', including consideration of practicality, cost, and proportionality. This will help ensure enforcement orders are effective, defensible, and fair.
240-245 Abatement notice	Support with amendment	**Modernised Abatement Notice Powers** Abatement notices remain a flexible and effective compliance tool for HBRC, enabling rapid intervention in urgent or high-risk situations—for example, pollution events or flood-risk works requiring immediate cessation or corrective action. The NE Bill broadens the application of abatement notices to include new instruments such as national rules and covenants, better reflecting the Bill's expanded planning hierarchy. The provisions also introduce more detailed requirements for notice content and minimum compliance periods, supporting greater clarity, transparency, and consistency in their use. The explicit reference to the Environmental Protection Authority (EPA) as an issuing authority further strengthens alignment across the regulatory system. Effective preparation and defensibility will continue to rely on robust monitoring data, clear documentation of "reasonable grounds," and strong record-keeping. Implementation will require updated templates, staff training, legal review, and integration with HBRC's digital systems to ensure efficient and compliant use.	426. Provide nationally consistent guidance clarifying the evidential threshold for issuing abatement notices within the expanded planning system, including examples for situations involving spatial plan sequencing, hazard overlays, cross boundary development, and complex consenting arrangements. 427. Seek standardised abatement notice templates that incorporate the additional content requirements (e.g., national planning rules, spatial layers, integrated planning instruments) to ensure consistency across regional and district authorities and reduce legal vulnerability. 428. Amend clauses 240–241 to expressly allow for accelerated abatement processes in urgent situations (e.g., critical infrastructure interference, land use activities exacerbating natural hazard risk), with safeguards for subsequent review. This aligns

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & Impacts**	**Relief sought**
		Abatement notices must also align with national rules, limits, regional plan rules, and the emerging climate-resilience context.	with the speed required for environmental risk abatement under the NE Bill. 429. Provide statutory clarification on how notices should be framed when breaches relate to multiple instruments (e.g., spatial plan + combined plan + national planning rule), to avoid ambiguity and strengthen defensibility.
246 Restrictions on certain applications for enforcement orders and abatement notices	Support with amendment	**Maritime activity restrictions on enforcement tools** The clause establishes clear boundaries around when enforcement orders and abatement notices may be sought in relation to maritime activities regulated under the Maritime Transport Act 1994. By restricting the use of these tools in situations already governed by Maritime New Zealand or subject to specific maritime emergency powers, the Bill avoids duplication, conflicting processes, and potential jurisdictional overlap. This provides legal certainty and helps streamline compliance and incident management, ensuring that maritime pollution and emergency responses are handled by the appropriate lead authority. However, these exclusions may limit HBRC's ability to intervene directly in maritime incidents, even where urgent environmental or hazard risks emerge—such as nearshore pollution or vessel-related debris affecting river mouths or estuaries. In such cases, councils may need to escalate concerns rapidly or maintain close coordination with maritime authorities to ensure a timely and effective environmental response.	430. Clarify the scope and intent of restrictions to avoid constraining urgent compliance action to ensure that restrictions on concurrent enforcement pathways do not unintentionally limit the Council's ability to respond rapidly in situations involving significant environmental risk, natural hazards, or critical infrastructure effects. 431. Amend clause 246 by inserting explicit exceptions for urgent or high risk scenarios.

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & Impacts**	**Relief sought**
250-253 Powers of entry and search	Support with amendment	**Powers of search and entry** The word "generally" after "police constable" in clause 277 causes unnecessary ambiguity in the provision. For enforcement powers, it is essential that the legislation clearly defines who holds authority, without leaving room for doubt or inconsistent interpretation. If there are intended exceptions to police constable powers, these should be set out explicitly in the Bill or supporting regulations, rather than implied through vague language.	432. Amend clause 253 by removing the word "generally" after "police constable", unless a clear and specific rationale is provided.
254-260 Offences, Limitation periods, and Penalties	Support with amendment	**Changes to offences** Clauses 278–286 of the Natural Environment Act significantly expand the offence regime by making breaches of both core environmental duties and new compliance tools—such as monetary benefit orders, enforceable undertakings, adverse publicity orders and emergency response regulations—prosecutable.	433. Provide explicit statutory guidance or cross references clarifying how Planning Act offences should be applied when planning breaches cooccur with natural resource or environmental limit breaches under the NE Act. -references clarifying how Planning Act offences should be applied when planning breaches co-occur with natural resource or environmental-limit breaches under the NE Act.
261 Insurance against fines unlawful	Support		434. Support as drafted, no relief sought.
262-271 Infringement offences	Support with amendment	**Infringement offence changes** Electronic service expanded notice particulars, and alignment with Planning Act schedules will require HBRC to revise templates, IT systems, and staff training to ensure notices are validly issued. The broader planning hierarchy increases complexity in determining when infringements are appropriate, making clear internal guidance essential to avoid inconsistent application. While the system supports efficient low-level enforcement, incorrectly drafted or served notices	435. Provide guidance outlining how infringement notices should be calibrated relative to abatement notices, enforcement orders, and prosecutions in order to support consistent, risk-based enforcement across councils and reduce potential for inconsistent or disproportionate outcomes. 436. Seek standardised infringement notice templates, service protocols (including electronic service), and

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & Impacts**	**Relief sought**
		carry legal risk, and differences between the Planning Act and NE Act infringement regimes—especially the EPA's role—may cause confusion without clear public guidance.	recordkeeping expectations to ensure notices meet statutory requirements.
272 Local authorities to prepare compliance and enforcement strategy	Support with amendment	**Increased governance and operational demands** The requirement to maintain registers and provide planning related guidance increases operational workload and demands robust data pipelines and quality assurance processes. The transparency obligations also elevate reputational risk if resource constraints limit implementation or create inconsistencies between Planning Act and Natural Environment Act compliance functions-facing -related guidance increases operational workload and demands robust data pipelines and quality assurance processes. The	437. Ensure that strategies align with national compliance priorities and EPA reporting standards to avoid duplication and ensure consistency. 438. Provide clarity on review intervals and expectations for updates to ensure strategies remain current and effective.
273-274 Providing information and guidance	Support with amendment	**Providing information** These requirements significantly increase HBRC's operational workload by mandating new public facing information systems, consistent messaging across planning and compliance functions, and more rigorous recordkeeping. Ensuring accuracy across registers and published materials will require new data flows, internal quality controls, and coordination across policy, consents, compliance, and communications teams. The expanded transparency expectations also heighten reputational risk if information is incomplete, delayed, or inconsistent with Natural Environment Act disclosure requirements.	439. Develop national templates and minimum standards for public registers and guidance materials. 440. Aid with the development or upgrade of digital platforms, GIS integrations, workflow systems, and public facing interfaces to enable councils to meet new information provision duties efficiently. 441. Clarify what constitutes "timely" updates to public information, how frequently registers should be reviewed, and whether councils are expected to proactively notify changes. 442. Recommend that the Act or associated regulations explicitly allow (or clarify the ability) to recover costs for substantial information requests or specialised data extraction, particularly where

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & Impacts**	**Relief sought**
			requests exceed standard guidance or register functions.
275-280 Subpart 2—Emergency works	Support with amendment	**Emergency work provisions** The emergency works provisions support rapid intervention during declared emergencies but require HBRC to follow clear post-event notification and regularisation steps. These obligations increase administrative workload and require strong coordination across engineering, consents, compliance, and emergency management teams. Emergency works may be scrutinised after the fact, and failure to meet statutory requirements could expose HBRC to legal, financial, or reputational risks.	443. Provide national guidance outlining the specific information required for post-event notifications, acceptable formats, timeframes, and expectations for transitioning from emergency response to consent regularisation. This will reduce legal and procedural risk when multiple agencies are involved. 444. Clarify how Planning Act emergency works provisions interact with the CDEM Act during emergencies and transition periods, including roles, responsibilities, and communication pathways. 445. Clarify eligible costs, documentation requirements, and timetables; advocate for recovery of monitoring/restoration costs.
281-282 Subpart 3—Regulations	Support with amendment	**Monitoring regulations** HBRC must monitor new regulations closely as they can override or require changes to local rules without standard plan change processes. Operational systems must adapt quickly to new forms, fees, and monitoring standards. Risk of resource strain if regulations impose extensive reporting or technical requirements.	446. Seek clarity on consultation processes for regulations. 447. Provide reasonable lead-in times. 448. Request funding support for compliance with new technical standards and monitoring duties.
283 Regulations relating to planning consent levy	Support with amendment	**Planning consent levy regulations** Clause 283 lacks sufficient clarity around how levies will be structured, calculated, or allocated, creating uncertainty for regional authorities	449. Seek amendments to ensure levy design is transparent, equitable, and does not create unfunded mandates for regional councils.

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & Impacts**	**Relief sought**
		and consent applicants about the financial implications of the new regime. Without defined principles or criteria for levy waivers or exemptions, councils may face increased disputes, complaints, or inconsistent expectations from applicants. The provision may also create tension with HBRC's statutory duty to operate in a timely and cost-effective manner if the levy requirements add complexity to consent processing. Clear national guidance will be essential to avoid ambiguity, ensure consistent practice, and reduce the risk of administrative inefficiency or challenge.	
284 – 286 Waiver and extension of time limits	Support with amendment	**Extension of time limits** Clauses 284–286 establish additional requirements relating to levy processes, yet provide limited clarity on how levy structures, amounts, or allocation principles are to be determined. This lack of specificity creates uncertainty for both regional authorities and consent applicants regarding financial impacts and administrative burden. The provisions may also create tension with HBRC's statutory obligation to operate in a timely and cost-effective manner if levy administration adds complexity to consent processing. Without explicit criteria for exemptions or waivers, councils may face increased disputes or applicant challenges. Clear national guidance will be essential to ensure consistent operation, minimise administrative inefficiencies, and avoid the risk of inconsistent or contested levy decisions.	450. Amend clause 283 to ensure levy-setting decisions are evidence-based and accompanied by robust economic analysis, consistent with the consultation expectations in clause 46. 451. Amend clauses 284 – 285 to define or provide examples of "special circumstances" to mitigate interpretive uncertainty (while retaining the exclusions in clause 285(6)).
288 Crown's existing rights to resources to continue	Support with amendment	**Interaction of Crown rights** Preserves all existing Crown rights irrespective of the repeal of prior enactments but does not clarify how these rights interact with planning instruments, allocation processes, or regional limits under the new system.	452. Seek clarification on how historic rights interact with new allocation, limit-setting and regional planning processes. 453. Add a requirement that the Crown provide publicly available records of all rights or interests continued

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & Impacts**	**Relief sought**
			under this section to support transparent plan development and allocation. 454. Clarify how continued rights will be reconciled with environmental limits under the Natural Environment Bill.
289 Vesting of reclaimed land	Support with amendment	**Vesting of reclaimed land** This section lacks clarity on the respective roles of LINZ, EPA and regional councils and does not clearly outline how historic or undocumented reclamations should be treated, nor how vesting interacts with existing coastal titles, RMA-era authorisations, or Treaty settlement mechanisms.	455. Amend clause 289 to require the Minister for Land Information to publish statutory guidance on vesting processes, including: (a) steps for vesting reclaimed land, (b) expected timelines, and (c) coordination requirements between LINZ, EPA, and regional councils.
290 Matters may be determined by arbitration	Support		456. Support as drafted, no relief sought.
291 Collection and spending of planning consent levy	Support with amendment	**Financial Accountability Requirements for Levy and Allocation Revenues** These provisions are designed to ensure councils have dedicated funding to fulfil their statutory functions but also impose limits on how levy funds may be applied, reducing flexibility and increasing reporting and audit obligations. For HBRC, implementing these requirements will likely necessitate updates to financial systems, strengthened revenue tracking processes, and clear internal protocols to maintain transparency and comply with expenditure restrictions-tracking processes, and clear internal protocols to maintain transparency and comply with expenditure restrictions	457. Clarity sought on reporting, auditing and ring-fencing levy spending. Councils require certainty that levy obligations do not create unfunded mandates. 458. Clarity sought on equity and affordability for resource users to ensure fair, proportionate impacts across sectors and avoid unintended economic distortions. 459. Seek clear regulatory frameworks and safeguards to avoid perverse incentives or inequitable access to resources.

Part 6 Enforcement and other matters			
Clause	**Position**	**Issue & Impacts**	**Relief sought**
292-293 Joint regional and district planning documents	Support	**Joint documents** This clause presents no major operational change but emphasises the need for coordinated processes, shared workflows, and clear inter-council governance arrangements to support efficient joint planning under the new system.	460. Clarify the how the NEA natural environment plans interface with Planning Act requirements for combined or joint documents. 461. Ensure joint-planning processes under the Planning Act will enable effective integration between regional and district functions. Particularly where environmental limits intersect with land-use planning decisions.
294 Amendments to other legislation	Support with amendment	**Changes to other legislation** This clause makes consequential amendments across multiple statutes to align them with the Planning Act. Consequential amendments may interact with or affect new joint planning requirements (clauses 292–293), EPA oversight functions, or Natural Environment Act enforcement provisions.	462. Amendments are required to provide consolidated guidance on the nature, extent, and implications of these changes, given their potential to affect planning, consenting, monitoring, and enforcement processes across multiple regimes.
295 Hearing to be held in public and orders protecting sensitive information	Support with amendment	**Hearings** Reaffirms the presumption of public hearings but allows exclusion of the public and suppression of information where necessary to protect commercially sensitive, confidential, or culturally sensitive material. Balances transparency with protection of sensitive information. May require new protocols for handling such information.	463. Clarity on process and thresholds for non-public hearings.

Schedule 1 Transitional, savings, and related provisions			
Clause	**Position**	**Issue & impacts**	**Relief sought**
4 Ending of transition period		**Co-governance gap during the transition:** The Bills allow two years to renegotiate Treaty co-governance arrangements (clause 9) but also require new spatial plans to be developed during that same period. In Hawke's Bay, this creates a real risk that the Hawke's Bay Regional Planning Committee (a statutory body established through Treaty settlements) could be left dependent on future negotiations while the first Regional Spatial Plan and Natural Environment Plan are being drafted. If the transition ends before co-governance arrangements are confirmed in the new system, it could result in poorer plan quality, weaken established partnership models and create uncertainty for both iwi, hapū and council. Including a new requirement that allows a delay for regions with established co-governance legislation ensures the RPC's can be explicitly transitioned into the new framework before substantive work begins on the first combined plans, rather than being "negotiated" while planning is already underway.	464. Amend clause 4(1) to include a new requirement that for regions with established co-governance legislation (such as the Hawke's Bay Regional Planning Committee Act 2015), the Minister must not recommend an Order in Council to end the transition period until the Crown has finalised agreements with Post-Settlement Governance Entities.

Schedule 2 Spatial Plans			
Clause	**Position**	**Issue & impacts**	**Relief sought**
2 Contents of regional spatial plans		**No clear hierarchy to avoid high-hazard areas** The Bills allow Regional Spatial Plans to be notified before key hazard and limit information is available. This sequencing risks locking in growth in areas that may later be shown to be unsafe or unworkable at a later date. Compulsory matters don't clearly prioritise avoidance, so there is no strong requirement to steer development and infrastructure to lower-risk locations.	465. Amend Clause 3 of Schedule 2 to require RSPs to follow the risk-based hierarchy for land use set out below: • **Avoid:** Prevent new development and intensification in identified high hazard areas.

Schedule 2 Spatial Plans			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		Consistence with best available information Clause 2 lacks clarity and consistency, as it does not require use of the best available information, leaves "strategic importance" undefined, and risks overly broad or inaccurate mapping of natural hazard and natural area constraints—creating uncertainty, litigation risk, and misalignment with later planning instruments. Clearer definitions, risk-based hazard identification, and guidance for regions without existing SNA mapping are needed to ensure Regional Spatial Plans are accurate, defensible, and implementable. **Disconnect between planning and funding** RSPs are meant to co-ordinate infrastructure, but the Bill does not clearly require alignment with national transport funding frameworks such as the National Land Transport Fund or the Government Policy Statement on Land Transport. This risks plans identifying staged growth areas without a realistic or secure transport funding pathway. In Hawke's Bay, that alignment is especially important to deliver resilient growth corridors and evacuation routes needed for climate adaptation.	• **Manage**: Implement strict resilience and engineering standards for moderate-hazard risk. • **Direct**: Actively direct regional growth and infrastructure investment toward identified low hazard areas. 466. Amend Clause 3 to include a requirement that RSPs: • must demonstrate integration with transport funding frameworks and the Land Transport Management Act 2003. • identify and protect key transport corridors, including emergency evacuation routes and major growth and freight routes, so infrastructure investment is directly linked to regional resilience outcomes. 467. Amend clause 2 to explicitly include the words "must use best available information" when identifying contents of regional spatial plans. 468. Define "strategic importance" under clause 2(3)(a). 469. Require when spatially identifying natural hazard constraints, the level of risk should be identified within these constraint areas. This should be based on risk levels such as those developed under the NPS-NH (Very high, high etc), as an area susceptible to natural hazards will have different levels of risk (i.e. return intervals) within that area. Without more detail on the levels of risk it could be

Schedule 2 Spatial Plans			
Clause	**Position**	**Issue & impacts**	**Relief sought**
			prohibitive to identify an area as having a natural hazard constraint. 470. Request guidance where regions, or parts of regions, without identified significant natural areas (SNAs) do not map natural areas as constraints initially (as they have not officially been identified as SNAs) but carry out SNA identification following notification of the natural environment plan – potentially in areas that have been identified as non-constrained.

Schedule 3 Further provisions relating to plans			
Clause	**Position**	**Issue & impacts**	**Relief sought**
62 – 75 Regulatory relief		**Unfunded mandate and fiscal risk** The framework could expose councils to large and uncertain costs. HBRC is concerned councils may be required to provide compensation or rates relief for restrictions that arise from mandatory National Instruments. This would shift the cost of national policy choices onto local ratepayers. Without safeguards, councils could feel pressure to weaken environmental protections to avoid unsustainable liability or legal challenge linked to these types of decisions. There is also a risk of claims for long-standing protections already in place under the RMA, creating windfall payments rather than addressing genuinely new impacts.	471. Amend to include the following: • Limit Triggers to Local Discretion: Specify that regulatory relief is only triggered if a local authority imposes rules that are substantively more restrictive than the mandatory minimum requirements of a National Instrument. Liability should not accrue to councils for merely giving effect to national direction. • Exempt Legacy Protections: Amend Clause 64 or 68 to clarify that relief does not apply to rules carried forward from operative RMA plans that do not substantively increase the existing restriction on land use

Schedule 3 Further provisions relating to plans			
Clause	**Position**	**Issue & impacts**	**Relief sought**
			• Require Crown Co-funding: Include a statutory requirement for Crown co-funding for any relief provided in relation to "National Priority Topics," such as indigenous biodiversity, to reflect the national and international obligations being met through local implementation.

Schedule 5 Designations			
Clause	**Position**	**Issue & impacts**	**Relief sought**
8-12 Designating authorities		**Designating authorities** Local authorities and flood infrastructure are not included in the list of core infrastructure operators. Flood infrastructure is covered by eligible infrastructure but it is only included in clause 9(l) where a SPV constructs or proposes to construct, local authorities are not included.	472. Amend clause 9(l) as follows: *is a responsible SPV or local authority that constructs or proposes to construct eligible infrastructure; or*
32-35 Securing designation through spatial planning process		**Designations through spatial planning** There will be a lot of work for the spatial plan committee (and officers) to do in a short space of time, and timeframes for designating authorities will also be tight, they may not take up offers as timeframes too tight.	473. Consider the timeframes for spatial planning to make sure that councils and designating authorities can comply with the timeframes. 474. Clarify if the designation will have to go through its own hearing and appeals and then get incorporated into the spatial plan, or if this could be part of the spatial planning hearing.

Schedule 6 Information required in applications for consent			
Clause	**Position**	**Issue & impacts**	**Relief sought**
6 Information required in assessment of environmental effects	Support with amendments	**Provision of information** Clause 1 does not clearly require sufficient information to understand the activity - Clause 1 applies a proportionality test requiring information to be provided at a level of detail proportionate to the scale and significance of the matter. However, it does not expressly require that sufficient information be provided to first identify and understand the effects of the activity. This creates a risk that proportionality is applied before effects are clearly understood and established. Without this information requirement, interpretations of what constitutes sufficient information may vary, increasing subjectivity among decision-makers, including planning tribunals, and lead to inconsistent application across regions.	475. Amend Clause 1(b) of Schedule 6 as follows: *(b) is sufficient to identify and understand the nature and extent of the effects of the activity and be proportionate to the scale and significance of the activity.*

Schedule 8 Enforcement matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
1 Application and interpretation of terms	Support with amendment	**Dual-Act application lacks operational clarity** Clause 1 maps terminology but does not fully signpost the shared enforcement instrument set or specify how EPA vs council roles apply when Schedule 8 is read under the NE Act. This creates avoidable risk during transition and complicates SOPs/training. **Interface risks (duplication/gaps)** Without an explicit priority/non-duplication clause, practitioners may either double-handle or under-enforce where both land-use controls and natural resource limits are in play.	476. Amend clause 1 by inserting the following additional clauses: *(1A) For the purposes of this schedule, enforcement instrument means any of the following: a financial assurance (clauses 2 to 19), an adverse publicity order (clause 20), an enforceable undertaking (clauses 21 to 28), a monetary benefit order (clause 29), and a pecuniary penalty order (clauses 30 to 34).*

Schedule 8 Enforcement matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		For councils, clause 1 is the hinge that lets one set of instruments work across both Acts. Strengthening it with explicit scope, priority, and an enabling hook for methods/templates will materially reduce transition risk and help the EPA and councils move quickly and consistently.	*(1B) For the avoidance of doubt, each enforcement instrument may be used under this Act and the Natural Environment Act 2025, subject to the translation rules in subclauses (2) and (3).* *(1C) Priority and non-duplication — If conduct appears to contravene obligations regulated under both this Act and the Natural Environment Act 2025, authorities must apply this schedule under the Act that directly regulates the contravened obligation. This does not prevent action under the other Act in relation to distinct obligations arising from the same conduct.*
2-19 Financial assurances	Support with amendment	**Absence of nationally consistent methods for calculating financial assurance (FA) amounts** Without prescribed calculation and evidential standards, councils face challenge over: how FA amounts were determined, whether FA forms are acceptable, whether reviews/amendments were reasonable. Potential for disproportionate or insufficient FAs without statutory criteria. This poses environmental, financial, and reputational risks for councils. **Unclear interface with NE Bill enforcement and EPA powers** NE Bill gives EPA parallel enforcement powers tied back to Schedule 8. HBRC needs clear protocols to avoid duplicated investigations, conflicting assessments of FA adequacy and unclear lead agency. **No clear interface with NE Bill environmental limits**	477. Amend clause 2, by inserting a new clause 2A to introduce nationally consistent methods for calculating financial assurance amounts” *2A National standards for financial assurances* *(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, prescribe national standards for financial assurances.* *(2) National standards may include methodologies for calculating assurance amounts, evidential requirements, risk-based criteria, forms of acceptable assurance, and model templates.*

Schedule 8 Enforcement matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		Schedule 8 does not specify whether FA amounts must reflect environmental limits set under the NE Bill, cumulative effects, or catastrophic-risk scenarios. Without explicit linkage, councils risk inconsistency between Planning Act decisions and NE Bill obligations, and applicants may challenge FA determinations as either excessive or insufficient.	*(3) A local authority or consent authority must have regard to any such national standard when requiring, reviewing, amending, or releasing a financial assurance.* 478. Amend clause 12, by inserting a new clause (12A) to strengthen lead-agency protocols (EPA-council). *12A Coordination with Environmental Protection Authority* *(1) Where the Environmental Protection Authority exercises, or intends to exercise, enforcement functions in relation to an activity that is the subject of a financial assurance, the Authority and the relevant consent authority must—* *(a) notify each other without unreasonable delay; and* *(b) cooperate to avoid duplication of investigation or enforcement effort; and* *(c) share relevant information to the extent permitted by law.* (2) *A financial assurance must not be drawn upon by both agencies for the same remedial action.* 479. Add a clause requiring: • coordination protocols

Schedule 8 Enforcement matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
			• information-sharing duties • EPA notification before exercising powers • Clear delineation between EPA and council action
20 Adverse publicity orders	Support		480. Support as drafted, no relief sought.
21-28 Enforceable undertakings	Support with amendment	Enforceable undertakings (EU) are a useful modern enforcement tool and provide flexible alternatives to prosecution. However, the provisions lack statutory criteria for acceptance, clear guidance on when EUs are appropriate relative to other enforcement pathways, or clarity on EPA–council responsibilities in joint jurisdictions. There is no requirement to consider environmental limits under the NE Bill, no explicit cultural or community consultation requirements, and no cost-recovery mechanism. These gaps create operational risk and inconsistency and may undermine the integrity of the enforcement system.	481. Insert the following new clauses *Criteria for acceptance of enforceable undertakings* *(1) When considering whether to accept an enforceable undertaking, the consent authority or the Environmental Protection Authority must have regard to—* *(a) the nature, scale, and seriousness of the alleged contravention; and* *(b) the actual or potential adverse effects on the environment, including cumulative effects; and* *(c) any applicable environmental limits under the Natural Environment Act 2025; and* *(d) the compliance history of the person offering the undertaking; and* *(e) any benefit obtained through the contravention; and*

Schedule 8 Enforcement matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
			(f) *the public interest.* (2) *An enforceable undertaking must not be accepted where the offending involves reckless, knowing, or repeated behaviour.* *Coordination with Environmental Protection Authority* (1) *Where both the Environmental Protection Authority and a consent authority have enforcement jurisdiction, the agencies must determine a lead agency before considering any enforceable undertaking.* (2) *An enforceable undertaking may be accepted only with the agreement of both agencies.* (3) *Only one enforceable undertaking may be accepted in relation to the same contravention.* *Cost recovery* (1) *A consent authority may recover from the person bound by an enforceable undertaking all reasonable costs incurred in—* (a) *monitoring compliance with the undertaking;* (b) *obtaining or commissioning independent verification;*

Schedule 8 Enforcement matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
			(c) *legal and administrative oversight.*
29 Monetary benefit orders	Support with amendment	Monetary benefit orders fill a significant gap in the enforcement framework by enabling the court to remove financial gains from offending. However, the Bill lacks nationally consistent methodologies for calculating monetary benefit or avoided costs, which creates litigation risk and regional inconsistency. There is no EPA–council protocol, no evidential guidance, no requirement to consider environmental-limit implications, and no direction on the appropriate use of funds recovered. Without these improvements, monetary benefit orders may be inconsistently applied and vulnerable to challenge. This is a form of "profit-stripping" to ensure breaches do not generate economic advantage.	482. Require national standards or regulations prescribing methodologies and evidential expectations for assessing monetary benefit. 483. Insert EPA-council requirements, including identifying a lead agency and preventing duplicate claims. 484. Require courts to consider environmental-limit pressure, cumulative effects, and avoided restoration costs. 485. Clarify that recovered monetary benefit must be applied to environmental restoration, compliance monitoring, or community environmental outcomes in the affected area. 486. Require transparency of calculations and public reporting.
30-34 Pecuniary penalty orders	Support with amendment	Pecuniary penalty orders introduce a new civil-penalty regime not previously available under the RMA. While this enhances the enforcement toolbox, the provisions lack clear statutory criteria guiding when pecuniary penalties should be pursued instead of criminal prosecution, how penalty levels should be set, and how consistency across regions will be ensured. The Bill also does not address EPA–council coordination, interaction with environmental limits under the NE Bill, or the appropriate application of penalty proceeds. These gaps increase legal risk, administrative burden, and the likelihood of inconsistent enforcement outcomes.	487. Insert statutory criteria clarifying when pecuniary penalties are appropriate relative to prosecution and other Schedule 8 tools. 488. Require national guidance or standards for setting penalty quantum and evidential expectations. 489. Clarify EPA-council roles and prevent duplication of penalty actions.

Schedule 8 Enforcement matters			
Clause	**Position**	**Issue & impacts**	**Relief sought**
			490. Require courts to have regard to environmental-limit effects and cumulative impacts when setting penalties. 491. Provide direction on the application of pecuniary-penalty proceeds to environmental or compliance outcomes.

Schedule 9 Environment Court			
Clause	**Position**	**Issue & impacts**	**Relief sought**
3-7 Constitution of Environment Court	Support		492. Support as drafted, no relief sought.
8-43 Members of Environment Court	Support		493. Support as drafted, no relief sought.
44-49 Powers of Environment Court	Support		494. Support as drafted, no relief sought.
50-62 General, Representation at proceedings, Conferences, Alternative dispute resolution and Hearing	Support		495. Support as drafted, no relief sought.
63-67 Evidence	Support with amendment	Councils increasingly manage documents through digital workflows, with authenticated digital copies serving as the primary evidential form. Retaining the RMA-era certification framework (hard-copy	*496.* Replace clause 65(1)-(2) with the below to modernise the evidential status of planning

Schedule 9 Environment Court			
Clause	**Position**	**Issue & impacts**	**Relief sought**
		oriented, officer certification) is a mismatch with the anticipated streamlined digital system.	documents by explicitly enabling authenticated digital copies: *(1) A digital copy or extract of a plan, including any regional planning instrument prepared under this Act, is admissible in evidence to the same extent as the original document if it is—* *(a) authenticated through an approved digital verification method; or* *(b) certified as a true copy by the principal administrative officer or any authorised officer of the relevant local authority.* (2) *Regulations made under this Act may prescribe acceptable digital authentication methods for the purposes of subclause (1)(a).*
68-71 Witnesses and Privileges and immunities	Support		497. Support as drafted, no relief sought.
72-86 Decisions and appeals	Support		498. Support as drafted, no relief sought.
87-99 Miscellaneous and general provisions	Support		499. Support as drafted, no relief sought.

Schedule 10 Planning Tribunal			
Clause	**Position**	**Issue & Impacts**	**Suggested Amendments and Actions**
1-3 Interpretation, Establishment of tribunal	Support with amendment	Establishes a new Planning Tribunal as a specialist division of the Environment Court to review administrative decisions. This is a significant structural departure from the RMA, which provided no equivalent body. Introduction of a second dispute-resolution tier increases system complexity and requires councils to redesign internal processes, workflows, and delegations to accommodate new review pathways.	500. Request clear national guidance clarifying the Tribunal's purpose, scope, and interaction with existing Environment Court jurisdiction. Seek diagrams/flowcharts within regulations to support consistent interpretation during sector transition.
4-10 Membership of tribunal	Support		501. Support as drafted, no relief sought.
11-12 Registrar, Immunities	Support		502. Support as drafted, no relief sought.
13 Functions and powers of Planning Tribunal	Support with amendment	Tribunal has broad powers to review notification decisions, RFIs, returns, deferrals, and the scope and validity of permit conditions. These powers replace multiple RMA mechanisms and may streamline outcomes but also create new litigation risk and workload for councils. Ability to strike out conditions may undermine enforceability without clear national criteria.	503. Request explicit national guidance and standard criteria for scope assessments, notification thresholds, proportional RFI expectations, and condition legality to support consistent nationwide application.
14-20 Matters within review jurisdiction of Planning Tribunal	Support with amendment	Jurisdiction consolidates administrative decision-making challenges (e.g., notification, RFI disputes, interpretation of conditions, procedural decisions). While efficient, this system may increase the number of challenges and create duplication where matters involve both the Tribunal and the Environment Court.	504. Request MfE develop clear jurisdictional boundaries and examples illustrating which matters go to the Tribunal versus the Environment Court.
22 Declaratory jurisdiction	Support with amendment	Enables the Tribunal to make declarations on administrative questions.	505. Seek clear definition of when declaratory applications should go to the Tribunal versus the Environment Court.

Schedule 10 Planning Tribunal			
Clause	**Position**	**Issue & Impacts**	**Suggested Amendments and Actions**
24 Review by Planning Tribunal or appeal to Environment Court	Support with amendment	The Tribunal operates within a dual-statute system (Planning Act + NEA).	506. Request explicit sector guidance clarifying dual-jurisdiction triggers, examples, and decision-trees.
25-33 Procedural matters	Support with amendment	Procedural provisions favour timeliness and efficiency, with presumption of "on the papers." This helps reduce cost but may disadvantage parties needing oral presentation (e.g., tikanga evidence, technical modelling) or with limited literacy or digital capacity. Transfer to the Environment Court is possible but criteria unclear.	507. Recommend guidance supporting equitable access to Tribunal processes, including tikanga-aligned options and criteria specifying when transfers to the Environment Court are appropriate.
34-35 Appeal and review	Support		508. Support as drafted, no relief sought.
36 Regulations	Support		509. Support as drafted, no relief sought.