

ANNEX B

PLANNING BILL

	Part of the Bill	Section	Submission point	Recommendation
1.	Part 1	Part 1	The new planning system will only function effectively if councils and communities have clear and certain provisions. We recommend Part 1 be amended to be more directive of the Minister. The relevant provisions in the Bills provide the Minister with too much discretion to change the policy approach and plan provisions at any time through National Planning Instruments	Amend transitional provisions to confirm that monitoring, compliance, enforcement, reviews, and variations of existing consents may continue seamlessly under the same legal authority for the life of the consent, unless explicitly transitioned. Maintain Treaty / Te Tiriti continuity during transition and provide processes that provide for Māori, iwi and hapū participation (as well as iwi authorities) and ensure

			and other decisions. The stability and longevity of the new planning framework will depend upon decisions being subject to certainty about activities meeting environmental limits, an overarching goal and more certainty over outcomes that must be achieved. Horizons emphasises the importance of ensuring enforcement and consent continuity. We recommend Schedule 1 be amended to confirm that monitoring, compliance, enforcement, reviews, and variations of existing consents may continue seamlessly under the same legal authority for the life of the consent, unless explicitly transitioned. The transitional provisions in Schedule 1 are silent on Treaty/Te Tiriti continuity during the transition period.	that Treaty obligations are not diluted. Amend the legislation to align statutory timeframes with capability and funding and provide flexibility to align changes with resourcing and capability support. Amend national direction processes to limit disruptive mid-transition direction by constraining the ability for new national direction or Ministerial instruments to override substantially progressed plan reviews or provide clear transitional provisions that provide for engagement of Māori with and without settlements in place, and that recognise existing settlements, protocols and agreements. Amend the national direction and plan preparation processes to include
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			We recommend Schedule 1 and Schedule 2 be amended to maintain Treaty / Te Tiriti continuity during transition. It must be ensured that iwi and hapū participation rights and Treaty obligations are preserved and not diluted during the transition between statutory regimes. Horizons recommends alignment of statutory timeframes with capability and funding. Flexibility must be provided in transition timing to reflect council resourcing and confirm that implementation expectations are aligned with resourcing and capability support. It may be that allowing a staged notification of the first generation Regional Spatial Plan and staged notification of Natural Environment Plan chapters may help to achieve that.	consultation with local government on draft national direction and ensure there is adequate opportunity for wider community input/consultation in development of national direction, planning instruments and plans. Amend Schedule 2 to ensure the Regional Spatial Plan reflects a 30 year vision for the Region. Amend the provisions for setting ecological health limits to ensure that "Environmental Limits" contain a built in margin. Amend the legislation to provide for funding of regulatory relief and to provide a central fund where planning constraints are set by central government
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			To support smooth plan development, the PB and NEB should include provisions that protect substantially progressed local authority plan reviews by applying clear transitional rules when new national direction or ministerial decisions are released mid-process. Establishing these transitional provisions will ensure continuity and reduce disruption to planning work already underway. New national direction and other decisions of the Minister should not have the ability to override substantially progressed private plan changes or local authority plan reviews; or ensure there are clear transitional provisions. We recommend the Planning Bill be amended to provide adequate opportunities for	
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			local government to be consult on draft national direction, and support wider community input/consultation in development of National Direction. Local government will be responsible for implementing National Direction and consulting people affected by the rules and direction can assist with refining and testing these planning tools. Schedule 2 should be amended to ensure the Regional Spatial Plan reflects a 30-year vision for the Region – and include a mandatory requirement to include "space" for enhancements to our natural resources and open space environments, not just the use/development and protection of what is already there constrained only by "environmental limits".	
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			Ensure that "Environmental Limits" contain a built in margin - the compulsory consideration of knowledge limitations and application of a precautionary approach - to cater for error, uncertainty, unexpected events, etc. We recommend legislation is amended to provide for a source of funding of regulatory relief. The ability for local authorities to fund non-regulatory initiatives such as sustainable land use initiatives (SLUI) as well as regulatory relief is constrained in a rates capped environment. The transitional process appears to include the recently issued National Direction (NPS) but no reference is made to those instruments. We submit that the section should include	
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			reference to the National Direction prepared under the RMA, and similarly the recognition in transitional arrangements for operative Regional Policy Statements and combined regional plans prepared under the RMA; subject to achieving the Goals in the relevant legislation.	
2.	Schedule 2	Clause 5	The management of emergencies should be a matter that is aligned with the planning instruments. Regional Emergency Management Plans should be added to the list of documents in Planning Bill Schedule 2 clause 5'. This is because decisions related to natural hazards should be consistent with how a Emergency Management Committee has decided they should be managed.	Amend PB Schedule 2 clause 5 to add: " <i>any regional emergency management plan prepared under the Emergency Management Act 2026</i> "
3.	Schedule 4	Schedule 4	We support the retention of water conservation orders through Schedule 4.	

4.	Schedule 6	Schedule 6	We support Schedule 6: Statutory acknowledgements.	
5.	Schedule 8	Schedule 8	There is uncertainty around “long-term effects” and financial assurance scope. Schedule 8 of the Planning Bill allows financial assurances (including bonds) to be required for conditions relating to “long-term effects”, including post consent monitoring, remediation, and restoration. The Bill does not define what constitutes “long term” for these purposes. This creates uncertainty for consent holders and wide discretion for consent authorities, increasing the risk of inconsistent application and dispute.	Horizons submits that the Planning Bill, and supporting national guidance, clarify the meaning of “long term effects” for the purpose of financial assurances, through definition, timeframes, or criteria.
6.	Schedule 8	Schedule 8	There is a lack of clarity on what “suitably qualified person” means for independent assessments for financial assurances. Schedule 8 allows a local authority to	Horizons recommend that the Bill is clear that the identification of a ‘suitably qualified person’ is <i>to the satisfaction of the Council</i> .

			require an independent assessment of financial assurance matters by a "suitably qualified person", at the cost of the applicant. The Bill does not specify the qualifications or experience required. This creates uncertainty for applicants and may lead to dispute over assessor suitably.	
7.	Schedule 8	Schedule 8	Schedule 8 of the Planning Bill provides a streamlined process for making claims on financial assurances where there is a "serious or immediate risk to life or the environment" but does not define these terms. This risks inconsistent interpretation and use of expedited powers.	Horizons recommends the Bill or national guidance define or provide criteria for assessing what constitutes a "serious or immediate risk".
8.	Schedule 8	Clause 8(1)	Clause 8(1) of Schedule 8 to the Planning Bill states that a local authority may publish its method for calculating financial assurance amounts, while clause 8(3) states that	Horizons requests that the Bill be amended to resolve this inconsistency and clearly state whether publication of calculation methods is required.

			the method must be published on the authority's website. These provisions are inconsistent and create uncertainty as to whether publication is discretionary or mandatory.	
9.	Schedule 8	Clause 12	Clause 12(4) of Schedule 8 to the Planning Bill section provides that costs exceeding a financial assurance may be recovered as a "debt due to the Crown", while section 12(6) states that any recovered money is to be paid to the local authority. This creates ambiguity about the legal status of the debt and the pathway for recovered funds.	Horizons requests that the Bill clarify the relationship between clauses 12(4) and 12(6) of Schedule 8 to the Planning Bill and clearly specify the entity to whom the debt is owed and how recovered funds are to be treated.

NATURAL ENVIRONMENT BILL

	Part of the Bill	Section	Submission point	Recommendation
10	Part 1 – Preliminary provisions	Section 4	Section 4 of the NEB notes that the purpose of this Act is to establish a	Ensure the goals establish a priority for safeguarding the life-supporting

			framework for the use, protection and enhancement of the natural environment. We support section 4 to the extent it describes a planning framework that is intended to provide for the use, protection and enhancement of the natural environment.	capacity of air, water, soil, and ecosystems, protecting human health and providing tools to manage hazard risk, and ensuring all those exercising functions under the two pieces of legislation must also maintain environmental quality and protect significant, vulnerable or threatened indigenous biodiversity.
11.	Part 1 – Preliminary provisions	Section 5	We support s5 of the NEB and Schedule 1 of the PB which set out the transitional, savings, and related provisions. We support clear prescriptive transitional provisions so that it is clear to decision makers when the operative provisions apply and what weighting is to be given to existing national direction, operative planning documents and the two Bills during the transitional period.	Amend the transitional arrangements and savings in the PB and NEB to include operative Regional Policy Statements and combined regional plans, until such time as a Natural Environment Plan is prepared and made operative.
12.	Part 1 – Preliminary provisions		The scope of the Bills and transitional arrangements are not comprehensive for engagement with Māori. There are iwi, hapū and Māori in the Horizons region that do not have treaty settlement legislation in place, and therefore there are no 'iwi authorities' representing their interests. The	Amend the PB and NEB transitional provisions to include retaining the operative Regional Policy Statements and combined regional plans, until such time as a Natural Environment Plan is prepared and made operative.

			nature of decisions made under the two Bills are likely to impact directly on Māori interests irrespective of whether or not there is an 'iwi authority'. It is vital that all Māori have the opportunity to engage and participate in the development of all planning instruments.	Amend the provisions in both the PB and NEB to include <i>"iwi and hapū, and Māori of the region"</i>.
13	Part 1 – Preliminary provisions	Section 8	We support the general intent of section 8 of the NEB which sets out the responsibilities in respect of the Treaty of Waitangi/Te Tiriti o Waitangi provisions. We are concerned that there is an inconsistency with sections 8- s11(f)(i) of both Bills and consider that 'natural environment plans' should be included to provide for Māori participation in the development of all planning instruments. We seek several amendments to the Māori interests goal in section 8. NEB section 8(a)(i) should be amended to add <i>'natural environment plan'</i>. An additional section 8(aa) should be added to set out <i>that all persons exercising functions and powers in relation to managing the use,</i>	Amend section 8 of both Bills following the words "To recognise the Crown's responsibilities in relation to the Treaty the Treaty of Waitangi (Te Tiriti o Waitangi)": and: Amend section 8(a)(i) to add <i>'natural environment plan'</i>. Amend section 8 to include a subsection (aa) to set out that <i>all persons exercising functions and powers in relation to managing the use, development, and protection of natural and cultural resources under this Act shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)</i>. Amend section 8 to include a subsection (a)(iv): <i>recognising and</i>

			<i>development, and protection of natural and cultural resources under this Act shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).</i> Under section 8(a) which is that s11 provides for Māori interests through,...", a section 8(a)(iv) should be added: <i>"recognising and providing for the relationship of Māori and their culture and traditions with natural resources, including their ancestral lands, water, sites, waahi tapu, and other taongas"</i> and a section 8(a)(v) should also be added <i>"recognising and providing for kaitiakitanga and the ethic of stewardship in the management of the use, development, and protection of natural resources"</i>. Section 8(c) should require plans and decisions to provide for Māori values and interests in relation to natural environment plans; and 8 (c)(i) should recognise the intergenerational aspects of access to, and use of natural resources.	<i>providing for the relationship of Māori and their culture and traditions with natural and cultural resources, including their ancestral lands, water, sites, waahi tapu, and other taonga"</i> Amend section 8 to include a subsection (a)(v): <i>recognising and providing for kaitiakitanga and the ethic of stewardship in the management of the use, development, and protection of natural resources.</i> Amend section 8(c) to require decisions and plans to provide for Māori values and interests in relation to natural environment plans.
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14	Part 1 – Preliminary provisions	Section 9	We support section 9 of the NEB which sets out Crown to seek to enter agreements to uphold Treaty settlement redress or arrangements. However Section 9 is limited to post settlement entities, and this means the Bill lacks scope to deal with the interests and values of those Māori that have claims underway but do not have settlement legislation. This could result in a modern Treaty breach. We are also concerned that the two-year timeframe and deletion of section 9 will create difficulties with implementing the NEB, we note that potentially the regional spatial plan will be decided but drafting of land-use and natural environment plans are only beginning. We consider that NEB and PB section 9(3) that repeals on 2nd anniversary of Act should be deleted.	Remove section 9(3) from both Bills.
15	Part 2 – Foundations	Section 11 Goals	We support the general intent of section 11 of the NEB, however the	Amend the preparatory paragraph to read: <i>"All persons exercising or</i>

	Subpart 1 – Core provisions	Goals should have primacy and decisions made under the legislation should be subject to the Goals. The term 'seek to' should be deleted from the preparatory paragraph. We consider that the Goals should have overarching weight and a hierarchy that emphasises outcomes for the quality of the environment, and provides for enhancement of the environment. Where there are vulnerable or significant ecosystems, these should be protected. Horizons seeks an additional Goal to provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and regionally significant natural areas, and the addition of an appropriate definition or criteria for these areas in the Bill or National Direction. Horizons support section 11(b) of the NEB.	<i>performing functions, duties, or powers under this Act must achieve the following goals: ..."</i> Amend the Goals to provide for the maintenance of environmental quality and the enhancement of the environment. Add provisions to provide for land, water and coastal natural areas, provide for the protection of aquatic and migratory species of significance, as well as land-based habitats. Add a Goal to provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and regionally significant natural areas. Amend section 11 of the NEB to remove 'must seek to achieve' from the preparatory paragraph. Amend section 11(c) of the NEB to add natural resources and ecosystem health.
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			Section 11(c) of the NEB is limited to human health, and we submit that natural resources and ecosystem health be added otherwise sections 11(d) and (f)(ii) may not be achieved. The purpose of the Bill needs to follow through into the Goals. The framework for the use, development and protection of the natural environment should be amended to provide Goals that ensure environmental quality is maintained and can be enhanced. Section 11 of the NEB should be amended by inserting an additional sub- section: Section 11(ba)“the protection of significant habitats of indigenous fauna and taonga species”; and to provide for enhancement of the environment. Section 11 refers to ‘no net loss’ and the outcomes may be unintended – at a minimum, trade-offs should ensure quality and type are the same – local costs should have local gains in terms of indigenous biodiversity – as drafted	Amend section 11 of the NEB to insert a subsection: <i>“the protection of significant habitats of indigenous fauna and taonga species”</i>
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			'no net loss' has the potential to be met by simply trading ecology of different type and value – i.e. loss of species and habitats that are vulnerable, migratory or significant for seagulls that have less value.	
16	Part 2 – Foundations Subpart 1 – Core provisions	Section 12	We support the intent of section 12 of the NEB because it reflects current practice and case law developed under the RMA. However, we consider that in all instances those exercising functions or making decisions should be subject to the goals in section 11. Some discretion may also be needed to 'look up the ladder' where decision makers need to interpret a provision, or where timing of plan drafting and implementation is out of step with the instruments above it. All persons exercising powers and functions, developing planning instruments and making decisions should be subject to achieving section 11 Goals. Limiting the applicability of	Amend section 12 of the NEB to require those exercising functions or making decisions to be subject to the goals in section 11.

			the Goals reduces the certainty of outcome for natural resources.	
17	Part 2 – Foundations Subpart 1 – Core provisions	Section 13	The procedural principles set out in section 13 of the NEB are duplicated in the two Bills – presumably in the NEB there is an error in section 13(e) – presumably refers to section <u>12(1) (not just “a to d”)</u> Horizons support section 13(d) of the NEB and submits that it should be clearer that a decision maker can request additional information to meet this test, or obtain the information at the applicant’s cost, or reject the application.	Amend section 13 of the NEB to amend the cross reference in (e) which presumably refers to section 12(1) (not just “a to d”). Clarify in section 13(d) of the NEB that it enables a decision maker to request information to meet this test, or obtain the information at the applicant’s cost, or reject the application.
18	Part 2 – Foundations Subpart 1 – Core provisions	Section 14	Horizons support section 14(a) of the NEB: considering effects of activities. There may be circumstances where the effect of an activity is a matter that sits within the scope of the Planning Bill, and an ability to trigger an assessment of the effects managed under that legislation would be helpful.	
19	Part 2 – Foundations	Section 15	We consider that section 15 of the NEB: considering adverse effects of	To provide greater clarity

	Subpart 1 – Core provisions	activities, needs to be amended if it is to be clear and effective. The choice in section 15(1) to either (i): avoid, minimise, or remedy, <u>or</u> (ii) offset or compensate Will make it difficult for a local authority to ensure that environmental limits are not breached, and provisions in the planning framework are delivered. Section 15(1)(a) is open to interpretation and lacks certainty: 'where practicable' and 'where appropriate' could lead to inconsistent decision making and should be deleted, the consideration of the effects of activities should also include relevant Goals. The approach in section 15 of the NEB has the potential to result in applicants utilising the 'minimise' option if there is no hierarchy. Minimise is a subjective term and should be defined as 'reduced to the greatest extent', e.g. 'I reduced the number of truck	Amend section 15 of the NEB to remove "where practicable" and "where appropriate" from 15(1)(a). Amend section 15 to replace "minimise" to "reduce to the greatest extent". Amend section 15(1) to ensure that section 15(1) is subject to achieving the Goals in section 11, and the objectives and policies of the RSP and the natural environment plan. Clarify section 15(3) to require effects to be avoided, minimised, or remedied, and state that offsetting or compensation may only be applied after 15(1)(a)(i) has been met. We recommend that section 15(3) be amended to more clearly state that it is offsetting or compensation that may only be applied after a national instrument has been prepared. Amend the provisions to be clear that offsetting or compensation may only
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			crossings from 100 to 99 therefore I minimised'. Having no hierarchy for managing ecological health as well as the words 'were practicable' and 'where appropriate' brings in the potential for inconsistent decision making, and for debate and litigation. The increased risk of disagreement between applicants and consenting authorities as they struggle with interpretation until case law makes things clear has potential to increase the time and cost of consents. Section 15(3) of the NEB states "If no national instrument is in force to guide or direct the use of offsetting and compensation, <u>the management of adverse effects must not be undertaken</u> except in the context of determining an application for a permit." "This is very unclear and seems to say no decision can be made that manage adverse effects. This sub section will have a chilling effect on decision	be considered after a national instrument has been prepared. Remove section 15(4) from the NEB or include a mitigation hierarchy that recognises the outcomes in the Goals.
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			making on applications for consents and permits. section 15(3) of the NEB should be amended to require effects to be avoided, minimised, or remedied, and to state that offsetting or compensation may only be applied after a national instrument has been prepared. We also note that there is existing guidance on offsetting that could be applied or deemed as a national instrument.¹ Horizons opposes section 15(4) of the NEB s15(4). If Goals are to be achieved; then more certainty about Goal priorities is helpful for predictable outcomes - ability to 'avoid' is needed for 'limits'. In order to achieve the goals in the NEB, some form of prioritisation is needed to manage the potential for loss of significant values, and a polluter payment approach to	
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¹ Link to LGNZ Summary document for offsetting [Biodiversity Offsetting summary draft 1.6.indd](#)

			environmental management that reduces environmental quality over time.	
20	Subpart 2 – Duties and restrictions	Section 16	Horizons opposes section 16 of the NEB. Legislation should not contain sections that are just a “guide” - s16(1)(c) states the section is ‘a guide’ only. We consider that this should be deleted.	Remove section 16(1)(c) from the NEB.
21	Subpart 2 – Duties and restrictions	Sections 17 to 24	We support sections s 17 to 24 in the NEB.	
22	Subpart 2 – Duties and restrictions	Section 21	Sections 21(3) and (4) of the NEB should be amended to include a natural environment plan.	
23	Subpart 2 – Duties and restrictions	Section 23	We have identified a drafting error that should be corrected for section 23(3) of the NEB to make sense: “ and no may be permit granted relating to that discharge,”	Correct the drafting error in section 23(3) of the NEB.
24	Subpart 2 – Duties and restrictions	Section 26	We support the general duty to avoid, minimise, or remedy adverse effects set out in section 26 of the NEB. We recommend ‘minimise’ be defined to mean to reduce effects to be as small as possible.	Define “minimise” as “to reduce effects to be as small as possible” to support section 26 of the NEB.
25	Subpart 3 – Key instruments	Section 31	We have no concerns about section 31 as it reflects current practice but	Amend section 31 to provide for a permitted activity in plans that may

			note that a controlled activity would provide an approach that is similar to the 'registering of activities', leaving a true permitted activity as one that the Council is not involved in at all.	occur as of right, with no involvement of Council, and retain the option for registering a permitted activity where that assists Councils to perform their functions.
26	Subpart 3 – Key instruments	Section 38 and section 169	Section 38 of the NEB refers to section 169 of the NEB which enables conditions to be imposed. This is supported, and we suggest that section 169(1)(c) be amended to include an ability to charge an administrative fee or take a levy.	Amend section 169(1)(c) of the NEB to include an ability to charge an administrative fee or take a levy.
27	Subpart 3 – Key instruments	Section 39	There is an error in section 39(2)(a) of the NEB. The section should refer to a local authority or a regional council – not a territorial authority.	Correct the error in section 39(2)(a) of the NEB to refer to a local authority or regional council, not a territorial authority.
28	Subpart 4 – Environmental limits	Section 45	We have no concerns about section 45 of the NEB, however, it would be helpful if all defined terms are located in the Interpretation section. Defined terms should not contain examples but should be clear. It is not helpful for a defined term to refer to another section (e.g. refers to s59 that in turn refers to s52(5)).	Amend the NEB to move all defined terms to the interpretation.
29	Subpart 4 – Environmental limits	Section 46	We support section 46 of the NEB which sets out the purpose of environmental limits. An amendment	

			that also maintains a natural process or flow regime would also be helpful.	
30	Subpart 4 – Environmental limits	Section 48	We support section 48 of the NEB which sets out how environmental limits are expressed, and we also consider that an amendment to add “a biophysical state for a management unit or ecosystem” would be helpful in achieving the Goals of the legislation.	Amend section 48 of the NEB to add “a biophysical state for a management unit or ecosystem”.
31	Subpart 4 – Environmental limits	Section 52	We consider that the list of criteria for decisions relating to environmental limits in section 52 of the NEB should be expanded in 52(3)(a) to require the “consideration of the limitations where the “best obtainable information” is to be relied on; and include a requirement to “take a precautionary approach” (or apply a level of precaution) “to establish a safety margin within environmental limits (to account for uncertainties, natural variability, errors, or unexpected events” when decision making on environmental health limits. A precautionary approach, or allowance for scientific uncertainty, to setting environmental limits is clearly contemplated to some degree	Amend section 52(3)(a) to require the “consideration of the limitations where the “best obtainable information” is to be relied on; and include a requirement to “take a precautionary approach” (or apply a level of precaution) “to establish a safety margin within environmental limits (to account for uncertainties, natural variability, errors, or unexpected events” when decision making on environmental health limits.

			(section 52 (3)(4) (5)) however it is not specified as a criteria/matter to consider in setting environmental limits and should be included. Particularly given section 66 "Avoiding breach of environmental limit" requires the Regional Council to take action to avoid the breach by preparing an action plan or changing its natural environment plan; and to take any other action the council considers necessary to avoid breaching the environmental limit, including by establishing a safety margin within environmental limits (to account for uncertainties, natural variability, errors, or unexpected events): and widen that safety margin. The inclusion of a precautionary approach, including generous margins, is critically important to the development of environmental limits and future state of the environment.	
32	Subpart 4 – Environmental limits	Section 56	We generally support section 56 of the NEB which sets out assessing the impact of a proposed environmental limit or methodology, however it is unclear what weight might be placed on achieving the Goals of the	Amend section 56 of the NEB to require an assessment of a proposed environmental limit on the Goals of the NEB.

			legislation, or the relative importance of the other matters identified. We consider that an assessment of the impact of a proposed environmental limit should also be made in terms of NEB Goals sections 11(b) and (d) as a priority. NEB section 56(f) envisages that a proposed limit could allow for environmental degradation – that seems inconsistent with the general duty to ensure limits are not breached.	Ensure consistency between section 56(f) and the general duty to ensure limits are not breached.
33	Subpart 4 – Environmental limits	Section 57	We support section 57 of the NEB which deals with assessing the existing capacity of natural environment.	
34	Subpart 4 – Environmental limits	Section 59	We support section 59 of the NEB which sets out best obtainable information and suggest amending to add a precautionary approach be applied where a lack of information has the potential to undermine the Goals, or objectives and policies in the Natural Environment Plan.	Amend section 59 of the NEB to add a precautionary approach be applied where a lack of information has the potential to undermine the Goals, or objectives and policies in the Natural Environment Plan.
35	Subpart 4 – Environmental limits	Sections 60 and 63	We support the provisions for Action Plans, through sections 60 and 63 of the NEB, as a tool that can be used to address natural resource management matters.	

36	Subpart 4 – Environmental limits	Section 64	We generally support the provisions in section 64 of the NEB including the requirement to avoid breaching a limit and to remedy the breach of a limit and which sets out considerations before action plans can include controls on land uses or inputs, however we consider that the examples should be removed from s64(3) because this invites interpretation that may be unhelpful. The requirements to consider all options before controlling land use and inputs are supported. The ability for local authorities to fund non-regulatory initiatives such as sustainable land use initiatives (SLUI) as well as regulatory relief is constrained in a rates cap environment.	Note difficulties with funding sources may limit potential for non-regulatory options. Remove the examples from section 64 of the NEB.
37	Subpart 4 – Environmental limits	Section 66	We generally support section 66 of the NEB: avoiding breach of environmental limits. We consider that it should also be applied to the Minister when setting national direction. Amend section 66(1) to state a regional council <u>and the</u>	Amend section 66(1) to state a regional council, territorial authority and the Minister must avoid breaching an environmental limit.

			<u>Minister</u> must avoid breaching an environmental limit.	
38	Subpart 4 – Environmental limits	Section 67	We are neutral about section 67: breach of environmental limits, however we are unclear why a breach in any environmental limit must be notified by the regional council. We support the provisions in NEB section 67(3).	
39	Subpart 5 – National instruments	Section 68	We generally support the role of National Instruments set out in section 68 of the NEB. The drafting suggests that national direction may be limited to ‘how activities are enabled and their effects regulated’. The presumption appears to be contrary to the ‘protection’ aspect of the purpose of the NEB. An amendment to specifically recognise the ‘protection’ aspect of management of natural resources would be helpful.	Amend section 68 of the NEB to specifically recognise the ‘protection’ aspect of management of natural resources.
40	Subpart 5 – National instruments	Section 69	We generally support this section 69 of the NEB which sets out the matters to consider when making a national instrument. We consider that some amendments should be made by adding a requirement that the Minister	Amend section 69 of the NEB to require the Minister to have regard to whether a National Instrument may result in a breach of an environmental limit, and take into account whether

			must have regard to whether a National Instrument may result in a breach of an environmental limit, and take into account whether the National Direction will achieve the Goals of the NEB.	the National Direction will achieve the Goals of the NEB.
41	Subpart 5 – National instruments	Section 70	We generally support section 70 of the NEB which sets out the process for making a national instrument. We consider it would be improved by adding a specific requirement to consult with local government on a draft, to give notice to local authorities in section 70(2), and to allow local authorities at least 20 working days to submit on the draft.	Amend section 70 of the NEB to add a specific requirement to consult with local government on a draft, to give notice to local authorities in section 70(2), and to allow local authorities at least 20 working days to submit on the draft.
42	Subpart 5 – National instruments	Section 72	We have no concerns about section 72 of the NEB: national instrument may direct provisions in natural environment plans. We consider that there may be unanticipated costs that accrue to the ratepayer from decisions made by Central Government. Where a national instrument may contain direction relating to the inclusion of plan provisions in a natural environment plan or proposed plan, and the regulatory relief provisions might	

			apply, those costs must be carried by the government rather than the ratepayer.	
43	Subpart 5 – National instruments	Section 80	We have some concerns with this section 80 of the NEB: national policy direction may restrict how goals may be achieved. A National policy direction should be required to implement the Goals. Delete section 80(1)(b) 'May restrict how a specified key instrument achieves a goal'	Remove section 80(1)(b) from the NEB.
44	Subpart 5 – National instruments	Section 81	We have concerns that the Goals of the legislation are discretionary considerations. Section 81 of the NEB should be amended to ensure that the Minister must take into account the goals and purpose when exercising the functions and powers. The potential to breach environmental limits should also be given more weight. 'must consider' and 'may' are weak. The Minister should 'take into account, or provide for' maintaining natural resources above minimum limits, and achieving the goals in section 81 of the NEB.	Amend section 81 of the NEB to require the Minister to take into account the goals and purpose when exercising the functions and powers, and to 'take into account, or provide for' maintaining natural resources above minimum ecological limits, and achieving the goals.
45	Subpart 5 – National instruments	Section 82	We generally support section 82 of the NEB which requires national policy	

			direction to reconcile conflicts between goals in both Acts. It would be helpful if there is a mechanism in the legislation that provides certainty and consistency about how the different purposes and goals of the different legislation will be integrated or reconciled while achieving the Goals in the NEB.	
46	Subpart 5 – National instruments	Section 85	We support section 85 of the NEB which requires the Minister to ensure national standards enables resource use only within environmental limits. However, we note that there are sections within the NEB that suggest that the Minister may make decisions that result in a breach of environmental limits (NEB section 86 is one example).	
47	Subpart 5 – National instruments	Section 85, 86, and 96	We have concerns about section 86 of the NEB: national standards relating to significant infrastructure that breach environmental limits. This section conflicts with section 85 and has potential to undermine the ability of the regional council to meet its responsibilities under this legislation. Amend section 96(4) to add: “(d) scale	Ensure that the Minister may not make decisions that result in a breach of environmental limits, e.g. by amending section 86 of the NEB. Amend section 96(4) to add “(d) scale and consequences of the effects of breaching the environmental limits. “

			and consequences of the effects of breaching the environmental limits. "	
48	Part 3 – Combined plan and other matters	Section 97	We generally support section 97 of the NEB which sets out the core obligations when preparing and deciding natural environment plans. It may assist with achieving the Goals and meeting treaty obligations if section 97(4) was amended to include any Joint Management or relationship agreements or protocols that apply to the iwi or hapu of the region; and any international convention or agreements, such as those relating to migratory species.	Amend section 97(4) of the NEB to include any Joint Management or relationship agreements or protocols that apply to the iwi or hapu of the region; and any international convention or agreements, such as those relating to migratory species.
49	Part 3 – Combined plan and other matters	Section 99	We support section 99 of the NEB: rules may allocate natural resources. We note that the possibility of not allocating a portion of a resource is not specifically addressed. We suggest an amendment to the effect that a rule in a plan may establish a limit or not allocate a resource if overallocated or near its limit, or to protect a habitat of a vulnerable species.	Amend section 99 of the NEB to the effect that a rule in a plan may establish a limit or not allocate a resource if overallocated or near its limit, or to protect a habitat of a vulnerable species.
50	Part 3 – Combined plan and other matters	Section 101	We support section 101 of the NEB: plans may not permit activity that has	

			certain effects on protected customary rights.	
51	Part 3 – Combined plan and other matters	Sections 106 to 110	We generally support the approach to evaluation reports and justification reports through sections 106 to 110 of the NEB, although we note that an evaluation report and a justification report could result in some duplication of effort to achieve the same outcome.	Delete the requirement for specified topics to need a justification report. The requirement to prepare justification report for bespoke provisions should be sufficient. Amend sections 106 to 110 to delete the requirement for specified topics to need a justification report.
52	Freshwater farm plans	Section 150 and Schedule 5	We support the use of freshwater farm plans because these assist the landowners to achieve the outcomes in plans. We submit that an amendment be made to enable Council to seek additional information where that will assist with managing natural resources within ecological limits and promote the use and development of rural properties.	Amend the provisions for Farm Plans to enable Councils to seek further information and determine if a farm plan meets the requirements.
53	Part 4 – Natural resource permits Subpart 1 – Types of permit	Subpart 1 of Part 4 s128	The NEB section 128 provides for a natural resource permit to include a Wildlife permit. We understand that the amendments to Part 4 Natural Resource Permits aim to reduce fragmented processes by consolidating, planning and environmental management. We would support an integrated structure	We support transferring certain decision-making functions if creates better integration and likelihood of our region achieving our regional priorities.

			that would reduce duplicative approvals and consistency with environmental limits, regional priorities and supporting more efficient and better aligned outcomes.	
54	Subpart 2 – Applying for natural resource permit		We have concerns about the information requirements in section 130 of the NEB being limited to the scale of a matter rather than the scale and significance of the effects of that matter. To ensure sound decisions are made, the information provided needs to at a level of detail that is proportionate to the scale and significance of the effects. If the proposal is a small activity but has large effects, the Bill does not provide sufficient tools for the decision makers to assess the relevant effects. Amend section 130(3) of the NEB by replacing 'matter' with 'effects'.	Amend section 130(3) of the NEB by replacing "matter" with "effects".
55	Subpart 2 – Applying for natural resource permit		We support section 135 of the NEB: permit authority may return incomplete application. Current practice involved consent authorities working with applicants to improve applications where these are deficient or additional information is required. The Planning Tribunal roles is	

			supported where there is a difference of views about whether an application is incomplete, however the current practice of working with applicants should be recognised and included as an option here. Working with an applicant saves both time and money, with an option for sending it back if an application is well short of standard.	
56	Subpart 2 – Applying for natural resource permit		We have no specific concerns with section 139 of the NEB which requires certain permits to be processed and decided no later than 1 year after lodgement; however it is unclear why a specified energy activity or wood processing activity should be treated differently. Each of these activities may involve a broad package of activities controlled by provisions in a plan.	
57			We support sections 140, 141, and 143 of the NEB as they support better decisions without adding undue regulatory burden.	
58	Subpart 2 – Applying for natural resource permit		Section 143(1)(iii) of the NEB provides for the return of an application as incomplete if the applicant was required to 'pay an additional charge under s229'. Section 230 states that	Clarify between sections 229 and 230 of the NEB whether the time can be stopped, or if the application must be returned or declined.

			the local authority need not perform the action to which a charge relates until its paid, but there doesn't appear to be a mechanism to stop the processing clock. Clarity is required about whether the time can be stopped, or if the application must be returned or declined. The proposed legislation provides Council with the ability to return applications as incomplete where there is no response to a request for further information, or where there are unpaid fees etc. This approach has the potential for an increase in objections/planning tribunal reviews, creating potential delays.	
59	Subpart 3 – Notification, submissions, and hearings		Section 146 of the NEB sets out the threshold for public notification as 'significant adverse effects on natural resources or people'. In this context, the term 'significant' is quite subjective and may result in debate and challenge, with new case law potentially resulting. This is an increase in the threshold for public notification from the current 'more than minor' and will result in	Reconsider the use of 'significant' in section 146 or include criteria that provides more certainty.

			less publicly notified applications. At present publicly notified applications are infrequent. This increased threshold will further reduce publicly notified applications, which may result in reduced opportunities for iwi and hapū engagement, as well as new information being brought to the decision makers by submitters.	
60	Subpart 3 – Notification, submissions, and hearings		We support section 148 of the NEB: providing for notification where there may be significant adverse effects on natural resources or people, as it as reflects current practice with a permitted baseline, recognises the distinct characteristics of a natural resource and potential for cumulative effects, and it provides the discretion necessary to ensure adverse effects on natural resources can be addressed.	
61	Subpart 3 – Notification, submissions, and hearings		We have no concerns with section 152 of the NEB which sets out submissions on applications. The scope of an affected party is narrow, however in practice few applications are notified. There may be benefits of involving national or regional organisations in submissions and	Include in section 152 the ability for a regional council for matters that may result in increased flood risk or contaminants in stormwater discharges to make a submission.

			bringing additional evidence before a hearing committee where the scale and significance of effects is of regional or public interest or involves a significant use or protection of a natural resource. Standing to make a submission should include a regional council for matters that may result in increased flood risk or contaminants in stormwater discharges.	
62	Subpart 4- Consideration of application and decision		We support this section 156 of the NEB and suggest an amendment to section 156(d) to include any relevant matters in Treaty Settlement legislation (such as the provisions dealing with the Whanganui, Whangaehu and Waikato Rivers), and provisions in an iwi Management/Environment Plan.	Amend section 156 of the NEB to include through (d) any relevant matters in Treaty Settlement legislation (such as the provisions dealing with the Whanganui, Whangaehu and Waikato Rivers), and provisions in an iwi Management/Environment Plan.
63	Subpart 4- Consideration of application and decision		We support section 157 of the NEB: matters relevant to activities affecting drinking water and supply source water and suggest an amendment to include a general human health provision. Not all water used for domestic supply is identified as a drinking water supply under the Water Services Act (for example. domestic self-supplies (less than 25 consumers	Amend section 157 of the NEB to include a general human health provision. Clarify the terms used in relation to drinking water, including by narrowing down the area of interest under "source".

			and some other matters) are not included. These smaller supplies are typically those with less treatment capability and also less monitoring, so a system is needed that allows a case-by-case assessment of the impacts of activities on water quality. The ability to control discharges that may impact upon the water quality of groundwater and freshwater remains important for both ecological and human health. The terms used could be clearer. The definition of 'source' is broad under the Water Services Act, and it would be useful for the area of interest to be narrowed down to assist with compliance and to exclude regulatory costs where there is a low risk to human health, possibly this can be achieved by progressing the ability to delineate the proposals to set in place Source Water Risk Management Areas (SWRMAs).	
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64		We have concerns about section 160 of the NEB: matters relevant to application relating to wastewater network. The matters arising from wastewater networks are not limited to the infrastructure. The capacity and environmental limits of a water body, and location of domestic water supplies, cultural aspects with discharge from the network into water, and context where there are other contaminants being discharged to a water body are also relevant to an application for a wastewater network. The intent of section 160 of the NEB is generally supported, although we note that not all metrics of wastewater are addressed by the Water Services legislation or wastewater regulations. The ability to stay within limits and caps for freshwater quality should not be undermined by section 160. We submit that an amendment should be made to 'provide for' the Goals of the NEB, and 'have particular regard' to the provisions of the Regional Spatial Plan and provisions in a natural environment plan.	We submit that section 160 of the NEB be amended to: - must not grant the permit contrary to— - a wastewater environmental performance standard; or (ii) an infrastructure design solution; or Add NEB s160 (iii) <i>the Goals of the NEB, and (iv) a natural environment plan.</i> Amend section 160 of the NEB to include the capacity and environmental limits of a water body, and location of domestic water supplies, cultural aspects with discharge from the network into water, and context where there are other contaminants being discharged to a water body as relevant matters for an application for a wastewater network. Amend section 160 of the NEB to have particular regard to the Goals of the NEB, and the provisions of the Regional Spatial Plan and provisions in a natural environment plan. Add section 160 of the NEB to include a subsection (iii): the Goals of the
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				NEB, a regional spatial plan and a natural environment plan.
65	Subpart 4- Consideration of application and decision		S154 to s167 should apply to all decisions made on permits. S 156 contains matters for consideration of natural resource permits, and s158 contains matters relevant to applications for discharge permits, coastal permit or a reclamation; and consideration of the potential to breach caps and ecological and human health limits are particularly relevant. The matters should include any caps or limits for human or ecological health, and regard should be had to any Action Plan.,	The requirements in s154 to s167 (particularly those in s156 and s158) should apply to decisions on permits and be clear that these apply irrespective of whether a hearing is held. Amend both s156 and s158 (1) to require all decision makers to have particular regard to the potential to breach any caps or limits for human or ecological health, and that a permit authority must have regard to any Action Plan.
66	Subpart 4- Consideration of application and decision		We have concerns about section 161 of the NEB: matters relevant to application relating to stormwater. Stormwater can entrain sediment and other contaminants, and can result in untreated overflows entering water, breaching environmental and human health limits.	We submit that section 161 be amended to: <i>must not grant the permit contrary to— a stormwater environmental performance standard; or (ii) an infrastructure design solution; or</i>

				<i>Add NEB s161 (iii) the Goals of the NEB, a regional spatial plan and a natural environment plan.</i> <i>Amend section 161 of the NEB to include a subsection (iii): the Goals of the NEB, a regional spatial plan and a natural environment plan.</i>
67	Subpart 4- Consideration of application and decision		We support section 162 of the NEB: applicant's compliance history	
68	Subpart 4- Consideration of application and decision		We support section 163 of the NEB: land use permit may be refused or granted with conditions if risk from natural hazards.	.
69	Subpart 4- Consideration of application and decision		We have concerns about section 164(c)(ii) of the NEB that envisages a breach authorised by National Standards or a water services standard. Delete s164(c)(ii) as it conflicts with the requirement that a regional council will not allow a breach of limits, and water services should comply with environmental caps and limits; particularly those for water quality and quantity, and ecosystem health.	Remove section 164(c)(ii) from the NEB

70	Subpart 4- Consideration of application and decision		We support section 166 of the NEB, as it reflects current practice.	
71	Subpart 5 – Conditions and other requirements for decision	Section 168	Section 168 of the NEB limits the imposition of consent conditions to 'unless applicant agrees' or 'if its in the natural environment plan'. Given some consent applicants would not likely agree to consent conditions, this could then result in the need to pre-load the natural environment plan with 'consent conditions' to enable them to be imposed. While drafting of plans can try to cover off lots of different activities/scenarios, it will not do so, and the ability to address gaps, novel activities or unanticipated solutions in conditions will assist the workability of the permitting system. Not having the ability to impose consent conditions to avoid, minimise, remedy etc unless the applicant agrees could be problematic. Amend section 168(1) of the NEB to add an ability for a decision makers to include a condition to ensure the Goals, objectives and policies of the NEP are met, and to avoid, minimise,	Amend section 168(1) of the NEB to add an ability for a decision makers to include a condition to ensure the Goals, objectives and policies of the NEP are met, and to avoid as a priority, then minimise, remedy, offset, or provide compensation for, any adverse effects.

			remedy, offset, or provide compensation for, any adverse effects. The alternative would be that an application would need to be declined.	
72	Subpart 6 – Nature of permits, commencement, duration and review		We support section 174 of the NEB: permits not real or personal property.	
73	Subpart 6 – Nature of permits, commencement, duration and review		We generally support section 179 of the NEB: duration of permit for renewable energy and long-lived infrastructure, however consider that it should be limited to infrastructure with a design life over 35 years – some renewable energy infrastructure is small scale and relatively short lived, so a proportional approach to duration of consent would be appropriate so that natural resources can be re-allocated.	Amend section 179 of the NEB to limit its scope to infrastructure with a design life of over 35 years.
74	Subpart 6 – Nature of permits, commencement, duration and review		It is important that the terms used in section 196 of the NEB, which sets out transferability of discharge permits, are clear. When the term 'site' is used, does this include moving discharges within the same site? There needs to be an assurance that the nature and scale of effects is the same,	Amend section 196 of the NEB to clarify the meaning of "site".

			particularly where moving a discharge might have an impact on environmental limits in another location. For example, where a domestic wastewater land application area needs to move to a different part of the property after consent has been issued. It is unclear how this would work for activities such as clean fill sites.	
75	Subpart 7 – Market-based allocation process and comparative permitting process	Subpart 7 of Part 4	We support the sections of subpart 7 of Part 4 of the NEB on market-based allocation processes as it provides a wider range of options for managing allocation of natural resources.	
76	Part 5 – Key roles Subpart 1 – Functions and powers of central and local government	Sections 215 and 216	We have no concerns with sections 215 and 216 of the NEB which set out the functions and powers of the Minister.	
77	Subpart 2 – Functions, powers, and responsibilities of regional councils	Section 222	We support section 222 of the NEB which sets out the functions of regional councils. However, the section refers to “subsection (3A)” and it is not clear what this refers to. Hazard management functions of local government currently span a range of legislation, including the Civil Defence Emergency Management Act	Clarify in section 222 of the NEB what “subsection (3A)” refers to. Consider assigning natural hazard responsibilities to regional councils.

			2002, Local Government Act 2002, and the Resource Management Act 1991 (RMA), all of which are currently being reformed or amended. It is imperative that this suite of legislative change is consistent, integrated, and without duplication to avoid implementation issues and unintended consequences. Some of the terms used in the Bill have been removed or not included in other Bills. For example, clause 3 refers to “social, economic, cultural, and environmental wellbeing” which has been removed through the Local Government (System Improvements) Bill, and “sustainable management” which has not been included in the Planning Bill (PB) and Natural Environment Bill (NEB). There are also overlaps in functions and planning between the Bills. Under this Bill, emergency management strategies and plans will be made to provide for hazards and risks to be managed, under clauses 82(2) and 91(1). The Planning Bill requires	
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			regional spatial plans to include constraints on the use and development of land and the coastal marine area, including natural hazards, through clause 3(1)(a) of Schedule 2 to that Bill. There is a risk of unintended consequences if these plans deal with hazards in different ways or have conflicting objectives or outcomes. We recommend that the scope of hazard management functions be refined to avoid duplication. The NEB enables the Governor-General to make emergency response regulations for the purpose of responding to a natural hazard event or other emergency in an area and enabling recovery efforts in the affected area (including any work required to improve the resilience or standard of assets). This is a significant overlap with the National Emergency Management Strategy and National Emergency Management Plan functions proposed through this Bill and conflicts with the Government response report focus area 2.3: clarify	
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			operational roles and responsibilities in emergency management. In addition, there are changes proposed to the functions and responsibilities of regional councils and territorial authorities through the NEB and PB to replace the RMA. Currently, under section 30 of the RMA, regional councils are responsible for the control of the use of land for the purpose of the avoidance or mitigation of natural hazards. Territorial authorities, through s31 RMA are responsible for the control of any or potential effects of the use, development, or protection of land, including for the purpose of the avoidance or mitigation of natural hazards. The NEB and PB as drafted propose to amend these responsibilities so that territorial authorities, under clause 184 of the PB, must regulate and manage effects of natural hazards as they relate to land use, while regional councils, under clause 221 of the NEB, must regulate and manage natural hazard risks as they relate to natural	
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			resources. This division of responsibilities might constrain the ability of local authorities, in their role in clause 42 of this Bill, to effectively identify and manage those hazards and risks within their region or district and, ultimately, to achieve the purpose of the Bill set out in clause 3. Additionally, this may lead to a perverse outcome where the types of information that local authorities gather within their resource management planning function become less aligned with the information required to implement this Bill.	
78	Subpart 2 – Functions, powers, and responsibilities of regional councils		We support section 223 of the NEB: allocation of natural resources. “Damming” should be added to s223(a) to ensure responsibilities for damming of water restricted under s20 of the Bill are assigned to a local authority.	Amend section 223(a) of the NEB to add “damming”.
79	Subpart 2 – Functions, powers, and responsibilities of regional councils		We support section 225: statutory acknowledgements.	

80	Subpart 3 – Transfer and delegation of powers		We support the provisions relating to Joint Management Agreements in sections 236 to 239 of the NEB.	
81	Subpart 5 – Environment Court and Planning Tribunal		We support the provisions setting out the role of the Planning Tribunal and Environment Court in sections 241 and 242.	
82	Part 6 – Enforcement and other matters Subpart 1 - Enforcement		Part 6 of the NEB relates to the functions of an EPA in performing enforcement. Amending the Bill to include a reporting function that recognises the role of a local authority in implementing, monitoring and interpreting its plan might be a matter that assists with the performance of these EPA enforcement functions.	
83	Part 6 – Enforcement and other matters Subpart 1 - Enforcement	Section 278	We support section 278 of the NEB: offences against this Act and suggest an explicit reference to permitted activities conditions – amend s278 to add: (c) any condition of a natural resource permit or permitted activity standard or rule.	Amend section 278 of the NEB to add a subsection (c): any condition of a natural resource permit or permitted activity standard or rule.
84	Part 6 – Enforcement and other matters	Section 313	We support the inclusion of provisions enabling a Levy through section 313 of the NEB because this adds to the funding tools available to Council for undertaking its functions in a zero rates increase context.	

85	Part 6 – Enforcement and other matters		We have concerns about section 315 of the NEB. The revenue collected from market-based allocation mechanisms should be retained by local authorities for meeting the costs of performing its functions under the PB and NEB.	Ensure that section 315 of the NEB provides for the revenue collected from market-based allocation mechanisms is retained by local authorities for meeting the costs of performing its functions under the PB and NEB.
86	Schedules	Schedule 1 and Schedule 3	We support the inclusion of a schedule identifying transitional savings in both Bills. Transitional savings should include the Regional Policy Statements and combined regional plans. We recommend Schedule 1 be amended to be more directive of the Minister. The relevant provisions in the Bills provide the Minister with too much discretion to change the policy approach and plan provisions at any time through National Planning Instruments and other decisions. The stability and longevity of the new planning framework will depend upon decisions being subject to certainty about activities meeting environmental limits, an overarching	Amend Schedule 1 transitional savings to include regional policy statements and combined plans prepared under the RMA, subject to achieving the Goals in the relevant legislation. Amend the transitional provisions to confirm the continuity of existing regional policy statement and combined regional plans and explicitly provide that all operative regional plans (including objectives, policies, rules, and environmental limits) continue in full effect until replaced under the new system. Amend the legislation to better manage the timing gap between developing ecological health limits, Regional Spatial Plans and Natural

			goal and more certainty over outcomes that must be achieved. Horizons submits that Schedule 1 be amended to confirm the continuity of existing regional policy statement and combined regional plans and explicitly provide that all operative regional plans (including objectives, policies, rules, and environmental limits) continue in full effect until replaced under the new system. We recommend that Schedule 1 be amended to better manage the timing gap between limits and plans and clarify how environmental limits are to be applied where new Natural Environment Plans or Regional Spatial Plans are not yet operative, including clear transitional decision rules to avoid ad hoc or case-by-case interpretation. Horizons emphasises the importance of ensuring enforcement and consent continuity. We recommend Schedule 1 be amended to confirm that	Environment plans and clarify how environmental limits are to be applied where new Natural Environment Plans or Regional Spatial Plans are not yet operative, including clear transitional provisions to avoid ad hoc or case-by-case interpretation. Enable a sequenced transition so councils have the option of staged preparation of new statutory frameworks, unless expressly resourced. Amend transitional provisions to confirm that monitoring, compliance, enforcement, reviews, and variations of existing consents may continue seamlessly under the same legal authority for the life of the consent, unless explicitly transitioned. Maintain Treaty / Te Tiriti continuity during transition and provide for that iwi and hapū participation and addressing Treaty obligations are not diluted.
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			monitoring, compliance, enforcement, reviews, and variations of existing consents may continue seamlessly under the same legal authority for the life of the consent, unless explicitly transitioned. We recommend Schedule 1 be amended to maintain Treaty / Te Tiriti continuity during transition. It must be ensured that iwi and hapū participation rights and Treaty obligations are preserved and not diluted during the transition between statutory regimes. Horizons recommends alignment of statutory timeframes with capability and funding. Flexibility must be provided in transition timing to reflect council resourcing and confirm that implementation expectations are aligned with resourcing and capability support. It may be that allowing a staged notification of the first generation Regional Spatial Plan and staged notification of Natural Environment Plan chapters would assist.	Amend the legislation to align statutory timeframes with capability and funding and provide flexibility to align changes with resourcing and capability support. Amend national direction processes to limit disruptive mid-transition direction by constraining the ability for new national direction or Ministerial instruments to override substantially progressed plan reviews or provide clear grandfathering provisions. Amend the national direction ad plan preparation processes to ensure there is adequate opportunities for wider community input/consultation in development of planning instruments and plans. Amend Schedule 1 to ensure the Regional Spatial Plan reflects a 30 year vision for the Region. Amend the provisions for setting ecological health limits to ensure that "Environmental Limits" contain a built in margin.
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			Schedule 1 should be amended to limit disruptive mid-transition direction by constraining the ability for new national direction or Ministerial instruments to override substantially progressed plan reviews or provide clear grandfathering provisions. We recommend Schedule 1 be amended to provide adequate opportunities for local government and wider community input/consultation in development of National Direction. Schedule 1 should be amended to ensure the Regional Spatial Plan reflects a 30-year vision for the Region - needs to include "space" for enhancements to our natural resources and open space environments, not just the use/development and protection of what is already there constrained only by "environmental limits". Ensure that "Environmental Limits" contain a built in margin - the	Amend the legislation to provide for funding of regulatory relief.
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			compulsory consideration of knowledge limitations and application of a precautionary approach - to cater for error, uncertainty, unexpected events, etc. We recommend Schedule 3 of the Planning Bill is amended to provide for funding of regulatory relief. Where there are financial constraints, there is potential for the provisions that require regulatory relief to divert funds from current non-regulatory incentives and to undermine the achievement of goals. The transitional process appears to include the recently issued National Direction (NPS) however no reference is made to those instruments. We submit that the section should include reference to the National Direction prepared under the RMA, and similarly the Regional Policy Statements and combined regional plans prepared under the RMA; subject to achieving the Goals in the relevant legislation.	
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87	Schedules	Schedule 4	We support the retention of water conservation orders through Schedule 4.	
88	Schedules	Schedule 6	We support Schedule 6: Statutory acknowledgements.	

ANNEX C MINOR ERRORS AND CORRECTIONS

Planning Bill

Part of the Bill	Section	Submission point	Recommendation

Natural Environment Bill

Part of the Bill	Section	Submission point	Recommendation
	8	Omission of the 'natural environment plan' appears to be in error	Amend section 8(a)(i) to add ' <i>natural environment plan</i> '.
	13	Reference to s12 omits the full reference – refers to s12(1)(a) to (d)	Amend section 13 of the NEB to amend the cross reference in (e) which presumably refers to section 12(1) (not just "a to d").
	23(3)	Editing of section 23(3) is needed – currently states " and no may be permit granted relating to that discharge,"	Correct the drafting of section 23(3)

	39(2)(a)	Correct the error in section 39(3) that appears to say "... must provide that an activity is a permitted activity only if the activity is registered with the territorial authority" The provisions prepared by a regional council may also contain permitted activities; and therefore should refer to a regional council, not a territorial authority.	Correct the error in section 39(2)(a) of the NEB to refer to a local authority or regional council,
	223(a)	The NEB regulates taking using, damming, and diverting water, however the damming of water is omitted from section 223(a) of the NEB	Amend section 223(a) of the NEB to add "damming".