

Appendix 1: Christchurch City Council Detailed Submission on the Planning Bill

Clause	Topic	Request	Relief sought	Reason
General submission points	Future national policy direction needs to be grounded by a strong evidence base and tested with real world scenarios/case studies based on a practical application of the proposed legislation. The documentation must be of a quality to be workable and provide confidence to local government that it is capable of achieving an effective planning system. In doing so, it is hoped the legislation can achieve bipartisan support to ensure it is enduring to avoid on significant costs on Council's and ratepayer from political change and on-going uncertainty with our planning and institutional frameworks.			
	Council supports the greater use of plain English in the legislation, e.g., renaming resource consents to "planning consents"; subdivision "completion certificates".			
	The planning system has the potential to be more effective in the management of risks from climate change and to improve the resilience of communities to natural hazards. Whilst there is provision throughout the Planning Bill for the management of natural hazards and recognition of the importance of adaptation planning, it appears limited to these aspects as planning considerations in the protection, use and development of land.			
	For example, we seek clarification as to whether trees are to be managed within the planning system (where not captured by indigenous biodiversity). If so, it is not clear where and by whom and how. Tree canopy cover is an important part of the built and natural environment. Trees will become increasingly important to manage the impact of heat in our urban environments; to sequester carbon; stabilise land and reduce erosion and sediment into our stormwater systems; filter pollutants; and improve physical and mental health by increasing energy levels and decreasing pressure and stress (see Christchurch City Council's Urban Forest Plan). Trees are an important part of our infrastructure and can contribute to economic growth and change. If the management of tree canopy cover is not seen as part of the planning system, we request central government is clear on its evidence base for this position. Further, what alternative methods do central government consider will be effective in resolving tree canopy loss within urban environments.			
	Furthermore, we are concerned that there appears to a reduction in climate change requirements when compared to current obligations under the RMA and associated National Policy Statements. This is evidenced by the shift in how urban form is to be managed, particularly the removal of a centres based approach through the exclusion of retail distribution effects. Removing consideration of retail distribution undermines the centres based approach, which is designed to support more efficient and effective urban networks - including improved transport outcomes and to limit unnecessary outward urban expansion.			
Historic heritage - voluntary incentives: Many councils have for some time recognised heritage owners' contribution to the public good through a suite of provisions such as grants, some TAs offer rates relief, and reduction of consenting fees for appropriate adaptation of heritage places is supported. For example, we currently offer free pre-application and consent heritage advice. It is unclear whether an increase in existing support is sought by the new legislation. In our view, there is a need to ensure that the broader regulatory and policy context aligns and does not create inherent unresolvable conflict e.g., requirements to cap rates alongside requirements to provide additional financial support for heritage.				
Part 1: Preliminary Provisions				
3	Definition of Climate Change	Include definition	Include a definition of climate change as per the existing definition in the Resource Management Act 1991: "climate change means a change of climate that is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and that is in addition to natural climate variability observed over comparable time periods".	Climate change is referred to with regards to Natural Hazards; however, climate change is not defined. To consider the potential effects of spatial planning and land use proposals on GHG emissions a definition of climate change is necessary.

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	Definition of “historic heritage”	Amend	Replace ‘historic heritage with ‘cultural heritage’ or ‘heritage.’	Historic values are only one aspect of heritage places, and the term indicates a bias towards very old places, when, in fact, heritage can date from more recent times, such as modernist architecture (e.g., Christchurch Town Hall (1966–1972)). The term ‘cultural heritage’ is commonly used internationally (UNESCO) and nationally (ICOMOS NZ Charter, 2010) in a professional heritage management context.
	Definition of “historic heritage”	Amend subclause (a)	Add ‘aesthetic’ to the list of qualities associated with ‘historic heritage.’	The definition should include aesthetic values, which is an established value associated with heritage places commonly used nationally (HNZPT Act s66 (1) criteria and ICOMOS NZ Charter, 2010 definition of cultural heritage value) and internationally (The Burra Charter, ICOMOS Australia, 2013, 1.2).
	Definition of “historic heritage”	Amend subclause (a)	Add ‘spiritual’ to the list of qualities associated with ‘historic heritage.’	Spiritual significance is an established value associated with heritage places and is commonly used nationally (HNZPT Act 66 (1) criteria; ICOMOS NZ Charter, 2010 definition of cultural heritage value) and internationally (The Burra Charter, ICOMOS Australia, 2013,1.2).
	Definition of “historic heritage”	Clarify	<p>There appears to be a separation of natural environment protection from historic heritage protection across the two Bills.</p> <p>National instruments or Guidance should include requirements to ensure that natural and cultural values are acknowledged as co-existing despite the separate legislation, and to support regulators and decision makers to recognise and provide for the multiple values that exist in heritage places.</p>	<p>The definition of “historic heritage” includes natural resources. This is appropriate as it recognises that Aotearoa New Zealand heritage often exists within landscapes and includes natural elements.</p> <p>However, there is uncertainty about how the two Acts will work together for heritage that includes natural and cultural values, such as cultural landscapes (areas where Māori and European values, natural and manmade, tangible and intangible values co-exist). This is an issue for both Māori and European heritage places.</p>
	Definition of “identified Māori land”	Clarify	Seek clarification that the definition of “identified Māori land” provides for a clear and enabling pathway for the development of Māori land. Noting the potential scope under subclause (h).	<p>We seek clarification to ensure that the planning framework provides a clear and efficient pathway that enables the best use and development of Māori land. development of Māori land.</p> <p>The definition should be broad to capture instances where Māori are given land as part of any redress action undertaken by a governmental body. Not doing so is likely to limit the full potential of local Māori and the ability for the Council to work with iwi and hapū to realise their contemporary social, cultural, and economic development aspirations.</p> <p>Furthermore, consideration also needs to be given to how the definition of “identified Māori land” in the Bill intersects with National Planning Standards. The National Planning Standards should provide for the zoning</p>

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				of land for Māori purposes, without coupling this to the definition of “identified Māori land”.
	Definition of “river”	Amend	Add definition of river, as per the current RMA definition.	Current National Planning Standards include references to rivers, which links to the RMA definition of River in section 2. To avoid litigation as to whether a particular waterbody is a river, we recommend that this is defined in the Bill.
	Definition of “structure”	Amend	Amend the definition to: “Structure means any building, equipment, device, or other facility made by people that is fixed to land <u>or otherwise positioned to remain in place by weight, anchoring, or other means of stability</u> ; and includes any raft.”	The current definition assumes permanence by requiring the structure to be “fixed to land,” which excludes things like shipping containers that are stable but not permanently attached. This could be addressed by broadening the definition to include structures that are either fixed or otherwise positioned in a way that provides stability.
	Definition of “working day”	Amend	Include regional anniversaries as non-working days.	Consistency with the Building Act.
	Definition of “qualifying resident”	Amend	Modify (c) to: “a natural person whose main place of residence or employment is within the district”.	The current wording of the definition would mean that people who are employed within the given district, but are not a resident within the district, are removed from having any say in notified consenting decisions or plan change processes. Such an approach does not recognise that, in many cases, a large commuter populus is located outside of the relevant district, with some districts having multiple businesses that each have a large amount of employees.
4	Purpose – “enjoyment of land”	Clarify and amend	Clarify the concept and scope of the “enjoyment of land” and provide a definition of “enjoyment of land” in the interpretations of the Planning Bill.	The application and interpretation of the “enjoyment of land” is subjective and unworkable. Any definition should take into account the tension that exists with this principle – one person’s enjoyment of land may influence another’s enjoyment with their own land.
	Purpose – omission of “protection” in the stated purpose	Amend	Amend to add “protection” as per the Natural Environment Bill.	The bills provide for the protection of land, however only the Natural Environment Bill has protection in the purpose statement. Without a change to the purpose of the Planning Bill, there is a disjoint between the Planning Bill provision for the protection of areas of high natural character along waterway, outstanding natural landscapes and features, significant historic heritage, sites significant to Māori, and areas at medium to high risk from natural hazards. Given that one of the Bill’s goals is to protect from inappropriate development special areas (such as sites of significant historic heritage) and to safeguard communities from the effects of natural hazards, the purpose of the Bill should contain provision for protection of the environment.

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Part 2: Foundations				
11	Goals - Prelude	Amend	Require that the Planning Bill goals also comply with goals listed in Natural Environment Bill (clause 11), together with compliance with clause 12 and clause 45.	<p>The prelude caveats how the clause applies by limiting application to clause 12 and clause 45. While these detail hierarchy and framework, there is no requirement to consider effects on the natural environment. This does not reflect the reality of developmental effects.</p> <p>Proceeding with the draft approach is more likely to mean that applicants may achieve consent under one Act, but then fails to comply with the other. These inefficiencies and crossovers between the Bills need to be addressed within the legislation to improve the efficiency of consenting.</p>
11(1)(b)	Goal to support and enable economic growth and change by enabling the use and development of land	Support	Retain, subject to the government's response to Council's submission point on 11(1)(c).	In particular, we support the retention of the word "change", recognising that, with demographic changes and responding to the impacts of climate change, economic 'growth' will not always be the driver of future plan changes.
11(1)(c)	Goal to create well-functioning urban and rural areas	Amend	<p>Combine with subclause 11(1)(b), subject to the development of Rural National Policy Direction (NPD).</p> <p>Recommended new re-wording of subclause 11(1)(b):</p> <p>"to create well-functioning urban and rural areas <u>while</u> enabling the <u>protection, appropriate</u> use and development of land".</p>	<p>Rural areas have different values, functions, and developability when compared to urban areas – NPDs need to reflect this and not conflate their management.</p> <p>As per our submission point on clause 4 (Purpose), "protection" needs to be included as part of the outcome sought for both urban and rural areas, to better represent the obligations under the Bill upon Councils to protect and safeguard various parts of the environment.</p> <p>The use and development of rural land need to be undertaken with consideration of the needs of future generations and environmental limits, and to take account of the specific values inherent in rural areas. A sole focus on development does not encompass the need, in some instances, for protection, nor does it set out what appropriate development land use is.</p>
11(1)(e)	Goal to plan and provide for infrastructure to meet current and expected demand	Amend	Change to "plan and enable "	The current wording "provide for" could be interpreted as to require councils to fund and construct infrastructure, which is not within the scope of the Planning Act. This must be made clear. Replacing this with "enable" better aligns with planning practice and language used in the other Goals.
11(1)(g)(iii)	Goal to protect from inappropriate development the identified values and characteristics of sites (of) significant historic heritage	Support with amendments	<p>Retain goal as proposed with amendments, noting our previous comments on the definition of 'historic heritage' above.</p> <p>The goal refers only to sites of significant historic heritage whereas the definition of historic heritage</p>	<p>Cultural heritage is important as outlined in the ICOMOS NZ Charter, 2010: <i>"New Zealand retains a unique assemblage of places of cultural heritage value relating to its indigenous and more recent peoples. These areas, cultural landscapes and features, buildings and structures, gardens, archaeological sites, traditional sites, monuments, and sacred places are treasures of distinctive value that have accrued meanings over time. New Zealand shares a general responsibility with the rest of humanity to safeguard its cultural heritage places for present and future generations."</i></p>

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			<p>includes structures, places and areas – amend to align.</p> <p>The goal only refers to inappropriate development. We seek clarity if this is intended to include or exclude subdivision.</p>	<p>Heritage places contribute to community social, economic, cultural and environmental wellbeing; local and national identity, tourism and disaster resilience and recovery (Sendai Framework for Disaster Risk Reduction 2015-2030; Christchurch Heritage Strategy 2019-2029 and Our Taonga Heritage Strategy) and sustainability outcomes. Heritage also has economic benefits - heritage building retention provides increased employment and household income, generating development and investment and creating small businesses. (Valuing Non-Regulatory Methods of Protecting Privately Owned Heritage in Christchurch, University of Otago, Master of Planning 2017, p.8)</p> <p>The current definition has an inconsistency causing lack of clarity - the goal refers only to sites of significant historic heritage whereas the definition of historic heritage includes structures, places and areas.</p> <p>The goal also only refers to inappropriate development. We seek clarity if this is intended to include or exclude subdivision. Given the importance of retaining settings for heritage items (ICOMOS NZ Charter 2010) and the recognition of this in the definition of historic heritage (surrounds), the protection and management of heritage places from subdivision needs to be clearly provided for.</p>
11(1)(g)(iii)	Goal to protect from inappropriate development the identified values and characteristics of sites (of) significant historic heritage	Clarify or amend definition of “historic heritage”	<p>Clarify how “significant” will be assessed in subclause 11(g)(iii) or amend definition of “historic heritage” to include:</p> <p>“...to an understanding and appreciation of New Zealand’s history, <u>cultures and regions</u>, deriving from any of the...”</p>	<p>Significant historic heritage should <i>not</i> be confined to those places of national heritage value, as there are places of high heritage significance to districts and regions which are not necessarily of wider significance to the nation.</p> <p>It is positive that there is a goal that ‘significant’ historic heritage is protected. However, it is critical that ‘significant’ is either defined in the Planning Act as historic heritage that is <i>significant to the district</i>, or it is clarified that it should be interpreted in this manner in the proposed National Direction. Significant is a judgement and the threshold that it implies for what is protected is critically dependent on the context.</p> <p>This qualification will play a vitally important role in maintaining the distinctive identities of the cities and regions of Aotearoa New Zealand for visitors and residents. If national direction and standards qualify <i>significant</i> as <i>nationally significant</i>, most historic heritage in each district and region will not qualify for protection and will be at risk. This would threaten what makes each district and region special for residents and visitors. Protection of historic heritage is a central part of social and cultural wellbeing. These are fundamental bottom lines for environmental protection which should be recognised in clause 11 Goals.</p>

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				<p>The Christchurch City District Plan has thresholds for significance set out in our policy. These require (amongst other matters) heritage places to be of significance to the Christchurch District as a minimum. This is considered an appropriate threshold. It is noted that the District Plan (Significant and Highly Significant), and other plans, as well as the HNZPT List, have two levels of significance. It is unclear whether the proposed legislation will provide for different levels of significance. We consider this would be appropriate.</p> <p>The Canterbury Earthquakes and related decisions resulted in substantial loss of Christchurch heritage places. The Christchurch Heritage Strategy, Our Taonga Heritage Strategy 2019-2029, developed in consultation with the community and in partnership with the six Papatipu Rūnanga, highlighted the role of heritage in contributing to community identity and sense of place.</p> <p>By only protecting heritage that is of regional or national significance, benefits of heritage to local communities (e.g., disaster resilience – refer SENDAI framework) would not be safeguarded.</p>
11(1)(i)	Goal on Māori interests	Amend	<p>Add sub-clause, as follows:</p> <p>(iv) giving effect to the principles of Te Tiriti o Waitangi, particularly kaitiakitanga</p>	<p>Te Tiriti o Waitangi is the basis for a trusting and productive relationship between the Crown and Māori. In practical terms this extends to local government. It is extremely difficult for local government to form a constructive relationship with mana whenua while working under legislation that does not recognise this.</p> <p>If the clause is retained, referring to Māori “interests” creates ambiguity which needs to be clarified. We are unclear how “interests” will be determined, and, in our view, could mean that outsiders with no particular tie to an area are given as much say as the mana whenua in that area. To that end, we support an additional sub-clause that seeks the principles of Te Tiriti o Waitangi are given effect to.</p>
12	Relationship between key instruments in decision-making	Amend	Mandatory development of National Policy Direction (NPD) - insert requirement that each Goal in clause 11 should either individually or grouped be particularised through NPD.	Various aspects of the Bill focus on managing conflicts between aspects of the two Bills or Goals in each. This should be overcome by requiring that all goals are qualified through the development of NPDs (National Policy Directions). This will also address the governmental policy vacuum that came about after the introduction of the RMA.
14(1)	“Effects outside the scope of this Act” – General comment	Amend	<p>One recommendation: add public-private interface to (2) <i>This section does not restrict the management of—....</i>”</p> <p>Management of the interface between private and public space should be able to consider:</p>	<p>As drafted, a fundamental concern of the Bill are the exclusions listed in clause 14. These exclusions are drafted very broadly and would have wide sweeping effects that counter to the intent of the Bill. Our preferred approach is that clause 14 be changed to remove several subclauses.</p> <p>This can be seen in the combined effect of restrictions to all effects of external building layout subclause (1)(a), visual amenity subclause (1)(e),</p>

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			<p>(a) internal and external layout, (e) visual amenity, (g) views from private property (h) landscape</p> <p>This is necessary to ensure that they can be included in national and bespoke standards and can be considered when national standards are breached.</p>	<p>and views from public property subclause (1)(g) – boundary non-compliances are unable to be considered, reducing the enjoyment of land for neighbouring properties and stakeholders.</p> <p>Issues we foresee with these effects being out of scope:</p> <ul style="list-style-type: none"> • Setbacks; • Public space safety, both residential and commercial; • Placement of well-known nuisances, such as waste and other storage at or near boundaries; • Development within highly developed commercial areas that place blank walls or waste management spaces along the street frontage, which significantly detracts from the investment within these areas and economic vitality of neighbouring businesses (also conflicting with Planning Bill Goals). <p>As we interpret clause 14, standards to internal or public boundaries cannot be set (restricts external layout) as these are out of scope (and all things that give effect to it). A key change is required to ensure that effects at both a private property boundary and private and public property boundary interface must still be able to be considered when there is a breach of standards. Not addressing this will significantly affect both residential and commercial landowners: residents could be faced with buildings at the boundary in breach of building height with little to no recourse available, while a business owner may have all their waste management area on the street façade, negatively impacting on the commercial viability or adjoining businesses.</p> <p>Our concern is that for any breach, we would not have sufficient tools to assess the effect without these four effects being considered both for assessing the severity of the breach and for any mitigation.</p> <p>Solutions for clause 14 include:</p> <ol style="list-style-type: none"> 1. Clause 14 be changed so that it does not bar consideration of external building layout (1)(a), visual amenity (1)(e), views from public property (1)(g), and clarifies that the effect on landscape (1)(h) still provides for councils to regulate for tree canopy cover 2. To address these clauses being removed, seek to manage and standardise such controls through national instruments, ensuring that Councils can address effects through non-compliance with national standards. 3. Adding national standards for breaches, zone boundaries, private-private and private-public boundaries etc.
14(1)(a)	Effects outside the scope of this Act: “the internal and external layout of buildings on a site”	Amend and clarify	Do not bar consideration of these effects. Instead, standardise how such controls are set through national	Much of the success Christchurch has seen post-earthquake is due to the adoption of clear urban design principles throughout the rebuild. This had led to an attractive and highly functional urban landscape that fosters

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			<p>standards, allowing Council to set controls for how related non-compliances are considered.</p> <p>The allowance to manage such effects for non-compliance should also be extended to instances where Council promulgates provisions are more enabling than national standards.</p>	<p>continuous investment, is safe, and enhances social connection – which continues to deliver housing. Council appreciates that some details may be overly prescriptive, but this should be seen as an opportunity for national standards to set the benchmark of quality, rather than removing the ability to consider such controls, especially in the assessment of non-compliances.</p> <p>It is unclear whether external layout of buildings on a site also refers to the location of those buildings.</p> <p>In Christchurch there are 22 areas where existing residential areas adjoin industrial areas. Noise and visual effects from industrial zones received within residential zones can be mitigated by site and building layout, for instance orienting noise generating activities away from residential boundaries. Landscaping treatment is a key form of mitigation applied between uses to create compatibility between land use activities - that would otherwise be incompatible (i.e. the effects unreasonable). The enjoyment of private property rights must be viewed from multiple perspectives.</p> <p>The location of buildings on a site can be a key factor in determining the success of the development including its contribution to the local/wider environment (as may be relevant), including relationship to the site itself, to elements external to the site, and to each other and other site components. These are core urban design principles which are grounded in site functionality. This is of further importance where a private interest is proposing that their site will be used by members of the public and will operate as private/public space e.g., retail developments. Where this is in effect adding to/affecting the public realm, determining that its effects are internal and of no broader public interest is no longer true.</p> <p>The inability to consider this effect could greatly increase the risk of infringing people’s enjoyment of land. If a territorial authority is unable to regulate the external layout of buildings on a site, decks/balconies could overlook private spaces, infringing on the privacy of neighbours.</p> <p>External site layout also has an obvious interplay with infrastructure, such as space provision for rubbish bins and on-site drainage, and the location of a vehicle crossing if they’re providing parking.</p>
14(1)(c)	Effects outside the scope of this Act: “retail distribution effects”	Amend	Delete	Exclusion of retail distribution effects will undermine the achievement of well-functioning urban environments (Goal 11(c)). This includes the achievement of the co-location of higher density housing in and around commercial centres, based on the size and range of services of those centres, as sought by existing government direction (in the NPS-UD). This pattern of development enables economic and wider agglomeration

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				<p>benefits, such as improved access to goods, services and employment opportunities, reduced transport needs, and better integration with infrastructure.</p> <p>Removing the ability to manage retail distribution and maintain the level of retail services in the larger centres has significant potential to disrupt the achievement of that integrated pattern of development and the associated benefits; it may also undermine the significant investment that has been made in public transport infrastructure. In addition, it threatens the maintenance, development and economic prosperity of the commercial centres and the public and private investment in those centres and in the infrastructure servicing those centres. The identification and active management of the distribution of retail activities is critical to achieving a unified and efficient investment across public and private organisations and business alike.</p>
14(1)(e)	Effects outside the scope of this Act: “the visual amenity of a use, development, or building in relation to its character, appearance, aesthetic qualities, or other physical feature”	Amend	<p>Do not bar consideration of these effects. Instead, standardise how such controls are set through national standards, allowing Council to set controls for how related non-compliances are considered.</p> <p>Allowing such effects for non-compliance to be managed should also be extended to instances where Council promulgates provisions that are more enabling than national standards.</p> <p>Acknowledge the contribution that visual amenity and aesthetic qualities have to building communities, improving health and safety, and reducing crime through the likes of Crime Prevention Through Environmental Design (CPTED).</p>	<p>Exclusion of “the visual amenity of a use, development, or building in relation to its character, appearance, aesthetic qualities, or other physical feature” means that mitigation that includes visual amenity cannot be considered. Visual amenity or aesthetic controls are a commonplace mitigation tool that enables greater intensification and use of a site, without compromising neighbouring use of land. This is a critical tool in urban contexts which Council should retain the ability to use for relevant non-compliances.</p> <p>For example, the visual appearance of industrial buildings and structures at the interface with residential zones impacts the extent to which these activities are compatible. The proposed approach likely means that only having a greater building setback can be proposed as mitigation, rather than a range of measures including, for example the planting of landscape features to treat this interface, building articulation, materials and colours. Such measures can reduce building setback; however, such an approach cannot be considered as currently proposed in the Bill.</p> <p>Removing this matter from any consideration would conflict with the following stated goals of the Bill:</p> <ul style="list-style-type: none"> • <i>Subclause 11(1)(a) to ensure that land use does not unreasonably affect others, including by separating incompatible land uses.</i> Poor design creates externalities in the same way as any other adverse development effect. However, the position in the Bill comes from a position of frustration, which should be overcome by setting acceptable standards nationally. • <i>Subclause clause 11(1)(b) to support and enable economic growth and change by enabling the use and development of land.</i> Good quality design can enable more efficient use of land, particularly in dense urban settings. Notably the consideration of issues such as street

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				<p>scene/context, overbearing effects, and impacts on neighbouring amenity can tip the balance of acceptability. By addressing these matters benefits can often be multiplied.</p> <ul style="list-style-type: none"> • <i>Subclause 11(1)(c) to create well-functioning urban and rural areas.</i> Urban design is as much about functionality and good design often comes from a necessary understanding of the development site and its context. These sites in turn contribute to well-functioning urban (in particular) and rural areas. <p>Design is as much a process as an outcome and its component elements including: scale, form, impacts on neighbouring amenity (including residential), legibility, access and safety, remain issues that need to be managed. These are not mutually exclusive and need to remain within scope, such that the stated goals of the system can be achieved.</p>
14(1)(f)(i)	Effects outside the scope of this Act: “the type of residential use”	Remove	Remove subclause 14(1)(f)(i).	<p>This bars all visitor accommodation rules (e.g., AirBnB rules) that this council successfully defended through Environment Court appeal. Removing such controls compromises the investment made in business zones to supply visitor accommodation, reduces the number of available rental properties and may affect housing affordability, and impacts on the qualities residents value in residential areas.</p> <p>Type of residential use intersects with subdivision and the outcomes sought for the zone – this also sometimes impacts on infrastructure.</p> <p>In some cases, ‘types’ of residential use should be actively discouraged (for example, caretaker’s dwellings are provided for in some open space and specific purpose zones, where it would not be appropriate to enable other types). Custodial housing is another example where it is unclear whether this would be captured; Council would prefer to retain control over this type of housing.</p> <p>Another example is provision for accessible housing, if there is not the ability to consider the positive effects of increasing the supply of this type of housing, the market will continue to fail to deliver this product.</p>
14(1)(f)(ii)	Effects outside the scope of the Act: “the social and economic status of future residents of a new development”	Remove	Remove this bar	<p>It is not uncommon for the social and economic status of future residents to be a driver for submitters opposing a development (such as social housing or a community corrections facility) from an area. However, the opposition does not tend to come through so explicitly. Instead, it is often phrased as concern about some other effect such as noise. Given this, it is unclear how far this exclusion would be effective in practice.</p> <p>The exclusion precludes provision for such developments, or consideration of the benefits associated with them.</p>

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				<p>CCC has adopted a Joint Housing Action Plan (JHAP), developed through the Greater Christchurch Partnership. The JHAP has as an action the exploration of inclusionary zoning i.e. affordable housing provision through market development. We question if this would preclude the use of inclusionary zoning under the new system.</p> <p>Inclusionary zoning, as a tool, should be allowed for if it can be justified in evidence to address specific market failures. Such evidence should be allowed to be tested on its merits.</p>
14(1)(g)	Effects outside the scope of the Act: 'views from private property'	Amend	Amend to: "viewsheds to protected landscape features".	<p>It appears that the intention was that the Bill would restrict the protection of viewshed upon protected landscape features, however the current drafting would restrict any appreciable outlook from neighbouring properties. This appears to conflict with the "enjoyment of land" purpose of the Bill.</p> <p>At the industrial residential interface areas, building heights and the height of outdoor storage such as shipping containers and scrap metal can be easily visible from nearby residential areas, impacting compatibility at these interfaces. The exclusion of "views" could have an unintended consequence of conflicting with the Act's provision to manage incompatible activities.</p>
14(1)(h)	Effects outside the scope of the Act: "effect on landscape"	Amend or remove	<p>Subject to clarification, remove or specify in National Direction.</p> <p>Amend to exclude trees and planting from the meaning of landscape in this clause.</p>	<p>It is unclear what is captured by this provision, as 'landscape' is not a defined term in the Bill, and its plain meaning has an exceptionally broad application. Efforts must be made to ensure that this does not conflict with subclause 11(1)(g)(ii). In our view, as currently drafted, it could have the unintended effect of reducing landscaping as a mitigation tool. The interpretation of this could range from the effect on natural landscape upon a specific site, to entire streetscapes or adjacent outstanding natural landscapes. It is unclear whether landscape planting can be considered as a mitigation tool.</p> <p>Council opposes any proposed removal of all landscape-related provisions – see reasoning in response to clause 14(1)(e). This process acts as an opportunity to ensure that landscape provisions are standardised within the National Standards, similar to MDRS.</p> <p>Trees and planting are critical elements for enjoyment of private and public land as well as health and wellbeing of individual and communities. Additionally, they are effective mitigation elements in many land use conflicts. We consider their specific exclusion is not the intention. The need for exclusion of clause 14 effects must be grounded in practical real-world cases, including those which have achieved compatibility and acceptability of effects.</p>

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14(2)(e)	Effects outside the scope of the Act: this section does not restrict the management of natural hazards	Amend	Amend subclause 14(2)(e) to read “This section does not restrict the management of (e) the effects of natural hazards <i>or climate change</i> ”. Or include a provision that allows for territorial authorities to address and manage the issues caused by climate change.	This proposed amendment clarifies that managing the effects of climate change is within the scope of the resource management system. The proper management and planning of climate change go beyond the issue of natural hazards; managing climate change only through the lens of natural hazard would lead to a haphazard approach by territorial authorities.
15(1)(a)	Considering adverse effects of activities – general comments	Amend	Compensating or offsetting should be allowed only after avoiding, remedying or mitigating in an effects management hierarchy	As written, clause 15(1)(a) appears to provide the option of compensating without needing to minimise or remedy. However, clause 15(3) explicitly stipulates that there is no order of importance for managing effects, which could be used to disregard the mitigation hierarchy and the well-established fundamentals of good environmental management.
15(1)(b)	A person...“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”	Amend	Simplify end of clause to read “...create effects that are minor or more than minor”; or “minor or greater”. Alternatively, rather than “greater than less than minor” insert “at least minor”. Consideration of cumulative effects should be retained.	This sentence does not meet procedural principle 13(a) – it reads as extremely convoluted. In practice, to cover off cumulative effects, all of the effects – including the “less than minor” effects, <u>do</u> need to be considered (and that consideration would need to be recorded within the report). It is important to be able to consider adverse effects arising as a cumulative effect. For instance, numerous industrial activities impacting a residential area, or even numerous activities within a site (e.g. multiple noise sources).
15(4)	Definition of “less than minor”	Amend or remove	Modify to align with current planning practice of considering the scale of effects relative to what the zone expects rather than now “noticeable” the effect is. Alternatively, remove the sub-clause.	The current wording has a high likelihood of being heavily litigated as what is “noticeable” to some may not be to others. The planning profession and case law has established a recognisable approach to this under the current RMA, which centres on the zone/rule expectations in the Plan. Aligning the wording to expectations under National Standards may achieve the same outcomes and has a lower chance of legal challenge.
20	Certain existing uses allowed – extinguishment of existing use rights	Amend	Amend clause 20 to allow for existing use rights to be extinguished or reduced, if necessary, to reduce, mitigate or adapt to the risks associated with natural hazards and climate change.	Under this section, existing uses can operate without the ability of councils to extinguish them, even where natural hazard risk has increased or the activity is making the risk worse (for example, a pine plantation operating in an area at high risk of wildfires). Adding this would allow for local authorities to more effectively address natural hazard and climate change risk.

Clause	Topic	Request	Relief sought	Reason
22	Existing building works allowed	Support	Retain definition.	Support inclusion of definition for “came into force”. Useful clarification of the situation where a new rule comes into effect after a building consent has been issued.
25	Duty to avoid, minimise, or remedy adverse effects	Support and clarify	Retain as proposed, subject to clarification.	This clause provides additional protection against undue adverse effects and therefore is supported. However, there appears to potentially be a conflict with clause 15(a) which also incorporates the ability to offset or compensate adverse effects. Ensure there is consistency to avoid misinterpretation.
27	Purpose of key instruments: “Recognition of role of spatial plans in promoting resilience”	Amend	Amend the summary of the purpose of regional spatial plans to include “ <u>promote and strengthen resilience to the effects of natural hazards and climate change, now and in the future</u> ”. (make the same changes to the restatement of purpose in section 67)	This amendment recognises the role of spatial plans in building and promoting resilience, alongside other advantages such as promoting coordination of infrastructure investment.
31	Principles for classifying activities –controlled activity status	Support	Deletion of Controlled activity status	Support the removal of Controlled activity status for resource consents is supported for managing historic heritage. In our experience, restricted discretionary activity status provides an incentive for heritage owners to contract conservation professionals and engage with Council Heritage staff at pre-application stage to agree on a conservation outcome which Council officers can support on a non-notified basis. This often also has the benefit of speeding up the consent process.
31	Principles for classifying activities	Support	Retain, with the amendments below.	Support the principles for classifying activities in clause 31 for national consistency.
31(b)(i)	Restricted discretionary activity	Amend	Suggest modifying the beginning of the sub-clause to: “ the activity is acceptable, is anticipated, or achieves the desired level of use and <u>may achieve anticipated land use or development but 1 or more of the effects...</u> ”	The words “acceptable” and “anticipated” do not align with the outcome where an application is declined and recommend are removed. We seek the clause be modified to align with how restricted discretionary activities are classified in clause 32(3) and clause 148, where such activities can be declined (i.e. not acceptable or anticipated). The term “desired level” is similarly problematic.
38	Permitted activity rules – general comment	Amend	The process for determining whether a permitted activity requires registration is convoluted and will be difficult to apply in practice.	Support the requirement for permitted activity registration but only if a Plan rule requires registration, as it better enables monitoring of plan and system performance and enables the collection of fees. However, there is an inconsistency between clause 38 and clause 180 – clause 38 states that <u>all</u> permitted activities must be registered, while the wording of clause

Clause	Topic	Request	Relief sought	Reason
				180(1) suggests that it is optional for councils to have Plan rules that require registration. Our preference is that the Plan sets out which permitted activity rules require registration, to appropriately target this (and the associated administrative burden).
38	Permitted activity rules – general comment	Support	-	Support the ability to obtain written approval from affected persons for a permitted activity. Note that this will require who is affected to be well-defined in the Land Use Plan, so it is clear to applicants and does not require assessment by the consenting authority. Support the inclusion of fee payment.
38(1)(b)	Permitted activity rules – must relate to a matter described in section 151/Part 1 of Schedule 7	Amend	Refers to matters described in clause 151/Part 1 of Schedule 7, however these conditions do not translate easily into the permitted activity context.	Clause 38(1)(a) refers to a matter described in clause 151 or Part 1 of Schedule 7 – this section/Part are conditions on resource and subdivision consents. We question if this is the appropriate cross reference, and if these clauses need to be amended to state conditions of consents or permitted activities to make clear that they can apply to both.
38(2)	Permitted activity rules - qualified person	Amend	Clarify to state that the Plan can detail what qualifications are required for said registered activities.	Current best practice uses the term “qualified expert” while the proposed clause uses “qualified person”. Council would support this use of language subject to the Plan being able to specify the necessary qualifications as qualified people need to be specified for this purpose.
38(4)	Permitted activity rules – approval is valid for 3 years	Clarify	Clarify the inclusion of a specified duration for written approvals to remain valid for. For example, does this mean the permitted activity lapses after 3 years?	It is not clear of the purpose of this subsection. Is it intended to override ownership/tenancy changes such that a written approval provided on a certain date remains valid even if the person who gave written approval has moved away? Or does it imply that new written approvals are required after the 3-year period if the activity is to remain permitted?
42(2)(b) and 42(3)(a)(b)	Relationship between national rules and designations	Support and note	-	Council notes the timing implications between the preparation/adoption of designations and when national rules will be made. This is relevant to the proposed Christchurch MRT (Mass Rapid Transport) designation.
43	Relationship between national rules and bylaws	Clarify	Consideration of bylaws when amending national rules.	Potentially an amended national rule could undermine a swathe of existing bylaws. This would need to be expressly considered at the time of any amendment. Council notes that the effect on existing bylaws is why it should be consulted on draft national instruments (discussed below).
45	Matters to consider when making national instrument - making climate change documents mandatory considerations	Amend	Amend the section to require the Minister to have regard to the following: <ul style="list-style-type: none"> • The National Adaptation Plan • The National Adaptation Framework 	At present under the RMA the Minister must have regard to most of these documents. Including a requirement that the Minister must have regard (or provide for, or similar) to these documents ensures that climate change considerations will be included in the national decision-making process.

Clause	Topic	Request	Relief sought	Reason
			<ul style="list-style-type: none"> The National Climate Change Risk Assessment; and The Emissions Reduction Plan 	
46(1)	Process for making national instrument	Amend	Include a requirement to provide draft national instruments to local authorities	Local authorities are required to implement national instruments, so are best placed, alongside iwi authorities, to give views at a preliminary stage. For example, if the national instrument affects a local authority's ability to create a bespoke plan provision (clause 79), local authorities will be best placed to explain whether they consider a bespoke plan provision should be allowed in the specific circumstances.
46(2)(b)	Process for making national instrument – adequate time and opportunity	Amend	Set a minimum timeframe of 45 working days.	Council considers that development of national instruments to be of critical importance given their integration with the new framework and the 'funnel' approach. Setting a minimum timeframe ensures that there can always be an expected minimum period, rather than leaving this to the discretion of the Minister.
57	National Policy conflict resolution	Clarify	Clarify link to clause 81 of the Natural Environment Bill, noting the difference between 'built environment' and 'natural environment' definitions and uses between Acts.	It is unclear whether or not conflict resolution between the two Acts would simultaneously trigger clause 57 (Planning Bill) and clause 81 (Natural Environment Bill). Only requiring assessment under one Act would mean that only a partial environmental assessment is completed and the definitions used between the Acts capture different (and overlapping) parts of the environment.
58-62	National standards	Support	-	These clauses seek to rectify the vacuum in national direction that occurred following the adoption of the RMA. Setting these requirements as sections to hold government to account is welcomed.
60	What national standards can do	Amend/clarify	<p>Amend to include "set standards for permitted activities".</p> <p>Clarify what "conditions in a plan" is referring to/amend to refer to rules or provisions.</p>	<p>As National standards can direct that an activity is permitted, it should be clarified that this can be subject to standards – at the moment (c) only relates to conditions on a planning consent, not standards to be met by permitted activities.</p> <p>60(4) refers to "conditions in a plan" dealing with effects – we question whether this should be "provisions in a plan" or "rules in a plan"? (note clause 78 refers to provisions).</p>
62(1)(c)	Amendments to national standards without full process - give effect to national adaptation plan	Support	Retain	The clause allows for the Minister to amend a national standard to give effect to a national adaptation plan. This is positive and should be supported.
Part 3: Combined Plan				
63(2)	Regional combined plan - purpose	Amend	Modify to also state that the purpose is to ensure that consenting is achieved in an integrated and consistent manner across the Plan.	Proposed text only signals the locational benefits of creating one combined plan, rather than the benefits of creating an effective consenting regime. The two Act approach is at risk of perpetuating the current two-step

Clause	Topic	Request	Relief sought	Reason
				consenting process to get larger scale development consented, which must be addressed via a functional combined plan.
67	Purpose of regional spatial plans	Amend or Clarify	Address the issue of creating a Spatial Plan without first defining environmental limits through the first iteration of each regional Spatial Plan as per clause 67(c).	As currently drafted, it will not be possible to create a regional Spatial Plan without setting environmental limits first. There is a serious risk of environmental degradation through the use of inappropriate placeholder environmental limits, which could force Councils into an immediate review of Plans after their enactment, reducing any benefits gained through this process.
68	How regional spatial plans promote integration	Clarify	-	Council queries whether the Infrastructure Funding and Financing Act should be included in this list.
68	How regional spatial plans promote integration	Amend	Include a new clause referring to the Climate Change Response Act (CCRA).	Regional Spatial Plans should be consistent with adaptation plans produced under the CCRA.
75(a)	Purpose of land use plan	Amend	"Protection" should also be a purpose of a Land Use Plan.	Specify that the purpose to "enable and regulate the use and development of land" allows for the Plan to also promote "protection" or "conservation". Ideally these would also be included – see our submission point on clause 4.
76	Each district must have 1 land use plan	Amend	Amend that districts across a region may create one land use plan for all districts as per clause 292(5). Amend clause 76 to: "At all times, every district must have a land use plan"	Proposed clause 292(5) allows for a combined Land Use Plan to apply across some or all or a region. Doing so would appear to contravene proposed clause 76 as there would not be one land use plan per territorial authority – this needs to be clarified. Furthermore, this clause appears to come into effect immediately on Royal Assent, the requirement that each district have a land use plan at all times should only come into force once the first proposed land use plan becomes operative.
78(3)	Land use plan must include standardised plan provisions as directed by national instrument	Amend or delete	Amend or delete.	This conflicts with Clause 79 which allows councils to amend standardised plan provisions. If it is amended, then it is not a standardised plan provision. Accordingly, it then becomes a bespoke provision, which clause 79 does allow for in set circumstances. This is likely better deleted or located in the national instrument.
80(4)(c)(i)(A)	Core obligations when preparing and deciding land use plan	Clarify	-	Supported if the adjacent territorial authority is within the same region - Council would expect that the Regional Spatial Plan should be broadly aligning territorial authority cross-boundary land use issues.

Clause	Topic	Request	Relief sought	Reason
				Consistency with adjacent territorial authorities in different regions will be difficult to achieve in practice.
86	Methods relating to incentives	Support	Retain as proposed.	Incentives are a useful tool to encourage restoration and the achievement of objectives.
89	Requirements for justification reports – general comment	Amend	Modify to provide for more innovative evaluation methods like Multi-Criteria Analysis (MCA).	MCA is widely adopted in infrastructure investment evaluations, as promoted by NZTA . The binary cost versus benefits approach is simplistic and struggles to adequately evaluate complex environmental and developmental issues. Replacement of the RMA should be seen as an opportunity to innovate how evaluations are undertaken.
89(1)	Requirements for justification reports	Amend or clarify	Amend to: <i>(1) This section sets out the requirements for a justification report required under clause 11 of Schedule 3 for a draft of a proposed plan that contains a: a) bespoke plan provision; or b) provision on a specified topic.</i>	This amendment is to improve clarity and coherence.
Schedule, 11(1) (noting link to 89(1)) above)	Justification report	Amend/clarify	Amend to: <i>(1) Before notifying for submissions a proposed land use plan that contains a: a) bespoke plan provision, or b) provision on a specified topic, a territorial authority must— i. prepare a justification report on those provisions in accordance with section 89; and ii. have particular regard to the justification report when deciding whether to proceed to notify the proposed land use plan with those provisions for submissions.</i>	This amendment is to improve clarity and coherence.
89(2)(a) and 89(3)(b)	Requirements for justification reports – national instrument control on bespoke provisions	Amend	Remove the ability for national instruments to preclude bespoke provisions.	Justification of bespoke provisions should be on merit and not precluded or otherwise through national instruments. It is conceivable to Council that national instruments would unintentionally preclude local bespoke nuance to a national standard / rule / policy or otherwise, where this could be reasonably justified at a site-specific or area-specific level.

Clause	Topic	Request	Relief sought	Reason
89(2)(c)	Requirements for justification reports – development capacity	Clarify	Either regulations or national instruments should give guidance on how the provision or reduction of development capacity should be assessed.	It is not clear what the comparison point will be for assessing the effect of development capacity. For instance, if a national instrument provides for several standardised provisions on a particular topic, but a territorial authority chooses to create a bespoke provision, which of the standard provisions should form the basis for the reduction in development capacity?
89(2)(a)(ii) and (3)(b)	Requirements for justification reports – justify why provision is not precluded by national instruments	Amend	Change “why” to “how”	Could be read that councils would need to get into the reasoning of the national instrument. It’s either precluded or it’s not, the justification needs to correctly reference/interpret this and explain how .
90(2)(a)	Requirements for further justification reports	Amend	Correct reference.	Copied from clause 88(2)(a) – incorrect reference, clause 87(1) and (2) refer to evaluation reports, specifically referencing standardised provisions. This section is for further justification reports i.e. bespoke provisions. Council questions whether this should be clause 89(2) and (3).
93	Land Use plan or proposed Land Use Plan may make area subject to future provisions	Amend	Amend the section to clarify that land use plans can make areas subject to future provisions that reduce development ability (“downzoning”) where necessary to adapt to the changing effects of natural hazards and climate change.	<p>The clause allows for areas to change zoning based on certain triggers. The Bill implies that this is intended to provide for automatic upzoning (for example, when a road is built allowing access to a rural area it might automatically rezone to residential).</p> <p>If automatic downzoning is explicitly provided for, this will allow for restrictions on land use necessary to facilitate adaptation to take place automatically following a trigger event (for example, a local tidal gauge showing that sea levels locally have risen by 1 metre, triggering an automatic change in local rules that applies a higher test to subdivision applications). This would reduce complexity in the system and enhance adaptability.</p>
93-96	Future provisions	Clarify	Improve clarity / purpose.	<p>Support in principle, however we are concerned that some aspects may not be achievable or practical. For example, clause 94(b) requires that all of the future provisions are clearly identified. If it gets to implementation, which could be many years away, the future provisions should be or would need to be changed.</p> <p>Council would prefer for the ability for such provisions to be able to be modified via a simplified plan change process, similar to the process outlined in clauses 97-98 where consents can modify a Plan.</p>

Clause	Topic	Request	Relief sought	Reason
94	Requirements for making area subject to temporary and future provisions	Amend	Amend the section to clarify that future conditions may be temporary.	The Bill could be interpreted to read to imply that conditions may exclusively either be temporary or future conditions. This would preclude temporary future conditions from existing. The Bill could be amended to clarify that this is not the case.
97-98	Changing plan provisions through a consent (standardised provisions only)	Amend and clarify	Clarification and update to link to growth targets.	Council is broadly supportive of changes to allow for Plan modification via consenting under specific conditions (clause 144), subject to modification of conditions.
		Comment	Modifying section naming to acknowledge that this is a minor plan change (the vehicle of a consent is irrelevant).	<p>There is a muddying of the water between plan preparation and consents. This appears in effect to be a small scale Private Plan Change, could it be called that e.g. <i>Private Plan Change (Minor)</i></p> <p>The application can still be made in accordance with the form detailed under 109 and the requirements of 144 (subject to the resolution of the concerns raised in that section).</p> <p>Any such process that modifies Plan content must have appropriate guardrails to maintain the integrity of the Plan. Simply stating that rules must be those in national standards is not sufficient as standards are likely to provide options – a given alternative may not integrate with established Plan rules because a different alternative rule set may have been selected or bespoke provisions may exist in a Plan. At a minimum, ensuring that the change aligns with the Regional Spatial Plan is key. There is a high degree of unchecked power in this provision (noting the lack of appeal rights) and appropriate controls to manage this power is warranted.</p>
98	Territorial authority may change plan provisions if authorised by planning consent	Clarify	Clarify status of land use consent after plan change.	Clarify the status of a land use consent granted under clause 144 when a plan is changed under section 98 as a result of that consent being given effect to. For example, clarify whether the consent is consequentially cancelled as it is no longer required.
99	Review of provisions in land use plan at least every 10 years	Amend	<p>Require that a report is <u>completed</u> within 12 years of a Plan becoming operative. Seek that the standard is more reflective of a regional plan and also consider a regional authority, rather than just territorial authorities. Remove private plan changes from (1)(a).</p> <p>Amend the section to require that following the completion of an adaptation plan, the affected area of the land use plan should be updated as soon as practicable.</p>	<p>The proposed section is largely the same as section 79 of the RMA. This has known issues insofar as the requirement to begin a review 10 years after a Plan becomes operative, with no set date for when it must be actioned. This had led to a large delay in second generation plans for medium to smaller territorial authorities and further frustration with communities and developers alike. Modifying the standard that a report must be published 12 years after a Plan becomes operative. This reflects how the standard ought to operate: a review commenced 10 years after an operative date, with 2 years to draft reporting and have this published. Setting a completion date (rather than initiation date) also means that TAs are flexible to when the review commences but have a fixed date for when this is completed.</p> <p>The reference to private plan changes appears superfluous as a full review would address all rules comprehensively. It may also mean that areas</p>

Clause	Topic	Request	Relief sought	Reason
				<p>subject to a private plan changes are considered on a separate review cycle, which is unnecessarily complicated given a land use plan will be a chapter in a regional plan. Refer also comments about the clause 98/144 consents that are in essence private plan changes. We seek clarification as to whether they would be the subject of this section too.</p> <p>The section is currently only tied to a single territorial authority and does not reflect the one regional Plan approach. At a minimum, the section should be updated to include regional authorities (or a link to the Natural Environment Act (clause 112), with the idea that the entire document is reviewed comprehensively.</p> <p>In addition to the above, it would be prudent to require that when adaptation plans are completed, land use plans should be reviewed and updated as soon as practicable to ensure that actions contrary to the adaptation plan do not occur to such a degree that the adaptation plan is rendered outdated.</p>
100	Statutory acknowledgements	Support	-	Useful inclusion for both local authorities and public.
104	Boundary adjustments	Support and amend/clarify	Amend the section to clarify that when the boundary of a territorial authority changes, existing identified adaptation locations remain in place.	<p>Council is supportive of this clause and seek that that it only be clarified as to how adaption plans are considered.</p> <p>The clause states that when the boundaries of a territorial authority change, the existing land use rules continue to apply within the area changing hands. It does not mention what happens with adaptation areas – while it may be implied that they remain in place, clarifying this in the legislation would avoid uncertainty.</p>
105(4)	Environment Court may give directions in respect of land subject to controls	Amend	Reconsider the relief under 105(4).	We question the power that the Environment Court may have to apply several of the relief matters in 105(4). Most notably, “provide access to targeted grant programmes...” is likely unworkable.
Part 4: Planning Consents				
109	Applying for planning consent	Support	-	Proportionality is an appropriate requirement.
		Clarify	<p>Guidance is needed on:</p> <ul style="list-style-type: none"> what it means for an application to be received; and activity status when lodged preserved. 	<p>When an application has been received is unclear, for instance if an application is received outside of standard business hours, whether it counts as being received that day or the next working day. Clarification on this point is requested.</p> <p>Clarify that it is the consent authority’s determination of the activity status on lodgement that applies (as per section 104(5) of RMA). In our experience, sometimes applicants do not identify all the relevant rules and therefore state the incorrect activity status in their applications.</p>

Clause	Topic	Request	Relief sought	Reason
113	Application affecting navigation	Clarify or amend	Clarify whether the processing days can be extended awaiting Maritime NZ's report, where the 15 working day time frame would otherwise put the application over time.	It is not clear whether this required consultation is a reason for stopping the processing clock on an application, if the required 15 working days cannot be accommodated within the statutory processing time. See related submission point on clause 117 below.
116	Deferral pending application for additional consents	Amend	Provide also for processing of a non-notified application to be suspended if other planning consents are required.	Currently only applies to notified applications and those with hearings. This should be broadened.
117	Consent processing timeframes	Clarify or amend	Excluded time periods should be included in the Bill.	<p>Excluded time periods are not included but instead are to be prescribed by regulations. It is difficult to know whether the proposed processing timeframes are appropriate without understanding what time periods are excluded.</p> <p>At a minimum the following time periods should be excluded, as per the RMA:</p> <ul style="list-style-type: none"> • Payment of initial application fee or notification deposit; • Awaiting further information; • Applicant seeking written approvals, <i>required consultation under section 113</i>; • Review of draft conditions; • Adjournment of a hearing.
120(4)(b)	Request for report	Amend	Remove: commissioned reports must be "limited to an assessment of the methodology used to reach the conclusion of that information".	This removes the ability for Council to consider the merits and outcomes of reporting. There appears to be little to no recourse when assessment is limited to methodology only.
121	Response to request for further information or report	Clarify or amend	As per clause 117 – seek that time periods are included in the Bill, or remove entirely.	<p>It is unclear to Council why processing times are included for consents within the Bill, but times for RFI's are not. Processing times should be contained within the legislation.</p> <p>Council's preference is for the option for the application and the consent authority to agree to pause the timer while a request is dealt with by the applicant, as adherence to a maximum 3-month timeframe presumes the complexity of the request and necessary time required. In some cases, it can take longer than this to obtain the required specialist inputs etc to respond to the request.</p> <p>Current proposed standards mean that if information is not provided within the fixed timeframe, the application is publicly notified (clause 126) – at the applicant's cost. This is very unlikely to result in a good outcome for either party when compared to enabling flexibility (as per the current RMA s92A(2)).</p>

Clause	Topic	Request	Relief sought	Reason
122	Consequences of applicant's failure to respond to requests, etc	Support	-	Support the retention of this section but note the apparent conflict with clause 126 with respect to clause 122(1)(a)(i).
126	Public notification of consent application after request for further information or report	Amend	Remove.	If there is insufficient information to determine an application, it is more practicable to either return the application as incomplete under clause 122 (if no response to RFI) or proceed to a substantive decision and decline an application on the basis of insufficient information. This is more efficient than the time and cost of public notification without sufficient information for prospective submitters to identify whether they may be affected, only to be declined due to inadequate information under clause 48(4).
127	Whether adverse effects likely to be minor	Amend or clarify	Consider modifying (3) to replace "may" with "must".	"May" should be "must" because as it is currently drafted, such an assessment is at the discretion of Council without qualifying when Council should proceed with such an assessment. Replacing this with "must" removes this uncertainty and reduces the risk of appeal.
131	Submissions	Clarify	Evidence of a "qualifying resident"	There should be a standardised process and agreed evidence of how the criteria of 'qualifying resident' is met. Without this, it would place a significant administrative burden on Councils which would increase litigation and disputes. This should be a focus on national instruments.
136	Decision by commissioner	Support		It is appropriate that decisions on notified applications are made by suitably qualified and experienced practitioners.
139	Consideration of planning consent application	Amend	Update definition of 'environment'	It likely that there will be difficulties confining the assessment/consideration of an application to the built environment only. This relates to our previous submission point on the conflicts resulting from the two definitions of 'environment' in the new framework.
144	Matters relevant to application for consent that authorises change to spatial application...	Amend	Improve language in the criteria listed in (2) to avoid legal challenge.	This provision is essentially a private plan change process where the primary considerations to the matters in clause 144(2). Council notes that the associated significance criteria are similar to Policy 8 of the NPS-UD, which has undergone substantial debate through litigation. We caution against using such language and suggest linking this to housing growth targets, or similar.
145	Applicant's compliance history	Support	Retain as proposed.	This is supported given that it both encourages better compliance with planning consents and Land Use Plan requirements and provides stronger consequences/implications for poor compliance by impacting the ability for applicants to undertake new/expanded activities and development.
146	Consent may be refused or granted with conditions if risk from natural hazards, etc -	Oppose	Remove subclause 146(4) in its entirety. Alternatively, amend to clarify that this subclause only applies to essential	The subclause states that consents for primary production activities and infrastructure cannot be declined based on natural hazard risk. This raises significant risk of infrastructure (including schools, hospitals, roads, etc) being located in hazardous areas with councils having no ability to prevent

Clause	Topic	Request	Relief sought	Reason
	exemption for infrastructure and primary production activities		infrastructure that has a functional need to be located in the hazardous area, or where there is no alternative available.	this. Removing the subsection or significantly reducing its' scope would reduce the risk of exposure and maladaptation.
149	Consent authority may grant application with adaptive management approach	Clarify	Amend the clause 149 to clarify whether the adaptive management approach can be used to manage hazard risk.	Clause 149 allows for an adaptive approach to be used to manage the effects of consents on the environment. It is unclear whether it could be used to manage the effect of natural hazards on the activity itself. This should be clarified. If it does allow for this, it would allow for a more dynamic approach to managing natural hazard risk to activities.
151(1)(2)	Conditions on planning consents	Support	Retain as proposed.	Practical and avoids the need for a formal change to conditions.
152	Review of draft conditions	Support	Retain as proposed.	Support the retention of this section.
163, 166 and 168	Duration of planning consent, cancellation of consent on natural hazard grounds and review of consent conditions on natural hazard grounds	Amend	Amend: <ul style="list-style-type: none"> • Clause 163 to review or revoke consents where there are newly identified natural hazards, potentially following the conclusion of any plan change process • Clause 166 to allow for consents to be cancelled if the activity is taking place in an area facing significant natural hazard risk. • Clause 168 to allow for consent conditions to be regularly reviewed if the consent is located in an area that is or may be exposed to significant natural hazard risk in the future. 	Amendments sought to enable the ability to cancel and review consents where there maybe risk from significant natural hazard.
177	Consent authority may treat certain activities as permitted activities	Support	Retain as proposed.	Support the retention of this clause.
180	Notification and registration of permitted activities	Support and amend	Amend to add reference to payment of the required fee and include the ability for territorial authorities to make RFIs if the information provided is incomplete.	Support the requirement for notification of permitted activities and confirmation by the consent authority. A fee will be required for this to cover administrative costs as clause 38 acknowledges. Note that this may add a further layer of process for the public who think their activity is permitted but in fact find that they require a consent, as they will then need to submit a consent application with AEE. Council seeks inclusion of an RFI subclause, enabling Council to request further information if the application for registration of the permitted activity is incomplete. This is permitted in section 139(4) of the RMA for certificates of compliance; we recommend that similar wording be applied, otherwise Council will likely have to refuse incomplete applications.

Clause	Topic	Request	Relief sought	Reason
232(1)(g)(ii)	Scope of enforcement order	Amend	<p>Amend 232(1)(g)(ii) to cover individuals or groups who have been closely associated with non-natural persons who have a history of non-compliance.</p> <p>Potential amendment: (ii) that— (A) if the consent holder is a natural person, the consent holder <u>or any person who has held a controlling interest in, or exercised effective control over, the activity authorised by the permit</u> has been or is the subject of an enforcement order or a conviction under this Act within the previous 7 years; or (B) if the consent holder is not a natural person, the consent holder <u>or any person who has held a controlling interest in, or exercised effective control over, the permit holder or the activity authorised by the permit</u> has been or is the subject of an enforcement order or a conviction under this Act.</p>	The clause is focused on the <i>permit holder</i> , which creates a gap where historic non-compliance by an individual may not automatically follow into a newly formed company. Council has experienced problems in the past with different corporate vehicles, owned and controlled by the same individual/s; compliance history should create consequences for other entities that are under the same person's control.
Part 5: Key Roles				
186	Information gathering, monitoring, and keeping records	Amend clause (3)(a)	Drafting error – “Regional plan” should be amended to “land use plan”.	<p>The section is focused on the responsibility of territorial authorities, who are primarily responsible for their land use plan and provide input into the Spatial Plan. Territorial authorities are not solely responsible for the whole regional plan.</p> <p>Territorial authorities are not responsible for the Natural Environment Plan.</p>
193	Transfer of powers	Amend	<p>Add iwi authorities</p> <p>Amend to include iwi/hapū/ mana whenua as either a public authority (by amending clause 193(1) or include in list of public authorities in clause 193(2).</p>	This enables Council and iwi to find a solution to managing natural resources on Māori land or in similar situations where iwi do not recognise the authority of councils, but councils are obligated to manage the resources in question.
194	Delegation of functions etc	Amend	Amend clauses 194(1) and 194(2) to provide the ability to delegate to iwi/hapū/ mana whenua.	This supports subclause 11(i)(i) and, more generally, a collaborative relationship between mana whenua and councils.

Clause	Topic	Request	Relief sought	Reason
210	System performance framework	Amend (4)(c)	Amend subclause 4(c)(i) to: Māori groups that the chief executive considers to be representative of relevant interests; and (ii) relevant iwi and hapū Insert a provision which allows for these groups to waive the right to be consulted.	Amendment better aligns with subclause 212 (3)(b). In our view, leaving it up to the Chief Executive to decide whether a group is representative of relevant interests or not has the potential to undermine subclause 11(1)(i) if the CE decision excludes iwi and hapū who have an interest. (ii) will capture these groups while (i) allows for wider consultation if necessary.
Part 6: Enforcement and other matters				
247, 248 and 249	Meaning of excessive noise and Issue and effect of excessive noise direction and Compliance with excessive noise direction	Support	Retain as proposed.	This provides additional protection against undue noise exposure, beyond noise limits and therefore is supported. The nature and character of certain noises sometimes are not well captured by setting noise limits and the method of measuring noise.
272	Local authorities to prepare compliance and enforcement strategy	Amend	Replace “takes into account” with “does not contravene”.	Clause 272(2) requires local authorities to work with iwi authorities and hapū when developing a compliance and enforcement strategy. This obligation implies a level of cooperation and good-faith engagement that is difficult to sustain if Treaty settlements or voluntary or statutory agreements can be departed from at the discretion of the local authority. Clause 272(1), however, only requires those agreements to be “taken into account” when preparing the strategy. This is a relatively weak obligation that does not require consistency with, or adherence to, those agreements, and therefore does not prevent their breach or disregard. As drafted, clause 272(1) does not provide sufficient support for the collaborative obligation in clause 272(2), and may undermine its practical effectiveness.
275	Emergency works and power to take preventive or remedial action	Amend	Amend clause 275 to clarify that pre-emptive works are allowed.	The clause allows for preventative works to address immediate risk from an emergency event. Council is supportive of this direction, however, seek clause 275 is broadened to be more enabling of pre-emptive works done without a looming event as the catalyst. This would allow for more fulsome fixes (such as those requiring engineering reports) to take place more easily.
283	Regulations relating to planning consent levy	Support clause 283(3)	Retained as proposed.	Support proposed levies going through a formal consultation process.
285	Requirements for waivers and extensions	Amend	Provide for extensions of more than twice the maximum with applicant agreement.	Limiting extensions to no more than double the maximum time period will assist consent authorities to ‘keep applications moving’, however it may disadvantage applicants who are happy for time periods to be extended in order to work through issues rather than proceeding to a decision.
291	Collection and spending of planning consent levy	Amend	Amend clause 291(3) to: must pay the money “as specified in the regulation”.	Inconsistency between clause 291(3) which says consent authorities “must pay the money collected to the Ministry for the Environment”, and subclause 283(4)(e) which provides for proportions of the levy to be retained and transferred.

Clause	Topic	Request	Relief sought	Reason
Schedule 1: Transitional, savings and related provisions				
5	First key instruments under this Act and Natural Environment Act 2025	Amend	Reconsideration of statutory timeframes.	<p>The proposed timeframes will place significant pressure on plan making procedures, evidence gathering and drafting, all within in new governance arrangements. We do not consider that the time periods are realistically achievable. The requirement that all regions prepare their plans at the same time will cause significant problems with the engagement of the limited number of experts in key areas.</p> <p>Expectation is that Regional Spatial Plan is notified within 6 months of NPD being issued. Trade-offs exist, however – this requires early knowledge of National Planning Direction, extended period for Regional Spatial Plan development, or potential acceptance that democratic involvement is limited risking legitimacy issues. Retaining the proposed timeframes runs a real risk that any plan change progressed in this first tranche is quickly re-done or reviewed shortly thereafter.</p>
7	Process for Tranche 1 National instruments	Clarify clause 7(3) and amend	Include the ability to have iwi authorities and extend timeframes to at least 40 working days.	<p>Assuming that Tranche 1 will contain new and amended instruments: Council opposes that iwi authorities would not be able to influence the drafts. Requests that iwi authorities have influence on the creation of the drafts.</p> <p>By all accounts, these will be foundational documents for Plan development, and it is critical that affected Councils are given adequate time to consider proposals and provide substantive feedback. The timeframe should be extended to at least 40 working days.</p>
8	Independent hearings panel for first land use plans and natural environment plan	Support	Retain as proposed.	Support having the same IHP for both the land use and the environment plans – more likely to achieve integration. It is noted, however, the number of local authorities and therefore land use Plans for Canterbury will result in a large workload for the Canterbury IHP, with 11 different agencies to consider.
11, 12 and 26	Consent applications in transition and designations	Support	-	Support these clauses 11, 12 and 16 as they relate to designations.
		Amend 12(2)	Typo - part 1 of Schedule 9 should read Part 1 of Schedule 11.	Part 1 of Schedule 9 relates to the constitution of the Environment Court.
17	Duration of certain existing resource consents extended	Clarify/Amend	Reduce the scope of this clause.	Some land use consents have duration conditions for particular reasons (temporary activities etc). It does not seem appropriate to extend these timeframes wholesale. We request that this clause be amended to more appropriately targeted (e.g., regional consents) to avoid extending timeframes for land use activities that were only ever intended to last for the specified duration in the consent. It is not clear from the Bill why this extension is required for standard land use consents.
Schedule 2: Spatial Plans				
4	General requirements: use and presentation of information	Clarify subclause (1)(b)	Clarification that national instruments and regulations will not conflict with	Currently requirements to use certain data/information/assumptions conflict with requirements in the Local Government Act. For example, the

Clause	Topic	Request	Relief sought	Reason
			requirements in the Local Government Act.	requirements under the LGA to forecast and respond to growth projections differs to how the Bill intends to capture this via Housing Bottom Lines, which add various competitive margins. It is important that all Council processes are based on the same growth assumptions. We also seek to ensure that councils are involved in developing the national instruments or regulations to ensure they are fit for purpose.
5	General considerations	Amend	Amend the clause 5(2)(a) to require that when preparing a regional spatial plan, the Spatial Planning Committee must have regard to: <ul style="list-style-type: none"> • <i>Emissions Reduction Plan; and</i> • <i>Any national or local climate change risk assessment or any climate change strategy, policy, or plan prepared under the Local Government Act.</i> 	The Bill does not require decision-makers to have regard many climate change documents. As with the preparation of land use plans, this would ensure that climate change considerations are included in the Regional Spatial Plan development process. Including documents prepared under the Local Government Act ensures that local climate change aspirations will have statutory weight.
14	Public notification of draft regional spatial plan	Amend clause 14(c)	Modify to “at least 20 working days from...”	Current drafting would require notification at exactly 20 working days, which is inflexible. Councils should be required to notify at least 20 working days prior, meaning that earlier involvement remains possible.
32	Review required every 10 years and if national instruments require	Amend	Amend the clause to require that following the completion of an adaptation plan, the affected area of the regional spatial plan should be updated as soon as practicable.	The Bill requires that reviews of regional spatial plans should take place every 10 years. It would be prudent to require that when adaptation plans are completed, Regional Spatial Plans should be reviewed and updated as soon as practicable to ensure that actions contrary to the adaptation plan do not occur to such a degree that the adaptation plan is rendered outdated.
Schedule 3: Further provisions relating to plans				
7(5) and 7(6)	Including existing designations of other designating authorities in proposed land use plan	Support	Retained as proposed.	Certainty and plan making process.
13	Audit by chief executive	Amend	Remove.	Any proposal should be considered on its merits through the statutory process and the consideration of an IHP. We consider this to be an unnecessary step that will further slowdown plan change delivery. Furthermore, given that all regions across New Zealand will be progressing with these plan changes simultaneously for the first tranche, we question whether the Ministry has the technical capacity to review plans and supporting material for the whole country. If this provision remains, then this clause should be exempted for Councils’ giving effect to the Act for the first time, especially considering the compressed timeframes for the first land use plans under the Bill.
15(1)	Local authority must notify proposed plan for public or targeted submissions	Amend	Modify to provide link to clause 16.	Clause 15 discusses both public or targeted processes, while clause 16 solely deals with targeted process. However, clause 15 makes no mention of this. Amendment should be made to improve clarity and alignment of process.

Clause	Topic	Request	Relief sought	Reason
19	Striking out submissions and calling for further submissions	Amend	Modify required timeframe to correspond to scale and nature of submissions.	<p>The current proposed clause is a static measure of a plan change that does not consider whether submissions on a plan change are more complex or numerous. Provision should be made for Council to argue why greater than 20 working days is justified, potentially issuing this in a public notice, which would state the date for when submissions would instead be published.</p> <p>By way of example, Council's Intensification Planning Instrument – Plan Change 14 – had just over 1,000 submissions. Council required six weeks from the close of submissions to the publication of further submissions, which equated to 29 working days in this instance. Even then, this task required the entirety of the Christchurch City Council City Planning team to be involved, plus external support staff, with many continuing to work over non-workdays. Furthermore, this process was not a full District Plan review, with the last iteration of this generated almost 5,000 submissions – showing the significant resource burden upon Councils through a full Plan review.</p> <p>The proposed timeframe to process a basic planning consent is 45 working days. This is in strong contrast to the timeframe proposed to review what is likely to be a significant quantum of material.</p>
19(4)	Striking out submissions and calling for further submissions	Clarify	<i>(4) A person has a right of objection to the Planning Tribunal if all or part of their submission is struck out – clarification how this will work in practice e.g., will there be set timeframes.</i>	There is potential for delay within the process. The process would in theory need to be held in abeyance pending the outcome of the tribunal to determine if the further submission should have been struck out.
22(3)	Striking out and publishing further submissions, summary of submissions	Clarify	<i>(3) A person has a right of objection to the Planning Tribunal if all or part of their further submission is struck out - clarification how this will work in practice e.g., will there be set timeframes.</i>	There is potential for delay within the process. The process would in theory need to be held in abeyance pending the outcome of the tribunal to determine if the further submission should have been struck out.
27(7)	Decisions on panel recommendations (other than recommendations on designations)	Amend and reconsider	<p>12 month <i>deadline</i> from notification to decision.</p> <p>Request timeframe is amended to two years.</p>	<p>The timeframes are extremely challenging when also factoring in procedure, logistics and the relative scope of a plan/plan change.</p> <p>By way of example, Council's intensification plan change (Plan Change 14) was notified in March 2023, recommendation report from IHP was issued just before August 2024, and the first decision was made in late September 2024. Considering the breadth of this plan change, this timeframe was extremely challenging, as demonstrated by the scale of clarifications and addendums made by the IHP subsequent to the publication of their recommendations. A full district plan review would be a greater scale of complexity and the statutory timeframe must reflect this.</p>

Clause	Topic	Request	Relief sought	Reason
48	Amending operative plan without plan change	Support and clarify	Largely retain and clarify.	<p>The proposed changes are a significant advancement from the section 20A controls in the RMA. We welcome the leniency to make other minor amendments, spatial changes, and provisions relating to public land. It would mean Council is likely able to re-zone parks, roads and other public lands newly vested with Council following a subdivision.</p> <p>It would be beneficial to clarify whether subclause 48(2)(b) also applies to the likes of sites for pump stations, electricity transmission, etc. In addition, we note caselaw that exists around the current section 20A procedure and the qualifier of “minor” and how this could be a limitation on what the Bill intends as the same language is used. A modification to clause 48(4) could better address this.</p>
58(2)(b)(i)	When rules in proposed plans have legal effect	Support subclause	Retain as proposed.	Immediate legal effect is necessary to ensure protection of historic heritage before proposed rules become operative.
Regulatory Relief (Schedule 3, Part 4)	Regulatory relief for specified rules	Amend	<p>Limit regulatory relief to only instances where:</p> <ul style="list-style-type: none"> proposals are more restrictive than current RMA plans; and a landowner must have owned property when relevant RMA plan was developed. <p>Reconcile any required regulatory relief with the requirements upon Council to protect specific features listed in Goals (clause 11).</p>	<p>It is unreasonable for local communities to be required to provide compensation to landowners when the local authority is obligated by the Bill to provide protection to areas such as those concerning significant historic heritage. The environmental and cultural values listed to be protected are not features or sites with small or moderate values, but are those that have significant, outstanding or high values – and a recognised as Goal within the Bill for Councils to protect. Council suggests that any relief is underpinned by a ‘no worse off’ approach. This means that only instances where a proposal is more restrictive than an RMA plan should there be any obligation to provide regulatory relief.</p> <p>The forms of relief identified in the Bill will all result in costs to the local community. Even simply reducing rates or fees for services in some instances, will result in these costs to territorial authorities needing to be recovered by increasing rates across the rest of the community. The exception is theoretically bonus development rights or transfer of development rights. These techniques have only been used sparingly to date because of significant issues in administration, including determining equivalencies, and questions as to where such bonus rights would be appropriate. They could only be used where the additional development did not itself adversely affect the very values that were being required to be protected. Considering the nature of the values in question, bonus rights in the same location may seldom be an option.</p> <p>Approaches to supporting landowners to protect biodiversity through compensatory type schemes when land use activities require amending are funded usually at a national level and include other support measures such as outreach, education and requirements for active management –</p>

Clause	Topic	Request	Relief sought	Reason
				<p>none of these extra elements appear to be linked to the approach proposed here.</p> <p>National level reporting indicates overall trend in indigenous biodiversity numbers and viability is reducing and this approach risks accelerating that trend. Table 28 in the RIS is clear in impacts of both this approach and the overall Bill on the Environment (risk of negative impact). The transfer of cost to Council risks a negative impact where areas of indigenous biodiversity are not identified or reduced in scale.</p>
	Significant historic heritage	Amend	Remove or reduce requirements for mandatory regulatory relief for historic heritage – see general comment on regulatory relief above.	<p>Mechanisms (Schedule 3, Part 4 clause 70) such as cash grants, rates relief and fees remission can significantly incentivise private investment in built heritage and recognise the “public good” value of heritage retention. Many Councils already offer a suite of positive incentives which also benefit heritage places. As previous, the overarching principle should be ‘no worse off’ when evaluating whether regulatory relief is required.</p> <p>There is a very real risk that this will disincentive protection by Councils as they will not be willing or able to meet all or any of their relief obligations. It may also force Councils to opt for the highest possible bar for protection – e.g., the ‘significant’ threshold and the body of protected heritage places could be influenced by what Councils can ‘afford’ to protect through regulatory relief and also resourcing to administer the relief requirements. The wording as drafted (Schedule 3, Part 4 clause 62): “<i>significant impact on the reasonable use of land</i>” could encourage a high volume of inefficient litigation in the Planning Tribunal from heritage owners who believe it would be easy to make the case that heritage protection is undermining the Purpose of the Act – (planning and regulating the use, development and) <i>private enjoyment of land</i>.</p> <p>A requirement for granting of regulatory relief to owners of existing heritage protected properties could promote much needed incentives for heritage owners to retain and maintain their heritage properties. However, it could also encourage Councils concerned about the funding implications and administrative burden to severely reduce the current heritage schedule, particularly if the qualification for <i>significant</i> is beyond district and regional significance. This could undermine existing protection which was established under publicly scrutinised plan change processes.</p>
65(1)	Duty to prepare relief framework in proposed plan - interpretation and meaning of “...likely to have a significant impact on the reasonable use of land”	Clarify	<p>If the regulatory relief requirements are to be retained, either:</p> <ul style="list-style-type: none"> clarify the meaning of this term in the Bill; or 	As the proposed terminology is not defined and it has a high degree of uncertainty that is only likely to be resolved through case law developed over a long period, with significant cost and time implications in the interim. This happened in respect of section 85 of the RMA, which uses the term “incapable of reasonable use”. There is considerable existing case law on that term that assists considerably with the administration of the Act.

Clause	Topic	Request	Relief sought	Reason
			<ul style="list-style-type: none"> include an indication that national direction is to clarify its meaning; or change to the terminology used in section 85 of the RMA. 	The Bill currently leaves resolution of this issue to each local Council to resolve in their own individual land use plans (subclause 67(b)). So even a single Regional Combined plan could have a number of different regulatory relief provisions for similar specified rules. This is likely to result in considerable time and expense by each Council/local community to develop and justify such provisions and litigation.
66	Assessment of materiality of impacts	Clarify clause 66(2)	-	We seek clarification on how “affects land value” is to be assessed and implemented for the site-specific assessments, e.g., will there be a general calculation formula able to be applied by staff, or will it require expert analysis?
68	Eligibility for relief	Clarify and amend	<p>Clarify that there will be a future national instrument that:</p> <ul style="list-style-type: none"> 68(4) – confirms whether an incentive received has to have been for the same type of effect or impact 68(5) – defines “substantially worse” 68(7) means the plan as a whole and not any subsequent plan change <p>Amend subclause 68(7) to exclude eligibility for relief if the restrictions are the same as the last operative RMA plan.</p>	<p>These amendments are to improve clarity of what is intended.</p> <p>RMA restrictions on development have been factored into property prices for years. Enabling relief for restrictions that have been in place through multiple district plans, for example restricting development due to historic heritage, may result in windfall benefits to owners who purchased land knowing the pre-existing restrictions were present.</p>
69	Considerations for developing and implementing relief framework	Clarify	<p>If the regulatory relief requirements are to be retained, the Bill should require that national direction to include the direction necessary to determine the regulatory relief required to be provided for each of the “specified topics”.</p> <p>This need not cover all options for providing regulatory relief, so Councils could develop other alternatives. But it should include acceptable options of a relief framework for each of the specified topics, which followed a consistent and discernible approach. That would provide guidance for the use</p>	<p>It is not clear what the relationship needs to be between the impact on the use of the land of specified rules and the value/extent of the relief that should be provided in the required regulatory relief framework.</p> <p>Clause 69 indicates it does not have to be “like-for-like” (subclause (2)(c)) and that it needs to be proportional in some way to the level of impact (subclause (2)(b)). But without further guidance, every aspect of the relief framework for all specified rules could be subject to litigation until case law establishes guidance. That is likely to take years and involve considerable time and costs for affected property owners and the wider community.</p>

Clause	Topic	Request	Relief sought	Reason
			of other alternatives should Councils decide to do so.	
71	Duty to implement relief framework	Clarify	Clarification on timing.	The matters in clause 71(2) would be of great interest to Council in preparing the proposed plan and its evaluation/ justification reports, and to submitters on the proposed plan. Clarify whether clause 71(2) would, in practice, be done prior to the plan being made operative and not after as indicated in clause 71(1).
74(3)(a)	How application for review must be considered	Amend	Amend timeframe in subclause 74(3)(a) to align with planning consent application processing timeframes of 45 days.	This better reflects the potential scale of such notices for a whole of Plan review process and the potential technical underpinning of proposed bespoke provisions which may require further evaluation through such an application.
Schedule 4: Independent Hearings Panel				
5	Minister may appoint central government members	Amend	Remove	We do not consider it appropriate for the Minister to have this power of nomination of IHP panellists. This has the potential to weaken the independence of panels and is to the detriment of decision making. Decisions should be considered on merit. Furthermore, the Bill should detail key qualifications without having to rely on whether the Minister chooses to stipulate required skills and experience. Council has had a very mixed experience with IHP's and consider the qualifications and experience of panellists to be of high importance.
Schedule 5: Designations				
General comments	Terminology changes	Support	Support proposed changes: <ul style="list-style-type: none"> From "requiring authority" to "designating authority" From "notice of requirement" to "proposed designation" From "territorial authority" to "recommending authority" From "written consent" to "approval" 	These changes are clearer for the layperson and more consistent with the terminology in the rest of the Bill.
	Indicative location of future designations in spatial plan	Clarify	-	It is unclear what role these future designations in indicative locations will have in the subsequent land use plan. E.g., are they to be incorporated as a "for information" non-statutory layer in the EPlan, and what effect (if any) would the indicative location have on decision-making? It is assumed that this will come through via national instruments.

Clause	Topic	Request	Relief sought	Reason
1	Definition of “infrastructure”	Support	Support the expansion of the definition to include community infrastructure (education, health, emergency services, defence), prisons, and resource recovery facilities or waste disposal facilities.	In particular, support the inclusion of resource recovery and waste disposal – these facilities are core infrastructure but have not always been recognised as such in the resource management system.
13(2)(e)	Notice of proposed designation	Clarify	<p>Guidance is required on what an “assessment of strategic need for the project in the location of the designation footprint” consists of.</p> <p>If using the Part 4 process and doing a designation as part of the Spatial Plan process, Council would expect there to be very clear guidance as part of the Tranche 1 national direction (<i>Request also applies to Clause 24</i>).</p>	<p>The strategic need part is clear <i>enough</i>, assuming it’s based on the United Kingdom and Australia models.</p> <p>However, we interpret “footprint” as being quite specific. Where land not currently owned by the authority is being designated, and there are multiple options (not too constrained by operational needs): the assessment of alternatives currently has important functions in demonstrating that adverse effects have been avoided and minimised – and, for stakeholders and affected people to understand how and why the decisions were made. Having this process transparent helps a lot with retaining trust and social licence, and in reducing subsequent conflict, appeals and litigation.</p> <p>We do see merit in having guidance come through as a national instrument or a national code of practice for designating authorities to implement (and not for recommending authorities to attempt to adjudicate).</p>
22(2)	Recommending authority	Support	Retain as proposed.	This reflects standard best practice.
24(2)(a)	Recommendations on proposed designation	Support	Retain as proposed.	We consider this pointed instruction to recommending authorities is probably necessary, as it’s not uncommon in some parts of the country for recommendations to include this.
25	Designation conditions	Support	Retain as proposed.	<p>This embeds the principle of not getting too specific in conditions on a designation. Support more detailed construction-related requirements being assessed through the construction project plan.</p> <p>Detailed and very specific conditions on the designation can cause problems due to the timeframes between the Notice and construction – often specific references are out of date, or requirements are no longer applicable because the environment has changed. This leads to alterations being needed if a requiring authority cannot comply with a condition. Also, construction-related conditions being put on designations and then “falling away” is admin that requires extra resource to do.</p>
32-35	Securing designation process through spatial planning process	Support	Retain as proposed.	Support in principle. This is anticipated to be a good option for a lot of designating authorities and proposed designations.

Clause	Topic	Request	Relief sought	Reason
36-37	Construction project plan	Support	Retain as proposed.	Support the ability for the construction project plan to include conditions. This is logical for elements such as noise mitigation, construction traffic management etc.
38	Designating authority must submit construction project plan to territorial authority	Support clause 38(7)	Retain as proposed.	Support not having to submit a construction project plan if the territorial authority is the designating authority. The requirement to publish the plan in clause 40 will ensure alignment on the plan and the conditions is achieved between the regulatory and infrastructure delivery arms of Council, making a more efficient process.
40	Designating authority to publish construction project plan	Support	Retain as proposed	-
42-44	Approval from designating authority	Support	Retain as proposed.	Support this being together and is an improvement on the RMA. We also support objections to planning tribunal.
51	Temporary transfer of designation to another designating authority	Support	Retain as proposed.	This will be a useful clause in the event of TA changes.
Schedule 7: Further provisions relating to subdivision and reclamation				
6	Conditions requiring protection against hazards	Amend	Amend the clause to recognise the threat to life and health.	In the clause only threats to land can be mitigated through conditions on subdivision consents. This amendment would broaden the remit and allow for consideration of threats to life and health.
Schedule 9: Environment Court				
Part 2: 24(2)(b)	Eligibility for appointment as Environment Commissioner or Deputy Environment Commissioner	Support	Retain as proposed.	Specialised heritage expertise is essential to inform decisions on heritage places. Support requirement for Attorney-General to have regard to the need to ensure that the Environment Court includes knowledge and experience in heritage protection.
Schedule 10: Planning Tribunal				
7(4)(b)(i)	Appointment of adjudicators	Support	Retain as proposed.	Specialised heritage expertise is essential to inform decisions on heritage places and other specific expertise.
Schedule 11: Amendments to other legislation				
Part 1	Amendment to Section 104 of the RMA	Clarify and amend	Allow Councils limited, streamlined plan changes to remove obsolete provisions. Clarification on the status of proposals where all effects would become out of scope under current District Plan rules. Provide guidance on:	It is unclear what the situation would be for proposals solely breaching current District Plan rules relating to effects that would be out of scope under proposed new clause 104(1A), e.g., area of outdoor living space. It is also unclear what formal process would exist to reconcile rules that become unworkable following the removal of specific effects consideration. Reference should be made to submission detail on clause 14.

Clause	Topic	Request	Relief sought	Reason
			<ul style="list-style-type: none"> • How to apply the list of excluded effects in s104(1A) • How to use the discretion in s104(1B) to disregard NES or Plan provisions. • How to reconcile existing RMA planning instruments with the new exclusions. <p>How to handle notification decision when an effect may trigger notification but later be excluded from substantive consideration.</p>	<p>We seek clarification if resource consent would still be required, despite the consent authority being unable to have regard to the effects/matters of discretion in the District Plan.</p>

Attachment A – Development outcome examples

The following provides visual examples of the outcomes that could be anticipated and enabled through proposed effect consideration restrictions through clause 14 of the 2025 Planning Bill. The types of restrictions proposed and their effect are universal across each of the development examples, with the proposed positive outcomes of the current management of development also universally applicable. These are as follows:

Poor development outcomes enabled by the Bill:

How: No management of internal layout prevents habitable room located at street-facing ground floor; no visual amenity control removes glazing; no external layout control permits parking at street frontage; no control on landscape effect.

Effect: Little to no passive surveillance at front boundary decreases street safety and increases prevalence of crime. Reduced pedestrian safety for co-occupiers and public alike. Reduced street appeal detracts from residential appeal and reduces likelihood for further investment.

Good development examples currently enabled:

How: Front door facing the street; appropriate levels of glazing; rear access of parking; prioritisation of pedestrian circulation; variation in façade treatment; tree planting / landscaping at front boundary.

Effect: Strong passive surveillance over street means greater ownership and engagement with street; reduced monotony of residential landscape, increases appeal and further investment; supports reduced urban heat island effects and stormwater management, reducing infrastructure capital costs; increased health and safety of occupants and public alike.

Poor development outcomes enabled by the Bill



Good development examples currently enabled



Poor development outcomes enabled by the Bill



Good development examples currently enabled



Poor development outcomes enabled by the Bill



Good development examples currently enabled

