

13 February 2026

Committee Secretariat
Environment Committee
Parliament Buildings
Wellington
Via email: en.legislation@parliament.govt.nz

Submission from Horowhenua District Council on the Planning Bill and the Natural Environment Bill

HDC support the Government's intent to overhaul the planning system. HDC agree that the Resource Management Act 1991 is no longer fit for purpose and is neither sufficiently enabling of development nor protective of the environment.

HDC has firsthand experience with the failings of the RMA. Our population is growing quickly – being the fastest growing in the lower North Island. However, the RMA's focus on mitigating adverse effects rather than enabling positive long-term outcomes, its fragmented approach to planning for and responding to major structural changes (including infrastructure projects and greenfield development), and its litigious nature has stood in the way achieving the outcomes we need for both the natural and built environment.

While there are large aspects of the Bills' intent that HDC support, there are aspects that HDC has concerns about. Further HDC, are concerned that there are aspects of misalignment between the Government's expressed intent and how the legislation will work in practice.

Lastly, HDC emphasise the importance of the Government ensuring that transition is appropriately resourced. A key criticism of the RMA was that implementation support, including guidance and direction was lacking for far too long. If the Ministry and Councils are not sufficient resourced throughout the transition, we risk reliving the same mistakes.

HDC note the condensed timeframe to provide feedback on these important topics. The absence of an exposure draft process and the short consultation period which coincided with the Christmas period has meant we have had to keep our feedback high level. However, we emphasise the importance of the need for careful and considered drafting to avoid errors and unintended consequences.

The below sets out the HDC position at a high level. Following is table that provides more detail and relief sort.

Support

- Fundamentally, HDC support the need for resource management reform to enable long-term, outcome focused planning to support the wellbeing of communities and environments.
- HDC strongly supports the requirement to undertake spatial planning over at least a 30-year horizon and for this to occur regionally. HDC support Regional Spatial Plans (RSPs) being the primary local planning document that will bring together the goals of each Bill at a local level, with Land Use Plans and Natural Environment Plans to sit underneath.
- HDC supports the Bills clear outlining of what is and is not in scope of the new planning system – while the exact nature of this may need some refinement, HDC are supportive of the intent to be clear about this. Further, HDC support the goals contained in each bill – though consider some additions should be made.
- HDC supports the resetting of notification tests, so that minor adverse effects no longer trigger costly notification processes.
- HDC largely support the reduced scope for merit-based appeals under the new system, as well as the introduction of new mechanisms to resolve disputes in a faster, lower cost way such as the proposed Planning Tribunal.

Support in Part

- HDC supports standardising plan content where there is no good reason for variation. However, New Zealand/Aotearoa has a highly varied environment, with metropolitan cities, rural environments, provincial towns, and coastal settlements each of which have different needs, challenges, and opportunities. HDC are of the view that local environmental and community values are important and should therefore shape local planning responses. In the interests of preserving local voice and democracy it is important that local variation can occur without being discouraged by unnecessary cost or bureaucracy.
- HDC support in part the reduction in what is considered an adverse effect. HDC understand that the reduction in what can be considered an adverse effect is an attempt to address the conflation of changing character/amenity and adverse effects on character and amenity – and supports this intent. However, HDC consider the current drafting is unclear and may go too far.
- HDC supports the concept of the National Policy Direction (NPD) and sees the potential for it to provide better, clearer, and less conflicting national direction than exists under the RMA. However, HDC do not support the extent to which the new system relies on this and, given its criticality to the new planning system, have struggled with providing helpful feedback on the Bills without having visibility of the NPD.

Oppose

- While HDC support the goals contained within the Bills, it considers that there is a key gap in the absence of any goal focused on sustainable management/balancing the needs of future generations.
- HDC has concern about the extent to which the Bills centralising power to the Minister – HDC see a risk that this could result in significant variability in priorities depending on the Minister of the day – which could stand in the way of creating an enduring, efficient, and effective planning system with clear goals, priorities, and outcomes.
- HDC do not support the process contained within the Bills for preparing national direction – namely, HDC considers there should be a specific role for Local Government in both the drafting and notification stages. As currently drafted, Councils would have the same role as any other member of public – despite being largely responsible for implementing said national direction. Not only do Councils have a greater interest than most in the content of national direction but they also have direct experience and expertise in resource management challenges and opportunities that will be valuable to preparing efficient and effective national direction.
- HDC do not support the proposed system of regulatory relief. In addition to the proposed system being unclear, HDC are of the view that that the system is unworkable and unaffordable for communities, particularly when it is being proposed alongside rates capping. Furthermore, it is conceivable that future national direction (which Councils may not have a role in preparing) could simultaneously force Councils to protect certain features and characteristics and also pay regulatory relief to landowners. HDC also note that Bills do not contain a similar proposal for taxation on property where planning provisions increase its useability and/or value. As such, the proposed regime seeks to privatise the benefits and socialise the costs of planning controls, something which HDC do not support.
- HDC are of the view that the current proposal places both pre-settlement iwi/hapū and iwi/hapū not represented by iwi authorities at a significant disadvantage. Further, the absence of general Treaty/Te Tiriti principles clause raises the risk of future Treaty/Te Tiriti breaches. HDC also note that many participants in the resource management system – including Councils, infrastructure providers, and resource users, will have partnership-based relationships that they will need to uphold regardless of legislation, creating the potential for misunderstanding and misalignment between regulation and practice.

Other

HDC are of the view that the implementation timeframes are overly ambitious and risk poor outcomes. Significant resourcing of all participants in the system – councils, government agencies, iwi/hapū, infrastructure providers – will be required. Put simply, this reform is too important to get wrong and HDC urge the government to allow sufficient time to get it right.

Specifically, HDC note that the current timeframes for issuing national direction and for notifying regional spatial plans means that RSPs may need to be notified before national standards are released, which could cause efficiency issues. HDC are concerned that the implementation timeframes and the statutory deadlines for the preparation of

key documents like RSPs and Land Use Plan is too short for the level of work required. We urge reconsideration of the timeframes in line with advice from others in the sector.

Lastly, HDC urge the government to consider the alignment and cross over between resource management reform and the other reforms relating to local government – from both the granular level like proposing to introducing a regulatory relief system alongside rates capping to the structural level including roles and responsibilities of territorial authorities, regional councils, spatial planning committees, and combined territories boards.

Support		
Provision	HDC Position	Submission
Spatial Planning requirements	Support	<p>HDC strongly supports spatial planning becoming a statutory requirement. This reflects current best practice in the industry and is something many Councils around the country are already doing. HDCs primary feedback on the spatial planning concept is that it is not given sufficient weight in the Bills as drafted and, as a result, there is risk it will not achieve the level of integration up and down the resource management system needed.</p> <p>HDC is of the view that that the list of Ministers referenced as needing to ‘take into account’ RSPs is insufficient in that it does not include Minister’s whose portfolios have a direct link to creating well-functioning environments (e.g. it does not include Minister of Education or the Minister of Health). Further, HDC are of the view it is insufficient for the Minister to simply ‘take into account’ RSPs when preparing Government Policy Statement on Land Transport. HDC seek that the list of Ministers required to consider RSPs should be broadened to include all those whose portfolios contribute to well-functioning environments (e.g. health, education) and that the directive should be amended to require Ministers to ‘recognise and provide’ for RSPs rather than just ‘take into account’. This will help to ensure that RSPs have clear and directive weight in subsequent infrastructure and funding decisions.</p> <p>Additionally, HDC seek clarification and refinement on a few points:</p> <ul style="list-style-type: none"> - HDC echo the sentiments of other submitters, including Taituarā and other Councils, that more guidance is needed about the process for establishing SPCs and how they will operate – and namely whether Part 6 of the Local Government Act applies. - HDC consider it would be beneficial for the Bills to provide direction for Territorial Authorities that neighbour a region other than the one they are part of. The same may need apply for Territorial Authorities that are part of more than one region. - As currently drafted, RSPs need to identify natural hazards but do not need to take account of them – HDC consider that in addition to identifying natural hazards, RSPs are the appropriate place for determining how to respond (e.g. identifying areas that, due to hazard risk, are not suitable for further development). - HDC consider that there needs to be stronger alignment between the Planning Bill and the LGA to ensure integrated planning and investment decisions.
Reduction in scope of merit-based appeals	Support	<p>HDC support the reduction in the scope of merit-based appeal, with appeals being largely limited to points of law. HDC question whether this should go further, so that it also covers bespoke plan provisions. HDC are concerned that the risk of appeal – and the associated time and cost – would disincentivise use the of bespoke provisions, even when these are</p>

		appropriate. While HDC acknowledge it is important there are mechanisms in place to avoid the overuse of bespoke provision, the justification report process, combined independent hearing panels, should be sufficient to mitigate the risk of this. New Zealand's environments (both natural and built) are extremely varied, so it is important that the use of bespoke provisions are not unduly discouraged or there is risk of poor outcomes.
Expectation for Regional Co-Ordination and Collaboration	Support	HDC support the proposed regional approach to plan-making and sees significant opportunity for joined up, integration and outcome focused planning. However, the set up and mandate of SPCs will be critical to this success. RSPs by nature need a region-wide focus. However, SPCs will be made up primarily of local Councillors who were elected to Councils to represent their wards or Districts. As such, there is a risk of misaligned drivers unless the roles, responsibilities, and mandates of SPCs is made abundantly clear.
Support in part		
Provision	HDC Position	Submission
Purpose and Goals	Support but need further additions and strengthening.	<p>Firstly, HDC note that Section 11 requires those exercising functions, duties and powers under the Act to 'seek to achieve' the goals. The goals are the primary driver of the entire proposed system. As such, HDC consider that a direction requiring those exercising functions, duties and powers only to 'seek to achieve' them is insufficient. HDC consider this should be amended to 'recognise and provide for' which is more directive, more certain, and better understood given its appearance in the RMA and existing caselaw.</p> <p><i>Balancing sustainable management and property rights</i></p> <p>HDC support the Bills being clear that they establish a right to use land and acknowledge the link between using land, economic development, and wellbeing. However, HDC are also of the view that today's landowners also have obligations as custodians of land for future generations. As such, HDC are of the view that the property rights of today's generation need to be balanced with the rights of future generations. The goals contained within both the Planning Bill and the Natural Environment Bill do not require any consideration of the resource needs of future generations and consider this to be risky – as such, HDC seek the addition of goal that references the needs and rights of future generations to also being able to use and enjoy land and resources.</p> <p><i>Managing impact of climate change on communities</i></p> <p>HDC note that the Bills do not contain any goals for managing the impacts of climate change on communities. HDC consider that the goal(s) relating to safeguarding communities from the effects of natural hazards should be expanded to be clear that this needs to consider the impacts of climate change.</p>

		<p><i>Meaning of ‘well-functioning rural environments’</i></p> <p>HDC support the goal of creating ‘well-functioning urban and rural areas’. However, this term of highly subjective and could be open to varying interpretations. While the term ‘well-functioning urban environments’ has a well understood meaning under the RMA, the term well-functioning rural environment is new. Urban and rural environments, while having some similarities, also have different needs. As such, HDC seek for both terms to be defined within the Planning Bill.</p>
<p>Narrowing of ‘effects’</p>	<p>HDC support the proposed legislation being clear about what is considered an adverse effect and, to an extent, supports the narrowing of effects. However, HDC does have some suggestions for improvement and minimising risk of unintended consequences.</p>	<p>In terms of the ‘narrowing’ of adverse effects able to be considered under the new system, HDC support the following:</p> <ul style="list-style-type: none"> - The acceptance of minor adverse effects. - Exclusion of adverse effects already excluded by the RMA, such as trade competition and the socio-economic status of future residents of a new development. - Precedent effects. - Views from private property. <p>HDC support the concept of the following exclusions, but consider further refinement is needed.</p> <ul style="list-style-type: none"> - The external layout of buildings – HDC consider this should be able to be considered where it is necessary to manage effects on non-visual matters, such as stormwater management. - HDC support narrowing how visual amenity is considered under the new system – it is important the planning system is clear that character and visual qualities change over time and that this in itself is not an adverse effect. However, HDC has some concerns about the complete removal of visual amenity considerations. In some instances, visual amenity of an area is worthy of protection and contributes to broader outcomes the new planning system is seeking to protect, such as economic wellbeing (for example, commercial centres with unique visual character). HDC are also concerned the exclusion of visual amenity effects as currently drafted is not clear enough – for example, some bulk and location rules seek to protect broader amenity outcomes (like privacy and access to daylight) rather than purely being about visual amenity. HDC suggest a definition of ‘visual amenity’ be included. - HDC also consider the exclusion of landscape effects that do not qualify as outstanding goes too far – HDC consider that significant landscapes should also be able to be considered, as significant landscapes contribute richly to New Zealand’s environmental and ecological values which is important to both cultural and economic wellbeing. - HDC support, in theory, the concept of excluding the consideration of adverse effects covered by other legislation but consider that in practice, this is risky and complex. For example, both the Natural Environment Bill and the Planning Bill cover management of natural hazards. Precluding assessment of one aspect of natural hazard management because it is covered by the other Act risks creating a fragmented approach where overlapping issues

		cannot be addressed holistically, increasing the risk of gaps in environmental protection – particularly for land uses that may only require approval under one Act. There are likely other examples of this, such as heritage and biodiversity.
Standardising Plan Content	HDC support standardising Plan content in most instances and consider there to be benefit in doing so. However, HDC consider the bar for departing from standardised plan content has been set too high.	<p>While HDC support standardised plan content, it also notes that New Zealand/Aotearoa’s environment is highly varied and different communities have different needs and preferences. It is important the local voice and context can be factored into the new system. HDC are concerned that the work required to depart from standardised plan content runs the risk of discouraging this approach, even when it is the most appropriate course of action. HDC request that this be addressed by removing merit-based appeals for bespoke provisions, as is the case for the use of standard provisions, and rely on the justification report and independent hearing plan process to ensure bespoke provisions are used appropriately.</p> <p>HDC also note that the Bills do not ensure that Councils will have the opportunity to input into their development. Given the impact these will have on Plan content, and the valuable experience that Councils have in development rules and standards, this is very concerning. HDC request that Councils have the opportunity to submit on draft standards before they are finalised.</p>
Permitted activity provisions	Support, in part	HDC support the apparent intent behind the permitted activity provisions – which we understand to be to provide a pathway for activities that are relatively low risk but may require monitoring to be progressed as a permitted activity by registering them with the Council. However, HDC’s interpretation of the provisions as drafted is that <u>all</u> permitted activities would need to be registered with the relevant Council – whether this by building a garden shed, a boundary fence, or a single dwelling on a site. This would be inefficient and overly onerous. As such, HDC seek for the permitted activity provisions to be updated to make it overtly clear that permitted activities are, in effect, a two-tier system – those that need to be registered with the local authority (registered permitted activities) and those that do not (standard permitted activities).
Changing plan provisions to reflect where approved and actioned resource consents have	Support, in part	<p>HDC support the concept of providing a pathway to enable development to occur where previous planning decisions and resulting land uses have led to a level of development that means the existing plan zoning and rules are no longer fit for purpose. However, HDC also note that this could led to adhoc development that undermines the RSP and interferes with the efficiently delivery of infrastructure.</p> <p>HDC suggest that a more efficient and effective approach would be to replace Section 97 with a similar mechanism in Parts 1 and 2 of Schedule 3 where a local authority may resolve to change the zoning or rules for a specific area of land to reflect a change of use authorised by a subdivision or land use consent. Such as mechanism should be subject to the following tests – an assessment of:</p>

changed character		<ul style="list-style-type: none"> - Whether the consent is, or will be, given effect to; and - whether the zoning change is consistent with the achievement of the goals in section 11; and - whether the plan change will be consistent with standardised plan provisions (and any bespoke provisions justified) and is consistent with the requirements of any relevant national instrument; and - whether the zoning will be more appropriate than the current zoning of the land, and will not significantly undermine the broader intent, land use patterns, and infrastructure provisions set out in the relevant regional spatial plan.
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Oppose

Provision	HDC Position	Submission
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Reliance on secondary instruments and centralisation of decision making	<p>HDC support stronger and clearer national direction but has concerns about the extent to which the Bills rely on it.</p> <p>HDC is also concerned about the breadth of matters that are ultimately the subject of a Ministerial decision. This could create a risk that the priorities, focus, and drivers of the new system will be subject to frequent change.</p>	<p>HDC supports stronger and clearer national direction and supports the ‘top down’ approach proposed by the new system. HDC recognise that reliance on secondary legislation to particularise the goals, their hierarchy in relation to each other, and to reconcile conflict between them, is likely because this will provide a level of regulatory agility when compared with having change primary legislation to respond to changing context and circumstances. However, HDC are concerned about the following:</p> <ul style="list-style-type: none"> - That there is still very little detail about what this national direction will contain, which makes it difficult to determine how effective the new system will be, where the risks are, and what changes might be needed. - While this approach provides agility, it also creates risk of rapidly changing priorities and directions which could be a barrier to implementing change and may worsen efficiency and effectiveness in the planning system. - The proposed approach assigns decision making on the preparation and issuance of national direction to the Minister, which compounds the risk above. <p>HDC seek that this be addressed by ensuring that NPD be actively consulted on to the greatest extent possible and by requiring a full selected committee process to make substantive changes to the NPD.</p> <p>In addition to the above comments (and comments below about the process of preparing and issuing national direction generally), HDC note that the Bills substantially increase the extent and breadth of decision to be made by the Minister. In particular, the Minister is proposed to have the ability to direct local authorities on how they exercise their statutory responsibilities. This could impact the extent to which local governance and democracy can influence the long-term outcomes for their communities. Additionally, the Minister is tasked with resolving disputes between local authorities in RSP process. HDC question the extent to which this is appropriate or whether this would more appropriately sit with an independent expert body, such as the Planning Tribunal.</p>
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Process of preparing	HDC is of the view that the process for	As drafted, the Bills set out that the preparation of national instruments is at the discretion of the Minister, with no specific statutory requirement for local authorities to be actively consulted on their relative prioritisation and involved in their
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National Direction	preparing national direction (as drafted) does not provide an adequate role for local authorities who have valuable expertise and insight, as well as being primarily responsible for implementing.	development. HDC consider this deeply flawed and problematic, given local authorities are primarily responsible for implementing these instruments. Section 46(1) sets out that the Minister provide iwi authorities with a draft of proposed national instrument and give them adequate time to consider the document and provide advice on it. HDC support this (though note some changes are required in order to cover iwi who do not have iwi authorities which speak on their behalf and hapū who do not have iwi speak on their behalf – as is covered in more detail below) but seek for this consultation requirement to be expanded to provide the same opportunity for local authorities. Given this step is already required for iwi authorities, including local authorities would not add any time to the process and will only enhance the quality of the end instrument.
Treaty of Waitangi/Te Tiriti and iwi/hapū engagement	HDCs view is that the current provisions disadvantage pre-settlement iwi and those not represented by iwi Authorities on this basis, consider re-drafting is needed.	<p>HDC are concerned that, as drafted, the Bills do not give iwi and hapū the same opportunities for involvement as they have under the RMA and that this could risk future Treaty/Te Tiriti Breaches. In particular, HDC notes that the Expert Advisory Group that authored the ‘Blueprint for resource management reform’ recommended retaining a general ‘Treaty Principles’ provision, but that this has not occurred. HDC are concerned about this.</p> <p>Additionally, HDC are concerned that the Bills contain inconsistent requirements for parties exercising duties and powers under the Bill (those which relate to local authorities are different to those on Ministers). The Bills also appear to be inconsistent in how terminology used to describe various Māori entities is used (e.g. Māori, iwi, iwi authorities, post-settlement government entities, customary rights groups, and just a couple of references to hapū). Overall, the Bills prioritise engagement with iwi and iwi authorities – this could shut hapū not represented by iwi or iwi authorities out of the process – both risking future Treaty breaches and preventing their insights, expertise, and values from being considered in resource management processes.</p> <p>HDC request that changes be made to provide a sufficient role for iwi and hapū not represented by awi authorities and to reconsider including a general Treaty/Te Tiriti principle.</p> <p>HDC are also concerned that the Bills, as drafted, do not sufficiently recognise pre-settlement iwi. While HDC support the provisions contained within Section 9, which requires the Crown to work with post-settlement governance entities to o seek agreement on how their Treaty settlement redress or arrangements will operate with the same or equivalent effect as occurs under the RMA, HDC is concerned that this obligation expires two years after the commencement of the Acts. Horowhenua District’s two largest Iwi are still pre-settlement and, if settlement is not complete within two years of the Acts commencement (expected to be mid-2028) there is no obligation on the Crown to then incorporate any such settlement arrangements into the Planning Act and Natural Environment Act. HDC seek that this deadline be removed.</p>

		<p>Lastly, HDC note that transitioning to the new system will require significant input from iwi and hapū and it is critically important they are resourced to participate.</p>
<p>Regulatory Relief</p>	<p>HDC are of the view that regulatory relief is unaffordable, particularly in the context of rates capping. Secondly, it could result in Councils having to provide regulatory relief to implement national direction. Thirdly, the regulatory relief proposal in the absence of a converse ability to charge where planning provisions increase land value, is unbalanced.</p>	<p>For the reasons already stated, HDC request that the regulatory relief provisions be removed from the Bills</p> <p>However, if the regulatory relief provisions remain HDC request:</p> <ul style="list-style-type: none"> - The Ministry work with local government to develop the detail and fill in the gaps of the regime - Reverse the onus on local authorities and place the onus on persons to apply for relief if they consider themselves significantly affected rather than requiring Councils to initiate this process.

To conclude, HDC appreciate the opportunity to provide feedback on this important Kaupapa and are happy to answer questions about any of the content contained in this submission. HDC would like to participate in any future engagement opportunities on this topic and would appreciate the opportunity to speak to this submission.

Ngā mihi nui,

A handwritten signature in black ink, appearing to read 'Bernie Wanden'.

Bernie Wanden
Mayor, Horowhenua District

A handwritten signature in black ink, appearing to read 'Monique Davidson'.

Monique Davidson
Chief Executive