

13 February 2026

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WAIMAKARIRI DISTRICT COUNCIL SUBMISSION ON THE NATURAL ENVIRONMENT BILL

1 Introduction

- 1.1. The Waimakariri District Council (the Council) thanks the Environment Select Committee for the opportunity to provide a submission on the Natural Environment (the Bill).
- 1.2. We support what the Bill aims to achieve, however we consider the breadth and pace of the reforms are significant and present their own challenges for effective implementation. For councils to deliver on these expectations, we require clearer guidance, coordinated processes, and realistic timeframes.

2 The Waimakariri District

- 2.1 The Waimakariri District spans a diverse range of environments, from the provincial towns of Rangiora, Kaiapoi, Woodend/Pegasus, and Oxford to the remote high country of Lees Valley. The district is home to approximately 74,000 residents, with around 80% living in the eastern part of the district and about 60% concentrated in the four main towns. Waimakariri also has one of the highest proportions of lifestyle blocks in New Zealand, with over 6,500 lifestyle properties in the district. Sustained growth since the 2010–11 Canterbury earthquakes, alongside projections indicating a population of 100,000 by 2050, continues to shape the district's development pressures and planning priorities.
- 2.2 Following the earthquakes, the Council worked closely with national agencies, iwi partners, and local communities to rapidly restore critical infrastructure and essential services. Strong emergency response capabilities in flood mitigation and vegetation fire management remain a key focus. Despite ongoing growth and recovery pressures, the Council has maintained prudent financial management, with average rates increases of 4.8% over the past decade and an AA (Stable Outlook) credit rating from Fitch. The proposed average rate increase for 2026/27 is 4.91%, with a general average increase of 2.7% for most ratepayers. The Council's recovery leadership, infrastructure investment, and community-focused planning—particularly through the District Plan Review—have been widely recognised by central government and the Office of the Auditor-General.

3 Local Government Reform programme including Resource Management reform

- 3.1 Although delivered individually, the recent flurry of reforms produces a forward work programme matrix that councils must progress cohesively to avoid unintended consequences for the sector and the communities they serve.

- 3.2 We emphasise the importance of fully understanding the implementation requirements, sector interdependencies, and the practical implications of the proposed legislative changes. We encourage active collaboration between central and local government staff to build a shared, practical understanding of how the reforms will be delivered and to support effective, coordinated implementation across the sector.
- 3.3 For example, we note the timing and significant workload associated with the Regional Spatial Plan signalled in the Planning Bill. The Spatial Plan is expected to commence this year and will therefore be developed in advance of any new regional reorganisation legislation. This Bill requires councils to have a view on regional reorganisation ahead of the implementation of this programme. This out-of-order sequencing creates additional pressure on councils, and a risk of misalignment in outcomes. It also introduces the real possibility of significant rework of spatial planning documents. This underscores the importance of aligning reform timeframes.
- 3.4 The Council is concerned that no dedicated funding has been identified to support this substantial area of reform, or any recognition of the costs that will be incurred through the transitional period in which rates capping legislation will also potentially apply.
- 3.5 The proposed changes represent a significant undertaking for the local government sector, and adequate resourcing will be essential to manage the interim period and achieve sustainable, long-term outcomes. While the Council supports the intent to improve efficiency, we also recognise that delivering the best reorganisation plan will incur short-term costs - costs that our ratepayers are unlikely to support without corresponding central government investment.

4. General comments – implementation and RMA reforms

- 4.1 The partially operative Waimakariri District Plan 2025 is a modern plan developed over many years and refined to reflect changes in national direction (including MDRS) and to align with the Greater Christchurch Spatial Plan, which we helped develop. We are proud of both documents and consider them successful contemporary planning tools. Their development represented a significant cost to our ratepayers, and we do not want that investment undermined by new legislation.
- 4.2 To support transition into the new system, we consider it will be important for national direction to be stable, and responsive to different regional and urban contexts. Understanding how the various parts of the new system interact will help avoid confusion and ensure consistent implementation.
- 4.3 We consider that success of the planning reforms depends on how well related systems, such as housing and infrastructure, operate alongside them. Strong coordination across government departments, and bipartisan agreement on the desired outcomes and implementation, is essential to ensure the reforms deliver practical, on-the-ground results.
- 4.4 The reforms will require significant investment in people, capability, and time. It will be important for central government to recognise these demands and share the costs of meeting new requirements introduced through the legislation with those charged with implementing these changes.

4.5 We note that this timing is unlikely to align with climate change adaption planning. We consider this is a critical aspect of spatial planning and recommend that the government considered this when considering the timing of regional spatial planning.

5. Local democracy and local decision-making

5.1. A key concern is the potential reduction in local democracy, and the possibility that communities may lose a vehicle through which to protect features that are unique to them.

5.2. Local knowledge plays a vital role in environmental planning, and we want to ensure communities can continue to influence the decisions that shape their environments.

5.3. We have had many experiences where local input into consent and plan change processes have led to positive outcomes for all parties. These examples include cases where residents have been strongly opposed to development in areas where it could materially change the land use from semi-rural to urban. Another example is having Councillors on our recent district plan review hearings process. This meant that submitters could talk directly to panel members who understood the local context and history of the area as well as its sense of identity.

5.4. We consider that Councils need room to respond quickly and tailor solutions to local challenges. Retaining this flexibility will help us protect and manage the unique qualities of our District while meeting broader national objectives.

5.5. We welcome opportunities to work with central government to test and refine how the changes will be best implemented in our local environment. We also want to ensure the new system supports our relationship with Te Ngāi Tūāhuriri Rūnanga.

6. Opportunity to resolve existing system inefficiencies

6.1. Rebuilding the planning system is a rare opportunity to address long-standing systemic issues. We have put forward suggestions aimed at creating a more streamlined and user-friendly system for both councils and our communities.

6.2. Table 1 of Appendix 1 provides some suggested improvements to the legislation that we consider will help deliver on these outcomes.

Our contact for service and questions is via our Development Planning Unit developmentplanning@wmk.govt.nz.

The Council would like to speak in support of its submission.

Yours faithfully



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Mayor
Waimakariri District Council



Jeff Millward
Chief Executive
Waimakariri District Council

Appendix 1

Table 1 – Waimakariri District Council position on the Natural Environment Bill

Section no. and short description	Council Position	Issue	Implications	Suggested Change
Definition of 'more than minor'	Support with alterations	We note that Section 15(5) defines a 'less than minor adverse effect' but there is no definition of a 'more than minor adverse effect'.	Determining whether a person is an affected person under s149 could be uncertain and inconsistent.	Include a definition of 'more than minor'.
Theme 1 – General Matters				
Section 3 (Definition of 'legal effect')	Support with alterations	We note there is a spelling error in the definition of legal effect which refers to the 'Planing Act' however this should be 'Planning Act'. It also refers to 'proposed natural plan' however we consider this should be 'proposed natural <u>environment plan</u> '.	Incorrect reference to the Planning Act 2025	Amend section 3 to read as follows: legal effect , in relation to a rule in a proposed natural <u>environment plan</u> , means legal effect in accordance with clause 58 of Schedule 3 of the Planning Act 2025
Section 11 (b)	Support with alterations	We support the goal to 'safeguard the life-supporting capacity' of natural features is supported. However, this we note that this is not defined and does not extend to safeguard those features, only their capacity to support life.	Lack of clarity and confusion as to whether a feature can support life in a degraded manner leading to further environmental degradation and potentially biodiversity loss (conflict with goal 11(d)).	Consider further clarifications and inclusions to safeguard air, water, soil and ecosystems themselves in addition to their life-supporting capacity.
Section 11(1)(d)	Support with alterations	We consider that the concept of 'no net loss' in indigenous biodiversity needs clarification. While it is noted that the system design would anticipate this concept being defined in national direction, there is likely to be uncertainty in how this would be applied to a consent decision. For example, at that scale would there be required to be 'no net loss' of a specific area of indigenous vegetation locations? Would nationally adopted Biodiversity Compensation Models need to be applied and considering much of the country contains ecosystems which are degraded for example?	Section 11(1)(d) as currently worded may lead to ecosystems being retained in a degraded state and confusion on the methodology for calculation of biodiversity loss.	Clarify the intent of Section 11(1)(d), and in particular the scale in which this test is applied and provide standardised methods, based on scientific insight to calculate loss.
Section 13 (Procedural Principles)	Support with alterations	We strongly support the identified principles and in particular requirements to ensure documents are easily understandable by the public. We also support these principles applying to national direction. We note that to achieve this, there also needs to be a recognition from all system participants that this may mean that public notices and other public communications need to be able to be flexible in how they are worded rather than exactly following prescribed wording (for example the Forms, Fees and Procedure Regulations 2003).	Council's experience has been that there are often legal challenges that result when public notices summarise legislation or process steps to make these concepts easily	Provide significance emphasis and guidance on the applicability of this section across the system as a key tenant that enables system change.

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			understandable. This drives the opposite outcome that is intended with notices that replicate legislative directions to reduce the risk of legal challenge.	
Section 13	Support with alterations	We support the requirement that people assessing applications must act in an 'enabling' manner. However, we note there is no direction for assessors to consider ecological parameters.	Enabling development whilst considering features such as scale, cost and positive effects of development in the absence of ecological considerations may lead to a further degradation of the environment and conflict with section 11 (particularly 1(b) and (d)).	Amend Section 13 to enable considerations of ecological parameters.
Section 42(1)	Support with alterations	We support the clause; however, the wording is not overly clear and may not result in an outcome as intended. It reads: <i>A natural resource permit that is more restrictive than a national rule prevails over the rule prevails if the rule expressly allows a permit to be more restrictive than it.</i>	It is unclear if the natural resource permit prevails or the national rule prevails.	Amend to (if this is the intention): <i>"A natural resource permit that is more restrictive than a national rule prevails if the rule expressly allows a permit to be more restrictive than it."</i>
Section 128	Support with alterations	We suggest that this section could be clarified to provide further understanding as to whether it is intended that there is a direction to remove the need for a Wildlife Act Authority, or will the authority still be required but under the natural environment permission?	If removal of the requirement for authority is the intent, we consider that this may result in significant damage to threatened species populations. If the authority is within the NE permission, how will this be enacted?	Confirm whether section 128 is intended to provide an alternative process to a wildlife approval, and if so, provide guidance on how the assessment matters will relate across both approvals.
Standardisation within national directions and appropriate recognition of Māori goals	Support with minor alterations	In our Going for Growth submission, we supported the intent to introduce National Environmental Standards for Papakāinga (NES-P), which would allow existing provisions that have been agreed between Councils and mana whenua to remain. However, we sought amendments to ensure that appropriate terminology was used recognising local arrangements and agreements. In support of this position, Te Ngāi Tūāhuriri (our local Rūnanga) prefer the term 'kāinga nohoanga', which was the specific terminology used in the Canterbury Deed of Purchase between the Crown and Ngāi Tahu in 1848. The Deed promised access to	Our Council has built a constructive relationship with mana whenua, based on the principles of Te Tiriti o Waitangi. Through this relationship, the Council has become aware of the barriers	Ensure that appropriate terminology is used (or can be used) when describing concepts. Amend the planning legislation and National Planning Standards to ensure appropriate terminology and provide a clear, enabling pathway for the development of Māori land, including ancestral land reacquired through conventional means. This should require

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		<p>mahinga kai and the rights for development of townships on Māori Reserves in perpetuity. This potentially goes beyond the traditional concept of Papakāinga as housing. We are concerned that the provisions of the proposed Planning Bill, in combination with the NES-P, will unreasonably constrain the ability of the Council to work with iwi and hapū by carrying over and entrenching existing planning approaches to the use of Māori land by limiting it to housing; and requiring consenting or justification processes for non-residential and mixed use activities that are onerous and costly.</p> <p>We note that our recently completed District Plan review provides a contemporary example of a solution that recognises that and iwi hapū no longer hold ancestral land in many developed urban areas where a large proportion of Māori now reside (this includes former pā, reserves, mahinga kai, and nohoanga sites) and that provides for acquisition and development of these specific areas.</p> <p>The theme of appropriate enabling terminology is important to consider where similar concepts are addressed within legislation.</p>	<p>within the resource management system for the use and development of Māori land. This has affected the ability of iwi and hapū to realise their contemporary social, cultural and economic development aspirations. We are therefore supportive of a National Goal for Māori interests that is sufficiently broad and accommodating of the varying needs and aspirations of iwi and hapū.</p>	<p>national direction to integrate iwi and hapū aspirations into regional spatial planning, allow Māori Purpose Zoning beyond the current definition of Identified Māori Land, and enable housing, cultural, and economic development aligned with iwi and hapū aspirations and cultural imperatives.</p>
Māori participation	Oppose	<p>Iwi are treated as any other affected party. There is a high threshold for notifying them of a permit application (outside of land subject to a statutory acknowledgements). This may not align with the principles of the Treaty of Waitangi.</p>	<p>Failure to honour the Treaty could lead to litigation and undermine trust and compliance.</p>	<p>Lower threshold notification threshold for Iwi.</p>
Schedule 7 – Amendments to other legislation <i>Part 1 – Amendments to Acts</i>	Support with alterations	<p>We support the retention of the Fast-track Approvals Act 2024 and updating that legislation to replace reference to the Resource Management Act 1991, with reference to the Natural Environment Act 2025 and the Planning Act 2025. However, we ask that the government consider making Planning Decision final and therefore ensuring it is not able to be circumvented by the fast-track process.</p>	<p>More efficient, cost effective and democratic.</p>	<p>Amend Natural Environment Bill to ensure decisions that are made under the Natural Environment Bill are respected and not overridden by the Fast-Track Approvals Act 2024.</p>
Theme 2 – Relationship between Natural Environment Bill, Planning Bill, National Policy Direction and Climate Adaptation Bill				
Section 21	Oppose	<p>We note that current regional council functions in relation to discharge to air from greenhouse gases (Section 70B of RMA) has not been carried over into the new Planning or Natural Environment Bill. This also creates a potential inconsistency between the National Environmental Standards for Air Quality and the Bills.</p>	<p>Not addressing greenhouse gas emissions in Bill could lead to adverse outcomes. In theory, section 21 could be used to deny discharges of greenhouse gas emissions as the science to clear regarding the link between the gases and natural hazard risks.</p>	<p>Give greater consideration of greenhouse gas emissions within the Bill instead.</p>

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Section 163(1)	Oppose	We note that both the Planning Bill and the Natural Environment Bill refer to Councils ability to refuse consents/permits where the natural hazard risk is 'significant', this does not align with Policy 3 of the NPS for Natural Hazards which 'very high' risk is avoided.	We note that this may result in inconsistencies between the Bills and the NPSNH may result in adverse outcomes.	Amend the NPSNH (and specifically its successor under the new bills) to align with 'significant risk' approach of the two Bills.
Section 222(3) and (5)	Note	We note that the clause refers to subsection 3A which does not exist in the Bill. The reference to 3A(a), (b) and (h) is assumed to relate to the list in section 222(4).	Poor drafting will lead to confusion and bad decisions.	Rename to subsection 4
Section 222(5)	Oppose	Removing the Regional Councils ability to control sand, shingle, shell and other natural materials within the coastal environment associated with aquaculture activities in our view could result in unintended competition for resources or adverse impacts upon the wider environment. We have not had the benefit of reviewing a regulatory impact statement that clarifies why this subsection is needed and how other land use activities outside of the immediate aquaculture operation is affected.	Potential conflicts between adjoining land use not addressed by Fisheries Department of MPI	Delete subsection 5
Section 223	Oppose	We note that the functions in section 222(5) and 223 are potentially inconsistent. Section 223 allows a Regional Council to have the ability to control use of the coastal marine area, and its resources and section 222(5) removes part of that function.	Confusing provisions that may cause conflict.	Clarify the intent of section 225(5) and 223 in respect of Regional Council functions.
Theme 4 – Environmental Limits				
Section 45 (Defined terms for environmental limits)	Support	We support the defined term for 'indigenous biodiversity' referring to 'living organisms'. This includes both flora and fauna, providing a more integrated way of protecting indigenous biodiversity than limiting this to terrestrial indigenous vegetation or habitat of indigenous fauna only.	Indigenous fauna (e.g., lizards, birds, fish) are included in the environmental limits approach.	Retain reference to 'indigenous living organisms' in definition of 'indigenous biodiversity' in section 45.
Section 50	Oppose	The limits for air quality appear to be based on human health and have not been considered for ecosystems. An example of this is sulphur dioxide which has a human health limit of 350µg/m ³ as against an ecosystem limit of 10µg/m ³ for lichen (noting different averaging periods).	There are a range of contaminants that are not covered in the NESAQ. Section 50 removes the ability of the Regional Council to set air quality standards to protect ecosystems. This may result in adverse impacts that cannot be addressed under the proposed Bill.	Amend Section 50 to enable Regional Councils (or their successors) to set air quality limits for targeted contaminants around sensitive ecosystems.
Section 55	Support with alterations	While section 55(2) states that a lack of scientific certainty is no reason for delay in setting a limit, or not setting a limit, it should be amended to also note that a precautionary approach should be taken where there is scientific uncertainty that prioritises protection of ecosystems over degradation of them.	Ongoing environmental degradation.	Amend section 55 to add the following new clause: <u>(3) Where there is a lack of certainty, adopt a precautionary approach in setting environmental limits that prioritises protection of ecosystems over degradation of them.</u>

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Section 54	Note	In our view the assessment of ecological baselines will require significant effort as much information is not in existence currently. Gathering information will be a costly exercise and likely include research institutions at a cost to local government in a time of rates capping. There is potential for this to result in plans which are not ground truthed and lack robustness.	There is potential for this to result in plans which are not ground truthed and lack robustness.	Consider funding practicalities for Council of assessing ecological baselines.
Section 56(c)(i)	Support with minor alterations	We question whether section 56(c)(i) is supposed to say ' <i>national</i> resources', or whether this should be ' <i>natural</i> resources.	If ' <i>national resources</i> ' is correct, then clarify how the over-allocation of them is to be assessed.	Clarify section 56(c)(i).
Section 57(f)	Support with alterations	Section 57(f) requires the assessment of 'important species, habitats, and ecosystems, especially those that are rare, threatened, or endangered'. In our view, this should be amended to also include 'at risk' as matters that require assessment.	'At risk' species may be excluded from consideration in section 57(f) if not considered rare, threatened or endangered.	Amend section 57(f) as shown below: (f) important species, habitats, and ecosystems, especially those that are rare, threatened, <u>at risk</u> , or endangered.
Section 65(b)	Support with alterations	For target dates more than 10 years, section 65(b)(i) states that interim limits must be at intervals no more than 5 years. This 'minimum' interim period is in our view too long given the implications of ecosystem degradation if the action plans are not being effective. This interim period should be significantly reduced to provide for greater responsiveness.	Ecosystem degradation if the action plans are not being effective.	Reduce interim period significantly to provide for greater responsiveness.
Section 66(2)(a)	Support with alterations	There is no definition of what constitutes 'medium to long term future' in the context of avoiding a breach of an environmental limit.	Inconsistent interpretation and implementation of what consistent 'medium to long term' period.	Clarify the period in years intended to relate to 'medium to long term' future.
Section 86	Support with alterations	National standards can allow environmental limits to be breached for 'significant infrastructure activities'. We note that this term is currently not defined.	Potential for litigation over the term what activities are covered by this section.	Ensure that definitions of 'significant infrastructure activities' of 'significant public benefit' are defined in National Direction.
Section 108	Support with alterations	We consider that 'Indigenous biodiversity' and 'Māori interests' should be specified topics such that they are explicitly considered in a justification report outlining decision made on cost analysis, rather than as part of an ecological analysis (108(2)(c)).	These topics are important matters to consider in their own right.	Amend Section 108(2) to provide explicit reference to 'Indigenous biodiversity' and 'Māori interests'.
General comment (Environmental limits)	Support with alterations	It is unclear how environmental limits will be set for indigenous biodiversity (e.g., ensuring no net loss and diversity within and between species and ecosystems, general abundance, the health of indigenous species including protecting threatened/endorsed species as these matters are more qualitative; compared to more quantitative limits such as achieving a minimum flow for surface water quantity or not exceeding a nutrient allocation limit for groundwater quality).	Indigenous biodiversity will continue to decline due to a lack of measurable bottom lines and significant and extensive monitoring requirements.	Amend approach to environmental limits for indigenous biodiversity to capture the importance of diversity, abundance, and the health of indigenous species, including threatened / endangered species.

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Theme 5 – Regulatory takings				
Section 111	Support with alterations	<p>This section on regulatory relief in the Natural Environment Bill refers to the equivalent sections in the Planning Bill (s92 and Schedule 3 Part 4), so our comments made on regulatory relief under the Planning Bill also apply here, which are:</p> <p>Many Councils may be unlikely to include protections for significant special environments due to potential cost implications – especially if in a rate capped environment – and instead encourage voluntary protections. Especially if there is uncertainty as to how compensation should be worked out. At the very least, a framework for how compensation for such protections is to be worked out should be included in the prescribed provisions. This would provide certainty to councils and public as to how this is to be done. Councils can then work out the cost implications of potential protections before deciding whether to include such protections in a land use plan.</p>	<p>The absence of a prescribed framework for calculating compensation for protection means the potential cost implications are unclear and could lead to councils simply not including protections in land use plans, resulting in significant special environments not being protected for present and future generations.</p> <p>Also, a lack of framework for this will give rise to potential inconsistencies and potential inequities between regions (e.g., a SNA landowner restricted by a nationally standardised indigenous vegetation clearance rule in one region receiving more compensation / regulatory relief compared to another).</p>	A framework for how compensation for such protections is to be worked out should be included in the prescribed provisions.
Theme 6 – Consenting, monitoring and enforcement				
Section 146	Support with alterations	Public notification under Section 146 is only when there are significant adverse effects on natural resources or people, but under Section 125(7) of the Planning Bill public notification is when the activity will have or is likely to have adverse effects on the built environment that are more than minor.	Impacts on the Natural Environment can have adverse effects on people and the economy. Only requiring public notification where there are significant effects in our view potentially limits consideration of what may be significant effects on natural	Amend Section 146 to where there are <i>more than minor adverse effects on natural resources or people</i> '.

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			resources, including for reasons beyond their natural values.	

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