Submission to the Department of Internal Affairs: **Planning Bill and the Natural Environment Bill**

13 February 2026

SOUTH WAIRARAPA DISTRICT COUNCIL
Kia Reretahi Tātau

1. Introduction

South Wairarapa District Council (SWDC) appreciates the opportunity to submit on the Planning Bill and the Natural Environment Bill. Council agrees that the current resource management system is overly complex, slow to operate, costly for communities, and frequently unable to balance development needs with environmental protection in a clear and consistent way.

SWDC supports reform that simplifies the system, improves integration, strengthens environmental outcomes, and provides clearer national direction, while still allowing local authorities to respond to the distinctive characteristics of their districts.

SWDC is a rural district with small towns, productive land, sensitive natural environments, and strong relationships with mana whenua. The practicality of the new system affects us by narrowing participation pathways, limiting our ability to shape arrangements that reflect local realities, challenging community affordability, and reducing protection of long-term environmental and cultural values.

Unlike larger councils, SWDC does not have a dedicated in-house policy team and must balance strategic input on major national reforms alongside core service delivery and statutory functions.

This submission therefore focuses on highlighting the key areas of concern and risk that the proposed legislation presents for SWDC and our communities. In some areas, the submission identifies issues without setting out detailed clause-by-clause drafting or fully specified relief. This reflects resourcing constraints rather than the significance of the matters raised.

Where detailed technical, legal, or system-wide solutions are required, SWDC supports and adopts the recommendations made in the submission of Taituarā – Local Government Professionals Aotearoa. Taituarā represents planning and regulatory professionals working across local government and provides specialist analysis of the operational, implementation, and system design implications of the reforms. SWDC relies on this expertise and considers Taituarā's submission to complement and support the matters raised in this submission.

Accordingly, this submission should be read alongside Taituarā's submission, and SWDC endorses the relief and recommendations proposed by Taituarā except where this submission expressly states a different position.

2. Part one – Key Elements Supported

SWDC supports several core features of the proposed reforms.

2.1 A more integrated planning framework

The move toward a system where spatial planning, land use planning, and natural environment planning are better aligned is strongly supported. Fragmentation between plans has historically led to duplication, gaps, and inefficiencies. A more coherent structure should improve long-term outcomes and certainty.

2.2 Regional Spatial Planning

We support mandatory regional spatial plans to coordinate growth, infrastructure, hazard risk, and environmental constraints. It is important, however, that these plans allow flexibility for districts such as South Wairarapa to reflect local context and priorities, rather than imposing a uniform, one-size-fits-all approach across the region.

2.3 Clearer national direction and standards

More comprehensive national direction and standardised provisions have the potential to reduce inconsistency and plan-making costs. This support is conditional on national direction being internally consistent, evidence-based, and enabling of Treaty settlement arrangements and local context.

2.4 Stronger collaboration requirements

Council supports provisions encouraging closer collaboration between local authorities, central government, and iwi authorities. SWDC already works across council boundaries and with mana whenua on issues such as freshwater, hazards, and infrastructure planning; the legislative framework should enable, not constrain, such approaches.

2.5 Improvements to consenting and compliance tools

Streamlined consenting pathways, better monitoring and enforcement tools, and the ability to use adaptive management are supported in principle where environmental safeguards are not weakened but remain effective.

3. Part two – Components That Need to be Changed

3.1 The system must be Treaty-consistent and enable genuine partnership

SWDC considers that the new framework must provide practical mechanisms for councils and iwi authorities to work in partnership in planning and decision-making. Over many years, relationships have been built that go beyond consultation and into shared stewardship of natural and cultural values. SWDC considers that the new framework must provide practical mechanisms for councils and SWDC is concerned that removal or narrowing of mechanisms such as iwi–

council partnership agreements, joint management arrangements and the transfer or delegation of functions risk undermining mana whenua capacity to give practical effect to kaitiakitanga in meaningful ways. Current partnership approaches are working well locally, reforms must strengthen rather than dilute these arrangements, and that the removal or narrowing of existing mechanisms risks undermining long-established relationships.

Changes sought:

- enable councils to enter into formal partnership arrangements with iwi authorities
- allow delegation or joint exercise of appropriate planning functions
- ensure plan development recognises the relationship of Māori with ancestral lands, waters, wāhi tapu and taonga
- provide clear pathways for iwi participation at every level of the system i.e., in plan-making, hearings and national direction processes
- statutory recognition through the amendment of clause 8 of the Natural Environment Bill so that decisionmakers shall "take into account the principles of Te Tiriti o Waitangi" and that that duty applies at every level of the system.

3.2 Environmental purpose, limits, and property rights balance

SWDC supports the introduction of a national environmental limits framework as a key tool for providing long-term certainty to communities, landowners, and infrastructure providers. Clear limits help avoid ongoing dispute, reduce litigation risk, and ensure growth occurs in locations and forms that are sustainable over time.

However, the Bills do not clearly establish how environmental limits are to be weighed alongside development, infrastructure, and property rights considerations. Without clearer direction, there is a risk of ongoing tension, inconsistent decisions, reduction in the protection of sites of significance to Māori, and cumulative environmental decline — particularly in rural districts where many small-scale land use changes can collectively place pressure on freshwater, soils, biodiversity, coastal environments, and amenity-related environmental values such as noise and light.

SWDC is particularly concerned that while many environmental limits relating to human health are framed at a regional council scale (for example air quality, water quality, and contaminated land), no equivalent national direction is proposed for environmental limits relating to noise and artificial light, which are typically managed at the territorial authority level. These effects can have significant and cumulative impacts on human health, ecological systems, rural amenity, and cultural values, and should be explicitly recognised within the environmental limits framework.

SWDC considers that environmental protection and development are not competing objectives when the system provides clear, durable parameters within which landowners and communities can plan with confidence. A system that emphasises private property rights without equivalent clarity about environmental responsibilities risks creating uncertainty, increasing reverse sensitivity, and shifting long-term environmental and infrastructure costs onto communities.

This is particularly relevant in relation to artificial light at night. South Wairarapa is home to New Zealand's second certified International Dark Sky Reserve. Protection of the district's dark sky environment provides:

- a nationally and internationally recognised environmental value,
- a clear point of difference for the district,
- significant tourism and economic opportunities, and
- ecological and human health benefits associated with low levels of artificial night lighting.

Without the ability to set and rely on environmental limits for light, these values are vulnerable to incremental degradation through dispersed development, infrastructure lighting, and land use change. Once lost, dark sky quality is extremely difficult to restore. A national framework that recognises environmental light limits provides the appropriate mechanism for councils to protect these long-term values in a consistent and durable way.

Changes sought:

- Provide clearer direction on the role of environmental limits in decision-making, so limits offer durable guidance for growth and infrastructure planning rather than becoming a source of ongoing dispute.
- Instead of setting limits as bottom lines, focus limits on maintaining and improving ecosystem health and environmental quality over time, while recognising the need for practical implementation pathways and staged improvement where environments are already degraded.
- Ensure limits inform spatial planning and growth decisions early, so development is directed to appropriate locations rather than relying on later regulatory correction.
- Expand the environmental limits framework to explicitly include noise and artificial light, recognising their effects on human health, ecological systems, cultural values, and amenity.
- Provide for the identification and protection of dark sky environments, including recognition of certified Dark Sky Reserves, as part of environmental light limits.

- Provide for mātauranga Māori alongside scientific evidence in the development and application of environmental limits, to support place-based understanding of environmental values.

3.3 Climate change must be embedded, not peripheral

Climate change adaptation and mitigation are not sufficiently embedded in the core goals of the legislation. Planning decisions about settlement patterns, infrastructure location, and land use have decades-long consequences. Failure to clearly address climate risk will increase long-term costs for communities, infrastructure providers, insurers, and ratepayers.

Changes sought:

- explicit recognition of climate change mitigation and adaptation in system goals
- spatial plans that direct growth away from high-risk hazard areas using a risk-based approach
- alignment with the Climate Change Response Act and related emergency management frameworks.

3.4 Regulatory relief framework

Council shares the concerns that the proposed regulatory relief regime would impose substantial and uncertain financial liabilities on local authorities, thereby undermining the viability of the system.

SWDC is required to identify and protect matters such as significant natural areas, heritage, and sites of cultural importance. However, where protection requirements are directly linked to potential financial liabilities, this creates a significant disincentive for councils to formally recognise and provide for those values, undermining the effective implementation of statutory obligations. Where councils are implementing nationally directed protections that deliver benefits beyond district boundaries, the associated financial risk should not rest solely with local ratepayers, and a national funding or cost-sharing mechanism is therefore necessary to ensure these obligations can be met without distorting decision-making.

This is particularly challenging for rural districts with extensive protected areas relative to a small rating base and the strong heritage protection of precincts, buildings and trees within the urban towns of the district, most notably Greytown. Without central government funding support, the burden of nationally important environmental and heritage protection falls disproportionately on small communities with limited revenue capacity, creating inequity between districts and undermining the intent of the reforms.

Changes sought:

- relief costs linked to mandatory national direction are funded nationally
- existing controls carried over into new plans are not automatically subject to relief
- relief is not required where landowners have sought or supported protections
- councils can recover relief costs outside any rates cap
- a national funding mechanism supports councils where controls deliver national benefits.

3.5 Permitted activity registration requirements

Applying registration, written approvals, certification and monitoring requirements to all permitted activities is not proportionate. For a small council without dedicated resource management compliance and enforcement staff, imposing such universal administrative requirements would create significant resourcing pressures and divert limited capacity away from higher-risk or more complex matters. Many permitted activities are routine, low-risk, and currently operate without council involvement.

Changes sought:

- a separate "registered activity" category for higher-risk permitted activities; or
- making registration and related requirements discretionary tools rather than mandatory.

3.6 Noise and reverse sensitivity

SWDC notes that the Bills do not resolve the ongoing tension between permitted noise standards in plans and the separate "unreasonable" or "excessive" noise controls that sit alongside them.

Under the current framework, an activity can comply with district plan noise limits yet still be subject to action under unreasonable noise provisions. The new system largely carries this approach through. This reduces certainty for land users who have relied on permitted standards. This issue is particularly relevant at the rural–lifestyle interface in South Wairarapa. For example, bird-scaring devices on established vineyards may comply with district plan permitted noise standards reflecting normal rural production. As rural-lifestyle development expands, newer residents may still seek action under unreasonable noise provisions, creating conflict where lawful farming activities face complaints and potential constraints despite meeting plan rules.

SWDC considers that compliance with permitted noise standards in a national rule, plan rule, or planning consent should generally provide protection from further action for those same noise effects, except in clearly defined exceptional circumstances.

Changes sought:

- Clarify that where an activity complies with permitted or consented noise standards, it is not subject to additional action under general unreasonable or excessive noise provisions for those same effects.

3.7 Implementation, sequencing, and affordability

Environmental limits and national direction must be established early enough to inform spatial planning. Preparing spatial plans without a clear understanding of environmental capacity risks embedding development patterns that later conflict with limits.

The proposed implementation timeframes are highly compressed. Councils, iwi authorities, consultants and hearing commissioners are already stretched. Unrealistic deadlines increase the likelihood of poor-quality plans, reduced engagement, procedural shortcuts, litigation, repeated rework, and wasted public expenditure. In practice, this does not accelerate good outcomes; it shifts costs into the future. Without realistic staging and adequate resourcing, the quality, durability, and legitimacy of planning outcomes will suffer, ultimately leading to higher long-term infrastructure, environmental, and community costs.

Changes sought:

- SWDC supports longer, staged timeframes and flexibility to align with the release of national instruments.

3.8 Funding tools, development levies, and rates pressure

The reforms introduce a more enabling growth framework while also signalling major changes to how local government funds growth-related infrastructure. Together, these changes create significant fiscal risk for councils, particularly small rural authorities with limited rating bases.

The proposed replacement of development contributions with development levies is intended to better support the principle that growth should fund growth, with more predictable and flexible funding mechanisms and improved certainty for developers. SWDC supports this objective. However, the levy regime must be capable of recovering the full cost of infrastructure capacity required to service growth — particularly in a system that enables more dispersed, unanticipated, and out-of-sequence development.

At the same time, councils are required to implement an entirely new planning framework, while also responding to other central government reforms that carry implementation and compliance costs. These short-term transition pressures sit uneasily alongside proposals to constrain rates revenue. Without central government support, the cost of reform implementation and growth infrastructure will fall directly on ratepayers, including small communities with limited ability to absorb those costs.

A key concern is system timing and integration. The transition to the new resource management framework removes councils' ability to use financial contributions under the RMA, while the development levy system is still being designed and implemented. This creates a funding gap and exposes councils to significant risk, particularly where infrastructure must be provided to service growth but cost-recovery tools are not yet available. For small rural councils such as South Wairarapa, which currently rely on financial contributions under the RMA and not on development contributions under the Local Government Act, this issue is already apparent in relation to the National Environmental Standards for Detached Minor Residential Units, where additional development capacity can be enabled without an effective mechanism to recover the associated infrastructure costs.

Finally, the Bills do not sufficiently recognise, at a strategic level, the role of the planning system in enabling infrastructure to be delivered efficiently and cost-effectively. Clear statutory recognition of the link between land use planning, infrastructure provision, and funding mechanisms is necessary to ensure that growth outcomes are financially sustainable.

Changes sought:

- Full cost recovery for growth infrastructure
  Ensure the development levy framework enables councils to recover the total cost of infrastructure required to support growth, including where growth is dispersed, unanticipated, or out of sequence.
- Transition protection between funding regimes
  Provide a bridging mechanism or financial support during the period between the removal of financial contributions under the RMA and the full operation of development levies, to avoid funding gaps.
- Alignment of funding tools and reform timeframes
  Align the commencement and implementation of development levies with the rollout of the new planning system so councils are not left without effective cost recovery tools.
- Central government transition support
  Provide dedicated funding to support councils with the implementation costs of the new planning framework, including plan preparation, systems, and technical work, to avoid these costs falling disproportionately on ratepayers.
- Statutory recognition of infrastructure delivery
  Amend section 11 of the Planning Bill to include a goal:
  "to support the cost-effective delivery of infrastructure and public services by government and communities",or incorporate this concept within national direction defining a well-functioning urban environment.
- Appropriate local revenue flexibility
  Ensure that any constraints on rates do not undermine councils' ability to maintain fiscal sustainability or fund essential infrastructure associated with growth.

3.9 Public input, local decision making, variation to standardisation

While SWDC supports a more standardised planning system, it is essential that local communities retain meaningful input into planning and activities affecting their areas. Standardisation will not suit every circumstance, and the system must include clear mechanisms that allow councils to respond to local conditions and community priorities.

As currently framed, the system provides limited flexibility. Councils may only include bespoke provisions where enabled by national direction, and doing so requires justification reports, Ministry audit, and exposure to merits submissions and appeals. This makes locally tailored provisions slower, more complex, and more costly to implement than nationally imposed direction. Given compressed timeframes and resourcing pressures, there is a real risk councils will be discouraged from addressing legitimate local issues, even where clearly justified.

Public input into standardised provisions is also highly constrained. Communities cannot seek changes to standardised content, despite most plan provisions being standardised. This reduces local influence over land use outcomes and weakens community confidence in the system, particularly in a framework that relies more heavily on permitted activities and reduced consenting oversight.

While standardisation brings efficiency and consistency benefits, it must be balanced with local democratic decision-making. Communities need appropriate opportunities to shape land use and environmental planning, especially where effects are experienced locally.

SWDC supports an even-handed approach between standardised and bespoke provisions so councils are not disincentivised from including locally responsive rules. Merit based appeals on bespoke provisions are unnecessary where robust front-end scrutiny is provided through justification reports. The statutory requirement that a justification report be proportionate to the scale and significance of the provision already ensures greater scrutiny for more significant content.

Changes sought:

- The requirements and timeframes for considering bespoke provisions are simplified to enable communities to obtain local planning outcomes.
- Appeals for both standardised provisions and bespoke provisions are on points of law only.

4. Conclusion

South Wairarapa District Council supports the objective of a more coherent, efficient and effective planning system. However, the Bills require refinement to:

- ensure Treaty-consistent partnership mechanisms

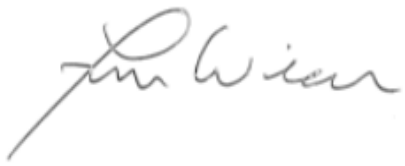
- give stronger and clearer effect to environmental limits and climate response
- create a fair and workable regulatory relief regime
- avoid unnecessary bureaucracy for low-risk activities
- sequence implementation realistically and fund transition appropriately.

With these changes, the reforms have greater potential to uphold Te Tiriti o Waitangi obligations, strengthen valued mana whenua partnerships in decision-making, and support enduring environmental protection, resilient communities, and sustainable development for the South Wairarapa.

Further information and opportunity to present this submission

The Council would like to present these points in person at the Environment Select Committee.

For information and scheduling, please contact Courtenay Isherwood, Manager Planning courtenay.isherwood@swdc.govt.nz in the first instance.



Dame Fran Wilde
Mayor
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