

Submission

Natural Environment Bill and Planning Bill



PREPARED BY: Ashburton District Council
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SUBMITTED TO: Environment Select Committee

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via upload to: Parliament website

Ashburton District Council **does not wish** to make an oral submission to the Committee

Introduction

1. Ashburton District Council (Council) welcomes the opportunity to comment on the Natural Environment Bill and Planning Bill which will form the basis for the new planning system.
2. This feedback reflects the views of the Council and is informed by our governance experience and community context. It also includes technical areas identified by Council officers.
3. Located an hour's drive south of Christchurch, more than 36,400¹ residents live in our district. Approximately 50% of our residents live in the main town of Ashburton, with the rest of our residents living rurally or in smaller towns or villages across the district. Ashburton District covers an area of over 6,000km² and comprises diverse landscapes including mountain gorges, foothill area and large areas of alluvial plain. The District extends from the Southern Alps to the Pacific Ocean and between the braided Rakaia River to the north and the Rakitata to the South.
4. The District's economy and prosperity is largely reliant on agriculture, benefitting from its high quality soils and extensive rural water supply infrastructure.
5. The Council consists of a Mayor and nine Councillors elected across three wards, along with a Community Board in Methven with five elected and two appointed members.
6. Please note A.I has assisted in the development of this submission.

Transitional arrangements and Implementation

7. Ashburton District Council notes that the implementation of the proposed resource management reforms is expected to impose significant additional costs on local government. The Council considers that Central Government assistance will be essential to ensure that these implementation costs are not transferred to local ratepayers, particularly given the already constrained funding environment councils operate and within the potential context of a rates capped environment as proposed by Government.²
8. As currently drafted, the bill imposes implementation periods based around the legislation being introduced, Ashburton District Council foresees difficulty in this timeframe which is already short for good

¹ Infometrics, *Regional Economic Profile*, 2024

² <https://www.beehive.govt.nz/release/getting-rates-under-control-ratepayers>

policy implementation. This will rely on important information, including that contained within national instruments which is unlikely to be available immediately. Council requests the consideration of a clearly defined implementation period that begins from the point at which the national instruments are formally introduced rather than from the date legislation is enacted. This approach would provide councils and stakeholders with greater certainty and ensures adequate time for operational planning, resourcing, and transition to the new system.

9. Council is concerned that the consultation and submission periods proposed in the Bill for national instruments are too short to enable councils to provide meaningful and well-informed feedback. The initially released Planning Bill and National Environment Bill defer a significant amount of detail to future national standards. Council considers that the detail of these standards will potentially have significant, but as yet unclarified impacts on their community and it is vital that the Council can undertake appropriate analysis, coordinate technical expertise, and reflect community impacts. Council therefore requests extending these proposed timeframes. This will support higher-quality input and improve the workability of national instruments particularly so that they can adequately consider and respond to unique and individual situations.
10. Further, Council notes that within the Environment Bill, environmental limits on matters such as nutrient discharge and water take are to be set through subsequent legislative processes. They are to be administered through Ministerial direction and implemented through regional plans.
11. As previously raised in the introduction to this submission, the prosperity of Ashburton District is tied to its agricultural activity and is concerned that caps and limits imposed through the Natural Environment Act have the potential to have significant impacts on the Ashburton community. Ashburton Council strongly requests that the Natural Environment Bill is reviewed so as to ensure Council can participate in discussion of limits that may be proposed for the Ashburton District. Council considers it vital from the perspective of local democracy that local voices are able to participate in decisions that are so significant for its community.

Financial impact of proposed system

12. Under proposals either in process or signalled, local government will be required to concurrently implement water service reform, a new emergency management framework, changes to development levies and potential structural reforms to local government, as well as proposed rates caps. The Natural Environment and Planning bills do not appear to have considered or been integrated with these wider reforms and Council is concerned that they may generate conflicting obligations, duplicated processes and significant resource and cost pressures. Without system-wide alignment, Council is concerned that the cumulative burden threatens to delay or confound the new planning system. Council requests that consideration is given to the place of this legislation alongside other systemic changes.
13. Council is concerned that the proposed charging framework appears to restrict local authorities to recover costs once the fixed fee for an application has been exhausted. This creates a significant risk of under-recovery, shifting costs from applicants to ratepayers and undermining the “user pays” principle that has long underpinned resource management funding.
14. Council seeks clarification on Section 191 of the Planning Bill to confirm that local authorities will retain the ability to properly recover the costs where necessary so that they can accurately reflect actual time and costs incurred while carrying out the functions in this act. Without such provision, Council is concerned

that the system will be financially unsustainable and may result in reduced service levels or increased general rates, the latter being particularly concerning when considered in conjunction with the previously referenced “rates capping” proposition.

15. Further, Council is concerned that the expanded monitoring obligations proposed in the Bills will place significant additional pressure on council resources. Meeting these requirements is likely to increase operational costs, which may in turn have an impact on council rates. In a rates-controlled environment, delivering this level of monitoring will be difficult to achieve without either reducing other essential services or securing additional funding mechanisms. The Council recommends that the Bill provide greater flexibility, phased implementation options, or additional central government support to ensure these monitoring expectations are practical and achievable.

Regulatory Relief

16. Ashburton District Council accepts that it is reasonable to consider impacts of limiting private property rights and that in some instances a regulatory relief mechanism will be appropriate. However, Council considers that, as written, the legislation lacks clarity on how and when these provisions will apply. The terms “reasonably use” and “significant impact” are not well defined in the Bill, creating uncertainty for both councils and applicants. Ambiguity in these thresholds is likely to result in delay and cost arising from differing interpretations, disputes, and potential appeals. Further, Council is concerned that this may discourage Councils from even commencing processes for protection of otherwise worthy and important items or areas. The Council requests that the wording of the bill is amended to provide clearer definitions, guidance, or criteria to support consistent application of regulatory relief and reduce the risk of litigation.

Notified Resource Consent Decisionmakers

17. Ashburton District Council does not support the proposal that all notified applications must be determined by an independent commissioner in S.136 of the Planning Bill. The Council’s experience includes processing full notified resource consent applications that have not required a hearing.
18. A hypothetical example of this might be a protected building which has been substantially damaged by a fire to the point where it was unable to be repaired and where demolition is subsequently sought. In such a situation, public notification might have occurred without any submissions being received in response and a reasonably clear-cut situation. In this instance, the facts would be obvious, and an internal decision would reduce timeframes and significantly lower costs for applicants. Requiring independent commissioners in all cases appears unnecessary and risks introducing additional expense and delay without improving decision quality.
19. The Council requests consideration of retaining flexibility by allowing routine or uncontested applications to be determined internally, while reserving independent commissioners for cases where they are genuinely required.
20. Council further notes that a similar provision to Section 100A in the current Resource Management Act could be included which would give the ability for applicants to request use of a commissioner if they wished.

Exceptions For Local Conditions

21. Ashburton District Council supports the general approach to standardisation and consistency in legislative approach across the Country and within regions and further supports in principle the provisions allowing for departure from those standards in order to consider local exceptions. Council is aware that previous exception processes, including “fast track” and “plan stop” provisions have been administratively complex, and local experience has been that they have not been advantageous to pursue.
22. Standardised provisions can support national consistency; however, the Ashburton District’s unique environmental, economic, and community factors mean that a one-size-fits-all approach based on national or even regional scale solutions will not always be appropriate. The Council requests that the Bill enable local variations through simple, well-defined mechanisms that are clear and avoid unnecessary complexity or inconsistency in decision making which might occur when decisions are taken at Ministerial level, ensuring that planning provisions remain responsive to local needs.

Retail Distribution Considerations

23. Council is concerned about the proposed limitations on considering retail distribution effects when assessing applications. Significant investment and effort have been directed toward revitalising the Ashburton town centre, and the ability to manage the distribution and location of retail activities is essential to protecting the centre’s long-term viability. Without adequate planning controls, there is a high risk that dispersed or unmanaged retail development could undermine the vitality of the town centre and diminish the economic and social benefits that recent work is intended to deliver. The Council requests that the Bill allow for the consideration of retail distribution effects where these are relevant to maintaining the viability and strategic planning outcomes of established town centres.

Conclusions

24. Council appreciates the opportunity to provide feedback on this consultation and looks forward to continued engagement with the Government, including any clarification of any matters raised in this submission.

The image shows two handwritten signatures in blue ink. On the left is a signature that appears to be 'Liz McMillan'. On the right is a signature that appears to be 'Hamish Riach'.

Liz McMillan

Mayor

Hamish Riach

Chief Executive