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Committee Secretariat
Environment Committee
Parliament Buildings
Wellington

Submitted via email: en.legislation@parliament.govt.nz

Tēnā koutou,

Submission from Rangitīkei District Council on the Planning Bill 2025

1. Introduction:

1.1. Rangitīkei District Council (the Council) thanks the Environment Committee (the Committee) for the opportunity to make a submission on the Planning Bill 2025 (the Bill).

1.2. The Rangitīkei District is a small rural council. Located in Central North Island, the Rangitīkei is primarily part of the Manawatū-Whanganui Region. The Rangitīkei has the advantage of access to State Highways 1 and 3, both of which provide a significant volume of inter-regional freight and motorists who stop in our towns for services.

1.3. The Rangitīkei District has magnificent waterways (including the Rangitīkei, Whangaehu and Turakina Rivers), beaches, parks, reserves and open spaces. Our natural environment has exceptional beauty, holds a lot of history, and is important to our communities.

1.4. Our population of approximately 15,300 residents is distributed over a large land area of around 4,900km^2. We have a large number of small towns, each with their own unique needs and identity which differ from the main urban centres of New Zealand (e.g. Auckland, Wellington or Christchurch). The needs of our communities (and other similar small rural communities across New Zealand) should be recognised and adequately provided for in the new planning system. The Council asks that the Committee keep this in mind as they consider this and other submissions.

2. Submissions overview:

2.1. The Council recognises that the preparation of the Bill (in conjunction with the Natural Environment Bill) constitutes the most significant change to the New Zealand planning system since 1991, with considerable implications for all New Zealanders for many years to come. We ask the Committee to look beyond the immediate issues of today and carefully consider the long-term benefits and costs the provisions of the Bill will present, particularly on future generations.

2.2. This submission comprises two principal parts.

- The first part of the submission consists of our general submission points on the Bill.
- The second part of the submission, presented in tabular form, contains points on specific subject matters and provisions of the Bill.

General submission points on the Bill:

3. Need for Reform

3.1. The Council is generally supportive and recognises the need for the planning system in New Zealand to be reformed. The Resource Management Act 1991 (RMA) was groundbreaking at the time it was enacted. While the RMA has been successful in some areas it has known issues which have failed to be addressed despite an array of amendments. The Council has experienced some of these issues first hand with its own challenges in applying for consents and progressing plan changes.

3.2. The New Zealand planning system needs to better address the issues faced by our people now and in the future. Key infrastructure and business and housing should be enabled, processes should be streamlined, and decision-making should be more efficient and consistent. However, this needs to be balanced appropriately against adequately protecting our environment and ensuring that people have the ability to meaningfully influence how our system is shaped so that the things that are most important to our communities are provided for.

4. National instruments and regulations

4.1. An acknowledged failing of the RMA was the length of time that it took for National Policy Statements (NPSs) and National Environmental Standards (NESs) to be rolled out once the system was enacted. The new planning system promises an extensive framework of national instruments and regulations.

4.2. The Council understands that having these national instruments and regulations will help reconcile conflicts and provide clarity on how the goals under the Planning Bill and the Natural Environment Bill are implemented through decision-making at the plan making and consent/permit levels. These instruments and regulations have the potential increase efficiencies and facilitate more consistent planning across the country.

4.3. However, drafts of these instruments and regulations, or detailed supplementary material providing guidance on their content, were not available at the time this submission was prepared. This has made making an informed submission on their likely effect not possible.

4.4. The Council is troubled that in several parts of the Bill, there is no explicit requirement to notify or consult with local authorities when preparing a national direction, standards, or regulation. At best, the provisions provide discretion for the Minister to consult persons who may have an interest or to notify the public generally. It is noted that Ministers will also have the ability to amend national instruments (e.g. National

Standards) without a full process or any requirement to invite comment from parties including local authorities.

4.5. Local authorities will be responsible for the implementation and enforcement of national instruments and compliance with regulations. Therefore, it would be prudent that local authorities (and other key stakeholders) be given the opportunity to input into the development and amendment of national instruments.

4.6. The importance of local authority input is further compounded by proposals in the Bill which limit broader community participation. In these cases, it often falls to local authorities to represent the views of their communities. As such, Council submits that the Bill be amended to require consultation with local authorities (and other key stakeholders) on the development and amendment of national instruments (including national direction, standards and regulations). The Council requests a minimum timeframe of consultation and submissions on proposed new or amended regulations, national instruments or directions be set at 20 working days.

4.7. The Council also has concerns about the proposed sequencing and timing of the roll out of the national instruments and regulations especially as these should play a pivotal role in the development of regional spatial plans, natural environment plans, and land use plans.

4.8. For example, based on Council's current understanding of the information, local authorities will be required to commence the preparation of regional spatial plans before much of the national policy direction, national standards, environmental limits and other regulations (which the spatial plan must not only comply with but from a best practice perspective be well aligned with) will be in place.

4.9. The Council is supportive of the development of a regional spatial plan, and Council wants to ensure that we have the opportunity to produce a plan that is comprehensive and meets the outcomes sought by the Bill and Natural Environment Bill, including being able to effectively integrate relevant national instruments and regulations. On this basis we request that the timeframe for notification of the regional spatial plan be reconsidered in conjunction with when national instruments and regulations will be available.

4.10. The Council is aware that a Spatial Plan Committee will be responsible for the preparation (and subsequent review or amendment) of the Regional Spatial Plan. The Council would just like to reiterate our sentiment from our submission on the Simplifying Local Government Proposal that we are not supportive of a proportional voting system based on population for the Spatial Plan Committee.

Recommendations:

a. That the Bill be amended to require consultation with local authorities (and other key stakeholders) on the development and amendment of national instruments (including national direction, standards and regulations). And that a minimum timeframe of consultation and submissions on proposed new or amended national instruments and regulations to be set at 20 working days.

b. That the Bill be amended and push the timeframe out for the notification of regional spatial plans to provide for relevant national instruments and regulations to be

released and for local authorities to have sufficient time to effectively integrate these into their spatial plans.

5. Absence of intergenerational equity or a similar concept

5.1. Planning is inherently future focused. The absence of being able to effectively consider the benefits for, or impacts on, future generations inadvertently priorities the issues and needs of today above those of the medium to long term future.

5.2. The Council requests that intergenerational equity or a similar concept be incorporated into the Bill to ensure that as it is implemented the benefits and impacts of both current and future generations can be considered.

Recommendation:

c. That the Bill be amended to incorporate intergenerational equity or a similar concept to ensure that as it is implemented the benefits and impacts of both current and future generations can be adequately considered.

6. Regulatory relief provisions

6.1. The Bill proposes the imposition of a regulatory relief regime which includes financial compensation from councils when the reasonable use of land is significantly impacted.

6.2. The Council is not supportive of these provisions and considers that they could be problematic in effect and implementation. It is particularly difficult where the regulation of use and development of land, or the protection of heritage and various natural features is mandatory under the Bill. This puts local authorities in a 'no-win' situation where legislation both requires local authorities to regulate certain activities, but then also compensate or offset the impact on affected landowners.

6.3. Furthermore, significant historic heritage, outstanding natural landscapes and features, and areas of high natural character often have regional or even national significance. Ratepayers at the territorial authority level should not be forced to carry the cost of regulatory relief when these features are being protected for wider public benefit.

6.4. If enacted these provisions will impose a significant unfunded mandate on local authorities at a time when we are already contending with a raft of parallel reforms and proposals (e.g. local water done well, simplifying local government and rates capping) while also facing continued pressure from the Government to keep our expenditure and rates increases under control.

6.5. It is also noted that these provisions appear to apply inconsistently i.e. regulatory relief appears to only apply to the provisions in local authority plans, and not regulations, national instruments, standards or national rules set by central government.

6.6. Aside from the financial implications relating to the form of relief offered there will also be indeterminate ongoing compliance costs associated with establishing and administering the required regulatory relief framework. Council anticipates that these provisions will potentially invite additional litigation, which is time consuming and expensive, especially for smaller local authorities.

6.7. The Council considers that other provisions of the Bill already provide sufficient opportunity to challenge provisions which render land incapable of reasonable use (see section 105, and the ability to make submissions on plans, for example). Consideration could also be given to imposing a strong duty on central government and local authorities to consider the impact of provisions when preparing national instruments and plans.

Recommendations:

d. That the regulatory relief provisions of the Bill, and associated cross-references from the Natural Environment Bill, be deleted.

e. That those provisions relating to the preparation of national instruments, standards, and national rules and rules in plans all be required to give explicit consideration as to whether the provision renders land incapable of reasonable use.

7. Permitted Activity provisions

7.1. The Council is unsure of the intent of proposed sections 38 and 180, which require registration of activities subject to a permitted activity rule. The current drafting of these sections would likely be onerous on those undertaking permitted activities, and require additional, unnecessary administration for local authorities. For example, many councils have permitted activity fencing rules and currently if landowners comply with these rules, then they do not need to tell councils that they are constructing a fence, they just build one. Council's interpretation of the proposed permitted activity provisions is that going forward landowners would need to register a compliant fence with Council.

7.2. The Council questions whether this is the intention to require all permitted activities subject to a permitted activity rule to be registered or if this is actually intended to be more targeted and capture certain types of activities. The Council requests that the purpose of these provisions be made more explicit.

7.3. Under the RMA, permitted activities are those which do not require a consent, and there is no requirement for a person undertaking such activities to register them formally with the Council (nor for the Council to have discretion to set additional conditions on them).

Recommendation:

f. That the intent/purpose of the permitted activity provisions in sections 38 and 180 be made clearer. If there are to be certain permitted activities that required registration, then amend the Bill to have a clear separation between genuinely permitted activities (where no planning registration or consent is required) and activities which are required to be registered and may be subject to conditions e.g. name them permitted activities and registerable activities.

8. Narrowed application of Treaty principles and inconsistent Māori engagement provisions

8.1. Section 8 of the Bill summarises the provisions in other parts of the Bill which recognise the Crown's responsibilities in relation to Te Tiriti o Waitangi / Treaty of Waitangi. Section 8 represents a significant narrowing of the application of the principles of Te Tiriti and

omits a broader duty for all persons acting under the Bill to take into account the principles of Te Tiriti (as provided for under the RMA).

8.2. The Crown's responsibilities are further narrowed by proposed section 9(3) which introduces an expiry date (2 years following enactment) on the obligation of the Crown to work with post-settlement governance entities on how existing treaty settlement provisions can be given similar effect under the Bill as to what they had under the RMA.

8.3. The Bill does provide for engagement and some participation by Māori (which is consistent with the principles of Te Tiriti o Waitangi / Treaty of Waitangi). However, the terminology used to describe various Māori entities appears to be used inconsistently (e.g. Māori, iwi, iwi authorities, post-settlement government entities, customary rights groups, and just a couple of references to hapū). The effect of this is to lock some groups with legitimate rights and interests out of participation in key planning and consenting processes.

8.4. The inconsistent referencing means the rights, sites of significance, and interests of various Māori groups are unlikely to be protected or provided for as intended under section 11 and past injustices (including still the subject of Treaty Claims) may be perpetuated.

8.5. Although the general intent of 'Māori interests' goal in section 11 is supported, it is noted that its emphasis on participation is weakened by the absence of an ability for iwi and hapū to enter into joint management agreements and initiate Mana Whakahono ā Rohe participation arrangements. Such agreements were provided for in the RMA.

Recommendations

g. Replace section 8 of the Bill with wording which has the same or similar effect to section 8 of the RMA (duty to take into account the principles of Te Tiriti o Waitangi / Treaty of Waitangi).

h. Amend provisions in the Bill which refer to engagement or consultation with Māori to refer to both iwi and hapū (where appropriate).

i. That the Bill should make provision for iwi and hapū to participate in and initiate joint management agreements and Mana Whakahono ā Rohe participation arrangements.

Conclusion

Thank you again for the opportunity to provide feedback on the Planning Bill 2025.

The Rangitīkei District Council does not wish to be heard in support of this submission.

Ngā mihi,

Andy Watson
Mayor of the Rangitīkei

Submissions points on specific subject matters and provisions of the Planning Bill 2025

Part 1: Preliminary Provisions	
Provision(s)	**Submission points**
Section 4 *Purpose*	**Submission** The purpose of the Planning Bill (the Bill) "…is to establish a framework for planning and regulating the use, development, and enjoyment of land." Yes, this purpose is simple and says what the Bill will do but it lacks the "*why*" which is an important function of any purpose. The effective planning and regulation of the use and development of land is for the benefit of current and future generations. For this to be done successfully there should also be a link to the goals (section11) which identify the specific outcomes the Bill is seeking to achieve. **Request** i. Amend the purpose of the Bill to the following or similar wording - 'The purpose of this Act is to establish an effective framework for planning and regulating the use, development, and enjoyment of land for the benefit of current and future generations, to achieve the goals specified in section 11 of this Act.'
Section 8 *Treaty of Waitangi / Tiriti o Waitangi*	**Submission** Section 8 purports to recognise the Crown's responsibilities under Te Tiriti o Waitangi / the Treaty of Waitangi, by paraphrasing provisions contained in other parts of the Bill. In so doing the section (in conjunction with others it links to) appears to: • Narrow the application of treaty principles • Impose unclear and inconsistent duties on parties exercising duties and powers under the Bill (those which relate to local authorities are different to those on various Ministers when the latter are exercising some of their powers) • Fix the status of Treaty Settlements to a particular point in time (it is unclear what happens with iwi or hapū who have yet to go have their claims heard) • Prioritise iwi and iwi authorities at the expense of hapū (not all hapū who hold tangata whenua or mana whenua have iwi or iwi authorities speak on their behalf) The circumstances above are suggestive of provisions which do not meet the spirit of Te Tiriti and its principles and may give rise to further contemporary treaty claims.

Part 1: Preliminary Provisions	
Provision(s)	**Submission points**
	The Council submits that the Committee have consideration of how the principles of Te Tiriti can be better reflected in the Bill holistically. The Council also recommends that guidance for upholding Te Tiriti principles is sought by the Committee from iwi and hapū. **Request** ii. Replace section 8 with a provision similar in form and effect to section 8 of the RMA.

Part 2: Foundations	
Provision(s)	**Submission points**
Section 11 *Goals*	**Submission – s11 Omission of Climate Adaption Goal** Although the explanatory note and several provisions of the Bill refer to adapting to the effects of climate change (such as in the context of reducing the risk from natural hazards and as a mandatory matter in spatial plans) there is nothing in the goals that refers to climate adaptation. **Request** **EITHER** i. modify goal (h) (relating to safeguarding communities from the effects of natural hazards) to include reference to adapting to the effects of climate change **OR** ii. Include a new goal which specifically relates to planning for and regulating the use and development of land to avoid or mitigate the effects of climate change. **Submission – s11(c)** While the concept of a well-functioning urban areas is well traversed through existing national direction and supported by the other goals in s11(b), (d) and (e), the concept of a 'well-functioning rural area' is vague and subjective without further clarification

Part 2: Foundations	
Provision(s)	**Submission points**
	or qualification. Further, grouping rural and urban areas together into the same goal does little to assist clarity as both have distinctively different (and at times competing) characteristics. **Request** iii. Separate the concept of a well-functioning rural area from a well-function urban area and provide some clarity on what a "well-functioning rural area" is considered to be e.g. sufficient land is available for primary industries to operate and grow and/or highly productive land is protected for current and future use. **Submission – s11(f)** Goal (f) refers to maintaining public access to various water bodies. Use of the word 'maintain' implies the extent of access to those water bodies is effectively fixed at a point of time and further enhancement of access is not envisaged, even if compensation is paid where land is obtained to improve access. This seems at odds with what communities may need or want (e.g. when a settlement expands along a beach, lake or river) and other provisions in the Bill which appear to anticipate access improvements and compensation when land is taken. **Request** iv. Add the words 'or enhance' after the word 'maintain'. **Submission – s11(g)** Goal (g) currently states "to protect from inappropriate development the identified values and characterises of…" and then lists the matters (i)-(iii). This goal omits reference to the 'use' and instead just focuses on development of land. Council recommends that 'use' is added to more fully provide for the protection of the matters listed (i)-(iii). It should also be considered whether *all* identified values and characteristics warrant protection or whether a qualification such as 'special' or 'significant' should be added in front of values and characteristics to clarify the scope of the goal. Council is concerned that there is a conflict of expectations in respect to the achievement of this goal and the functions of territorial authorities in section 184, which require protection of various natural features and landscapes, and the requirement for local authorities to provide regulatory relief for significant impacts on the reasonable use of land under Part 4 of Schedule 3. If such protection is a mandatory national goal under the Bill, then compensation should not be payable by local authorities. If

Part 2: Foundations	
Provision(s)	**Submission points**
	compensation is required, then it should be paid by the entity which first imposed the requirement for protection (i.e. central government). **<u>Requests</u>** v. Reword s11(g) to include reference to "use" as well as development i.e. "to protect from inappropriate <u>use and</u> development…' vi. Consider whether all identified values and characteristics warrant protection or whether s11(g) should be amended to include a qualification e.g. "…the identified significant values and characteristics…"
Section 14 *Effects outside the scope of this Act*	**<u>Submission</u>** Section 14 poses quite a major shift in how effects of activities and developments are able to be assessed. The Council supports parts of section 14, being 1(b), (c), (d), (f)(ii), (g) and (j) in so far as they codify common planning practice, relate to matters which are more appropriately covered in other legislation, or have proven difficult (or unnecessary) to enforce. However, the Council considers that there are instances where the other 'out of scope' effects should form an essential part of an effective planning process (be that plan making or consent processing) and should not be disregarded in every instance. For example, the farmland surrounding Marton is experiencing a decent uptake in solar farms. Whilst the Council accepts that landowners have a right to repurpose land that was used primarily for cropping and livestock for many decades this will substantially change the outlook of those living near the solar farms as well as for people travelling many of the main routes into Marton. Being able to assess and consider landscape and visual amenity has not prevented these consented solar farms from obtaining approval, but it will marginally reduced the adverse landscape and visual amenity effects on surrounding neighbours as the solar farms have been required to be screened along certain boundaries. Screening along certain boundaries (or parts of boundaries) is not generally a major cost to a business or developer but can have a substantial positive effect for an adjoining property owner who feels genuinely impacted by the change in landscape and outlook. Council also requests that the timing of transition to the change in scope of effects be reconsidered and be aligned with the development of the new land use plans. Our current District Plan was not developed to align with the proposed reduced scope of effects, and it will be difficult to implement this efficiently and effectively. For example there will be instances where consent may be required as a restricted discretionary activity but our matters of discretion will be for effects outside of scope.

Part 2: Foundations	
Provision(s)	**Submission points**
	Council further submits that as worded currently, the relationship between s14(1) and (2) will result in confusion for applicants and those administering the consent process. Managing of the matters listed in s14(2) is difficult without having regard to some of the effects s14(1) proposes to exclude. The Council requests that the intent of this be made clearer. **Requests** vii. That the Committee reconsider the blanket 'out of scoping' of all of the effects listed in s14(1) and whether this list could be reduced and other mechanisms relied on to streamline consenting processes (such as the changes proposed to notification assessments). viii. That the timeframe for implementing s14 but aligned with the development of the proposed land use plans. ix. That the management of the matters listed in s14(2) are explicitly exempt from s14(1).

Part 3: Combined Plan	
Provision(s)	**Submission points**
Sections 65 *Geographical boundaries of a regional spatial plan*	**Submission** The Rangitīkei District has land within two regions, being the Manawatū-Whanganui and Hawkes Bay regions. This is not a unique situation as there are several territorial authorities (e.g. Stratford and Taupo districts) that have land within two or more regions. Being part of multiple regional spatial planning exercises could be onerous and is likely to be largely unnecessary. As such it would be more efficient for territorial authorities to only be required to participate in regional spatial plans of the region within which the majority of their land area and population is contained. **Request** i. Amend section 65 to provide for territorial authorities whose land area is within multiple regions with the ability to opt to only be part of a regional spatial plan which relates to the region (or regions) which the majority of the territorial authority's land and population is located.

Part 3: Combined Plan	
Provision(s)	**Submission points**
Section 68 *How regional spatial plans promote integration*	**Submission** The requirement for the Minster to 'take into account' any regional spatial plan when preparing and reviewing the Government Policy Statement on land transport is too weak to provide long-term certainty for development and infrastructure investment by other providers. A duty to 'take into account' does not necessarily equate to action. A more active and binding duty which maintains the confidence investors and of other parties involved in implementing spatial plans is recommended e.g. 'recognise and provide for'. Safeguards for the Minister and government investment are provided by the words 'provide for' not specifying the exact means of provision, the government being able to appoint representatives to the spatial plan committee and hearing panel, and the ability for spatial plans to be reviewed or changed as circumstances dictate (see Schedule 2). It is also noted that section 68 is missing references to Ministers whose portfolio responsibilities for other types of key infrastructure important to building and maintaining well-functioning communities (such as schools and health facilities). A commitment from such Ministers to participate in spatial planning and recognise and provide for the provisions of spatial plans in their plans is needed to provide certainty to local authorities in the preparation of their plans, and confidence for private sector to invest. **Requests** ii. Amend the requirement of the Minster to take into account regional spatial plans when preparing the government policy statement to 'recognise and provide for' the provisions of regional spatial plans. iii. Broaden the list of Ministers who need to recognise and provide for the provisions of regional spatial plans in their own planning documents (e.g. property management plans, Strategic Intensions, or other strategic documents) to include those responsible for education and health.
Section 70 *Consultation with iwi*	**Submission** Section 70 only makes reference to iwi authorities and customary title groups. Māori groups across districts can be more diverse, and do not always have iwi authorities to speak for them. **Request** iv. Section 70 should refer to iwi and hapu (or groups which represent them) in the region to which the spatial plan relates.

Part 3: Combined Plan	
Provision(s)	**Submission points**
Sections 72 *Ministerial appointments*	**<u>Submission</u>** Section 72 is not clear on the circumstances under which the Minister may exercise their discretion, and whether s72(1)(b) acts as a form of local authority veto. To avoid the potential for an unconstitutional override of local democracy, the default should be for the Ministerial appointees (who are un-elected) to have no voting rights, and if voting rights are provided, the number of Ministerial appointees cannot exceed the number of local authority representatives. **<u>Requests</u>** v. Amend section 72 to specify the circumstances or considerations which will determine whether or not the Minister will exercise their discretion to appoint one or more panel members and the extent of their voting powers. vi. Reword section 72(2) so that the default is for Ministerial appointments to not have voting rights.

Part 4: Planning Consents	
Provision(s)	**Submission points**
Section 117 *Consent processing timeframes*	**<u>Submission</u>** The Council does not oppose the specification of the consent timeframes for basic application types within the Bill but is against these being expressed as maximum with no reference made in the Bill itself to processing timeframes being able to be paused for legitimate reasons e.g. while a consent authority is awaiting further information from applicants or situations where the applicant has asked for an application to be put on hold. The Bill instead appears to suggest that suspensions will be defined through regulations, which are not yet available for parties to submit on, nor provide long-term certainty for applicants or consent authorities, as regulations can be changed relatively quickly with minimal public input. The situations where processing timeframes should be suspended are clear from the content of subsequent sections (i.e. s118 where applicants or iwi have asked for an extension, s119 requests for further information, and s120 requests for reports). Consent processing for specified extenuating circumstances such as during a declared state of emergency (as consent

Part 4: Planning Consents	
Provision(s)	**Submission points**
	processing staff may themselves be affected by an emergency or be involved in a civil defence response) should also be provided for. **<u>Request</u>** i. To provide transparency and certainty for consent authorities, applicants and the general public, provisions similar to RMA sections 88B and 88E (which set out the circumstances as to what time periods should be excluded from the calculation of processing timeframes) should be included in the Planning Act. At a minimum, exclusions should be provided for timeframes associated with: • Further information requests • Commissioned reports • Where the applicant (or other specified party) has asked to put processing on hold • Circumstances where a consent authority is awaiting another related application.

Part 5: Key Roles	
Provision(s)	**Submission**
Sections 184 and 185. *Responsibilities and functions of territorial authorities*	**<u>Submission</u>** The Council generally supports the responsibilities and functions listed, as these are similar to the functions of territorial authorities now. However, provisions which require mandatory regulation of significant historic heritage, areas of high natural character within the coastal environment and outstanding natural features and landscapes (which, by necessity, may require limiting use of land) conflict with requirements to provide regulatory relief if the reasonable use of land is significantly impacted. This creates the potential for councils to be in a lose-lose situation whereby they either face legal challenge for failing to regulate the use of certain land or incur a financial penalty (in the form of regulatory relief) if they do. This is not a financially sustainable situation for smaller councils such as Rangitīkei District Council.

Part 5: Key Roles	
Provision(s)	**Submission**
	The Council is not opposed to the proposed inclusion of requirements for councils to consider incentives as land use plan methods (proposed s86) to encourage landowners to undertake activities and is of the view that incentives also serve as form of compensation for reduced land use rights where the protection of natural area or historic heritage is proposed. **Request** i. Amend relevant sections of the Bill so that where regulation of certain matters is mandatorily required of territorial authorities, the requirement to provide regulatory relief is removed.
Section 203 *Minister may direct preparation of plan, document, change, or variation*	**Submission** Section 203 broadly mirrors the some of the intent behind section 24A of the of RMA but extends the Minister's powers to directing (rather than 'recommending') a local authority to prepare a plan, document, change or variation. Although the reference to council functions (s185) appears appropriate, the reference in s203(1)(a)(ii) and (iii) to addressing 'the issue' (which appears to be a 'planning land use issue') is vague and has the potential to be interpreted widely or misused. The direction needs to be tied back more firmly to a significant shortcoming or failure in relation to the local authority carrying out its land use planning functions. Subsection 203(3) and (4) are concerning as they appear to give permission to the Minister to omit undertaking an investigation of the local authority before issuing a direction. The requirement that the Minister can omit an investigation on the basis of having reasonable evidence only (s203(4)) is a fundamental breach of the principles of natural justice (as it does not provide local authorities an opportunity to respond to accusations) and may result in the Minister taking ill-informed, inappropriate or unconstructive action. **Requests** ii. Replace the word 'issue' in s203(1) and (2) where is relates to a planning or land use issue with a 'significant failure or shortcoming in the performance of its functions or duties under this Act' (or wording to similar effect). iii. Delete s203(3) and 203(4).