Property Council New Zealand

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Submission to the Environment Select Committee on the Planning Bill and Natural Environment Bill

13 February 2026

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Environment Select Committee
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1. Summary

1.1. Property Council New Zealand ("Property Council") welcomes the opportunity to submit to the Environment Select Committee on the Planning Bill ("PB") and Natural Environment Bill ("NEB"), collectively "the Bills".

1.2. We commend the Government and officials for undertaking a comprehensive overhaul of New Zealand's resource management system through the Bills.

1.3. Over the past eight years, Property Council, Employers' and Manufactures Association, Infrastructure New Zealand, Business New Zealand and the Environmental Defence Society have worked both collectively and individually to advocate for reform and have engaged closely with the Ministry for the Environment ("MfE"), in shaping changes to the Act. We thank MfE for working with Property Council constructively over these years.

1.4. We support the Government's direction for the overhaul of the Resource Management Act ("RMA"). In particular, the shift toward greater standardisation, fewer regional plans, higher thresholds for effects, and the introduction of a Planning Tribunal and regulatory relief are positive and long-overdue changes.

1.5. The 'funnel' architecture, supported by the statutory goals across both Bills and strong national instruments in the new system, are expected to provide a more consistent and predictable environment for development. However, the success of this architecture depends heavily on the quality, clarity and durability of these national instruments, as well as the management of policy conflicts across goals.

1.6. The transition from the RMA to the new resource management system is one of the critical aspects of the reform, but if implemented effectively and made durable beyond electoral cycles, it has the potential to support faster economic growth, higher productivity, and lower compliance costs for the property sector.

2. Recommendations

2.1. Recommendations are listed at the end of each section with a full list of our recommendations in Appendix 1.

3. Introduction to Property Council New Zealand

3.1. Property Council is the leading not-for-profit advocate for New Zealand's most significant industry, property. Our organisational purpose is, "Together, shaping cities

where communities thrive." Thriving communities and regions have access to housing, employment, education, healthcare, transportation, retail, and community facilities. Our members design, develop, and manage many of the places and spaces.

3.2. The property sector shapes New Zealand's social, economic, and environmental fabric. Property Council advocates for the creation and retention of a well-designed, functional, and sustainable built environment. We aim to support the development of a resource planning system that is both efficient and effective.

3.3. Property is New Zealand's largest industry and fastest growing source of employment. There are nearly $2.2 trillion in property assets nationwide, with property providing a direct contribution to GDP of $50.2 billion (15 per cent) and employment for 235,030 New Zealanders every year.

3.4. Property Council is the collective voice of the property industry. We connect over 10,000 property professionals and represent the interests of over 585 organisations across the private, public, and charitable sectors.

3.5. Property Council's submission provides feedback on the Planning Bill 2025 and Natural Environment Bill 2025, with comments and recommendations on issues relevant to our members. Reflecting the diversity of our membership, Property Council members may wish to comment in greater detail on issues specific to their business. Accordingly, we support individual members providing separate submissions addressing those matters.

Section 1: Comments on both Bills

4. Two new acts

4.1. We welcome the division of the new system into two pieces of legislation, one that enables urban development and the other for managing the environment.

4.2. In saying that, splitting the framework into two Acts is ultimately a matter of form rather than substance. The critical issue is whether the Bills will operate together as a single, coherent system in practice. This will depend on strong alignment between, and integration across, the two Bills, including shared objectives and consistent national direction.

5. Transition to the new resource management system

The transition from the RMA to the new system is one of the most critical elements of the reform. Implementing such a broad systemic change within three years is extremely challenging, particularly when previous RMA reforms envisaged a transition period of up to ten years. The scale of work required across both Bills, while the RMA continues to operate in parallel, creates significant delivery risk for central and local government.

Drafting of national instruments

5.1. A key part of this transition is the drafting of national instruments, including National Policy Direction ("NPD") and National Standards, which form the foundation and core decision-making framework of the new system. Given their central role, the current drafting pace and 20-working-day consultation periods create a significant risk of rushed outcomes. Ensuring the system is well designed and operationally sound is more important than meeting compressed legislative timelines.

5.2. Recommendation A: Property Council recommends extending the minimum statutory consultation period for NPDs and National Standards from 20 working days to at least 40 working days. This will help reduce the risk of unintended consequences arising from rushed drafting.

Resource reform and the pending development levies scheme

5.3. Property Council members raised concerns about how the transition timelines for the new resource management system will interact with the proposed implementation of the new development levy system between 2027 and 2030.

5.4. We are concerned that the timing of implementation of both reforms will place significant administrative and resourcing demands on local authorities. Poor data quality or rushed modelling at implementation creates a high risk of errors becoming embedded and establishing inconsistent early precedents that are difficult to unwind.

5.5. Current assumptions appear to rely on Regional Spatial Plans and Combined Plans being in place by 2027 to inform levy design and infrastructure planning. Given the scale and complexity of preparing the first Regional Spatial Plans under the new system, we

consider this assumption highly unrealistic. This process should explicitly address capacity constraints and the complexity of delivering the first generation of plans.

5.6. Spatial planning processes will require extensive technical work, coordination across local authorities and infrastructure providers, public consultation, and alignment with national instruments. As such, preparing and finalising robust spatial plans will take at least two to three years following the issuance of NPDs and National Standards.

5.7. Recommendation B: We recommend that the Government ensure that local authorities are adequately resourced and supported through clear sequencing guidance, transitional protections, and targeted capability support.

5.8. Recommendation C: We recommend that the Government review statutory minimum timeframes for spatial plan completion and levy implementation, and, if necessary, extend those timelines. This will ensure strategic planning is thorough and not rushed to meet legislative deadlines.

Current future growth strategies in place

5.9. Many Territorial Authorities ("TAs") have already invested significant resources in developing future growth strategies and drafting regional spatial plans. For example, Future Proof has developed a spatial plan that includes local authorities across the Hamilton sub-region, with engagement across neighbouring growth areas. The new system should ensure these investments are not wasted by providing mechanisms to amend, restructure, or further develop existing work, rather than requiring TAs to restart the entire process.

5.10. Recommendation D: We recommend establishing an explicit recognition pathway within the transition framework to allow regions that have already undertaken growth strategies or spatial planning work to carry that work forward, provided it aligns with NPDs and National Standards.

Transitional consenting arrangements

5.11. Property Council members note that while the Resource Management (Duration of Consents) Amendment Act provides some certainty for many resource consents until 2027, transitional consenting arrangements continue to generate uncertainty during this period.

5.12. This uncertainty is compounded by Schedule 1, clauses 16 and 17 of the PB, which bind the transition by automatically converting existing resource consents into planning consents and natural environment permits. However, some transitional provisions take effect immediately following Royal assent, while others commence at a later specified date. In the absence of clear national guidance, this creates a risk of inconsistent interpretation and application across local authorities.

5.13. Further complexity arises from Schedule 1, clause 3(2), which provides that amendments to the RMA come into force at the commencement of the transition period and continue as amendments. At the same time, clause 11 states that applications lodged before the transition period are to be processed under the RMA, while clause 12 provides that applications lodged during the transition period are to be processed under the RMA as amended. The interaction between these provisions is not straightforward and risks creating uncertainty for applicants and councils alike.

5.14. We are concerned that Schedule 11 of the Planning Bill 2025 applies clause 14 effect exclusions immediately upon Royal assent, including to consent applications still being processed under the current RMA framework. Although clause 14 aims to streamline consenting by narrowing the effects decision-makers must consider, the partial and early application may create legal ambiguity during the transition period.

5.15. Furthermore, introducing new exemptions during this transitional period of uncertainty could prompt debates over which effects are excluded, how these exemptions interact with existing RMA rules, and whether specific considerations fall within or outside the revised scope. Unless the legislative intent is explicit and accompanied by clear guidance, this approach risks generating unnecessary legal complexity and inconsistent practice.

5.16. Recommendation E: We recommend that the early application of Clause 14 exemptions under Schedule 11 be either deferred or clearly defined and supported by explicit guidance, to ensure certainty during the transition period.

Parallel consent processes during the transition period

5.17. There is a practical need for a limited period during which both the current RMA system and the new system can operate in parallel for consenting purposes. For circumstances where an applicant is close to lodging a consent under the existing RMA framework, an abrupt transition may create inefficiencies, duplication of work and delays. We believe a short parallel pathway would allow applicants to elect to proceed under the former system where appropriate, reducing disruption and preserving market momentum during the transition phase.

5.18. Recommendation F: We recommend that the Government provide a defined transitional election period during which applicants may choose to lodge and process consents under the RMA framework for a limited time after commencement of the new system.

6. Purpose of the PB and the NEB

6.1. We support the Purpose as currently drafted in the PB and the NEB.

7. Goals

7.1. Property Council broadly supports the inclusion of clearly defined statutory goals in both the PB and the NEB to articulate high-level objectives and the scope of the new system.[1] We particularly support the NEB's focus on development within environmental limits, protecting and safeguarding human health, achieving biodiversity outcomes, and proportionate management of natural hazards.

7.2. The goals framework gives the Minister flexibility to set strategic direction, with detailed implementation occurring through NPDs and National Standards.

7.3. Property Council members note that the goals must be sufficiently clear and directive to prevent development enablement objectives from being overlooked or weakened, especially as national instruments may change over time with different governments.

7.4. Both Bills require decision-makers to "seek to achieve" the statutory goals. Whilst this provision is stronger than an obligation to merely "have regard to" the goals, we note that it is less directive than a requirement to "give effect to" them. Currently, it is unclear whether "seek to achieve" requires equal pursuit of all goals, fosters the importance of balance, or prioritises certain goals in defined circumstances.

7.5. Without an overarching purpose clause for the goals, and without express hierarchy or priority among the goals, the legal meaning of "seek to achieve" warrants further clarification. NPDs are the core national instruments designed to particularise the goals and resolve conflicts. However, compared to the primary legislation, NPDs have far less scope for public participation and involve significant ministerial discretion. Given the centrality of the goals to the statutory hierarchy, additional clarity in the legislation itself regarding how "seek to achieve" is to operate would strengthen certainty and reduce the risk of future litigation.

National Policy Statements and resolving conflicts between goals

7.6. Although both the PB and the NEB contemplate that goal conflicts will be addressed through NPDs, the effectiveness of this mechanism will depend on how clearly and proactively those trade-offs are articulated. To function as a durable and enabling framework, NPDs should go beyond general compatibility statements and provide structured guidance on how development and environmental goals are to be integrated in practice.

7.7. In particular NPDs should:

- articulate a clear conflict-resolution methodology;
- identify which goals take precedence in defined circumstances;
- specify the rationale or reasons for the resolutions of trade-offs on goals; or

[1] Clause 11 of both PB and NEB.

- explain how the resolutions will apply consistently across regions and decision-making contexts.

7.8. Recommendation G: We recommend a clear, transparent national conflict-resolution framework within the NPDs that specifies how trade-offs between development and environmental goals will be made to help mitigate these issues.

No hierarchy within the goals

7.9. We note that, while the goals in both Bills are not structured hierarchically, which may offer some flexibility, this can create uncertainty for the development sector. Without clear guidance, the lack of hierarchy increases interpretive discretion. It is therefore essential that any conflicts between goals are transparently resolved at the national instrument level. For our members, certainty in the rules is crucial.

7.10. For example, although Clause 14 of the PB and its related provisions appropriately narrow the range of effects considered at the consenting stage, there is a risk that effects-based and subjective language in the PB's goals, such as the requirement that land use does not "unreasonably affect others", could allow for excessive interpretive discretion that results in extensive litigation. This phrase is inherently subjective and open-ended. If interpreted expansively, it risks shifting the focus away from whether development is anticipated by the plan and toward whether individual neighbours object to change.

Ensuring land use does not unreasonably affect others

7.11. We are concerned about the inclusion of the goal in Clause 11(1)(a) of the PB, which requires decision-makers to ensure land use does not "unreasonably affect others, including by separating incompatible land uses." The phrasing of this goal is open-ended and subjective, which risks inviting the same debates that have characterised the RMA, particularly regarding intensification, character, private amenity, and neighbourhood concerns.

7.12. There are questions about the specific outcomes that this goal is intended to achieve and whether it risks undermining the other goals that aim to enable greater development. Because these reforms are designed to be more outcome-focused, any limitations on land use need to be framed in terms of material incompatibility and genuine externalities, rather than broad or subjective effects.

7.13. Recommendation H: We recommend targeted clarification of Clause 11(1)(a), either through amendment or NPDs, including by specifying how this goal is to be applied in practice, to ensure the provision is applied to material incompatibility of land uses and does not reintroduce broad amenity-based or subjective effects assessments.

8. The role of the Minister under the new system

8.1. Property Council supports a stronger central stewardship role for the Minister across the new system. Given the nationally directed structure of the Bills, effective Ministerial

oversight will be essential to ensure system consistency, performance, and timely course correction.

8.2. While we are supportive of the Minister's role, we consider it important that the design of Ministerial intervention powers promotes long-term certainty and institutional stability. Property Council has some concerns about how the Ministerial role will operate in practice over time, particularly regarding the Minister's intervention powers and systemic governance arrangements. A framework that relies heavily on individual Ministerial discretion may operate positively under one Government but create uncertainty or unpredictability under another.

8.3. In principle, we recognise that the availability of Ministerial intervention in relation to local authorities, especially obstructive local authorities, could potentially improve accountability and system efficiency. However, broad intervention powers could also allow Ministers to intervene either to accelerate or to halt projects, depending on policy priorities at the time. Furthermore, in other cases, a Minister could end up acting as a de facto "ombudsman" for various system blockages if issues arise at multiple stages of the planning process.

8.4. Recommendation I: We recommend considering whether certain oversight or intervention functions could be exercised through an independent panel, commissioner, or structured advisory body, similar to the panel convener role in respect of expert panels in the current fast track process. This could preserve central oversight while introducing greater institutional consistency and reducing exposure to political fluctuation.

Lack of defined timelines for Ministerial intervention

8.5. To give effect to the Minister's oversight role in practice, intervention mechanisms must operate in a clear and timely manner. While the Bills outline procedural steps for investigations, recommendations, and escalation, they do not consistently specify timeframes for these processes or for Ministerial decision-making. The absence of defined timelines creates a risk of delays or bottlenecks, which could undermine the effectiveness and credibility of the intervention framework.

8.6. The credibility of the new governance model could be strengthened by establishing clearer expectations for the Minister's role, including timeframes for investigations, the issuing of recommendations, escalation decisions, and the provision of public evidence and impact reasoning.

8.7. Recommendation J: We recommend that Ministerial intervention powers intended to address system failures be supported by clear thresholds and defined timelines to provide certainty, reduce the risk of delay, and ensure the framework enhances, rather than undermines, the performance of the new system.

9. National Policy Directions

9.1. Property Council supports the role of NPDs as the core mechanism for particularising the goals and resolving conflicts between the Bills. Clear and well-written NPDs are critical to delivering consistent national settings, reducing the scope for downstream re-litigation of strategic policy issues, and providing long-term certainty for development and investment.

9.2. Property Council members also support consolidating existing National Policy Statements ("NPS") into the new NPDs, including incorporating updated NPS provisions as chapters within the relevant NPDs. The continuation and recent updates to instruments, such as the National Policy Statement on Natural Hazards and National Policy Statement on Infrastructure are welcomed, provided they are integrated clearly and consistently within the new nationally directed framework.

More clarity required

9.3. Property Council members are concerned about weak safeguards for projects impacted by future NPD changes. The Bills do not clearly state when amendments take effect, whether they apply prospectively, or whether they apply to ongoing applications, even when transitional rules exist. For the development sector, a lack of clarity creates uncertainty that increases risk and delays investment decisions.

9.4. These risks are not hypothetical. New Zealand has faced similar uncertainty following changes to NPSs under the RMA over the past thirty years. Frequent or abrupt policy shifts, without disciplined change management processes, have historically led to market hesitation and project delays, especially for developments with multi-year consenting and delivery timelines.

9.5. Under the new system, national policy direction is consolidated into two NPDs, one per Bill, which will define the entire system architecture. As a result, any amendments to NPDs will have wide, immediate effects across planning and consenting nationwide, making disciplined, transparent change-control processes essential.

9.6. Recommendation K: We recommend an evidence-based, and transparent framework be established for amending NPDs that reflects the long-term nature of development and infrastructure investment. This framework should include clear statutory criteria for amendments, explicit consideration of investment certainty and transitional arrangements, and mechanisms for evaluating and resolving trade-offs between both bills' objectives.

9.7. Recommendation L: We also recommend the establishment of an independent advisory body to support the development and review of NPD settings, similar to the role of the Infrastructure Commission in infrastructure planning.

10. National Standards

10.1. Alongside NPDs, National Standards provide centralised direction for the planning system, translating high-level NPDs into consistent, usable, and predictable rules nationwide. Clauses 60(4) of the PB and 84(4) of the NEB, which ensure that National Standards prevail over inconsistent plan conditions, are critical to achieving genuine national consistency and preventing locally bespoke frameworks from undermining standardised rules.

10.2. Property Council supports National Standards as operational “rulebooks” that define activity enablement, effects regulation, and standardised processes, driving consistency across local authorities, reducing disputes, and minimising subjective decisions.

10.3. Under the current RMA, near-identical developments, such as apartment buildings in comparable locations, can face widely varying consenting pathways and requirements depending on the local authority, causing uncertainty, delays, and higher compliance costs. When these requirements are applied uniformly, we expect to see a reduction in compliance costs, increased certainty for developers, faster approval times, and developments to progress without delay.

Drafting of National Standards

10.4. Property Council members emphasise that the quality of drafting is critical to the success of National Standards. Ambiguity risks recreating the core dysfunctions of the RMA, as these standards will ultimately define the practical "rulebook" for development outcomes. They must be:

- clearly written and concise;
- prescriptive and sharp where national uniformity is necessary; and
- importantly, understandable to the public and consistently applied by all decision-makers and stakeholders.

10.5. In addition to this, we consider that National Standards should support meaningful system accountability, including consistent monitoring, reporting, and record-keeping requirements. These measures should, for example, require local authorities to disaggregate consent processing data by project scale and type, rather than reporting aggregated averages that combine minor consents with significant developments. In particular, reporting should distinguish between:

- high-value projects (e.g. developments exceeding a defined capital threshold such as $3 million);
- residential developments exceeding a defined unit threshold (e.g. more than five dwellings); and
- minor consents (e.g. tree removals, cross-lease alterations, or small house extensions).

10.6. Recommendation M: We recommend that National Standards establish meaningful accountability by requiring local authorities to monitor and report consent processing data in a disaggregated way, distinguishing between major developments, larger residential projects, and minor consents.

10.7. Recommendation N: We recommend that National Standards be drafted to include explicit criteria for usability and clarity. These criteria should include a clear structure, consistent definitions, plain language, and minimal ambiguity.

10.8. Recommendation O: We recommend that the scope for local authority departures from National Standards be tightly constrained where uniform application is intended, particularly regarding activity status classifications, notification settings, and standardised plan provisions.

11. Combined Plans

11.1. Property Council welcomes the consolidation of regional spatial plans, natural environment plans, and district land-use plans, which streamlines the planning process. Reducing roughly 1,175 plans to approximately 17 combined plans per region cuts complexity, lowers costs, and supports long-term certainty and national consistency.

11.2. Under the new system, much of the substantive content and structure of combined plans will be determined by National Standards, particularly those that provide strategic direction and establish standardised plan provisions. As a result, we anticipate that regional combined plans will primarily serve as the integrated regional implementation of these higher-level national instruments.

Bespoke combined plan provisions

11.3. We support the approach in the NEB, which enables local authorities to assemble combined plans using nationally standardised provisions while allowing bespoke provisions where it is justified. This is a sensible balance between national consistency and necessary local variation.

11.4. We note that the use of bespoke combined plan provisions must be carefully managed. Overuse of bespoke provisions could gradually undermine the intended benefits of consistency and simplification.

11.5. Recommendation P: We recommend that the threshold for adopting bespoke provisions be clearly defined and strictly enforced. National guidance should specify when departures from standardised content are appropriate, helping to maintain long-term national consistency.

12. Regional Spatial Plans

12.1. Property Council supports requiring each region to have a Regional Spatial Plan (“RSP”) as a key tool guiding combined plan development in the new system. We welcome the

statutory purpose of RSPs to implement national instruments and ensure use and development stay within environmental limits.

12.2. We welcome provisions linking long-term urban development with infrastructure investment over a 30-year horizon, as this will improve coordination between central government, local authorities, and developers. RSPs can provide clear signals on growth areas, infrastructure corridors, sequencing of urban expansion, and strategic investment priorities, enhancing long-term certainty. To realise these benefits, it will be important that RSPs meaningfully inform subsequent combined plan provisions and infrastructure funding decisions, ensuring that intent is translated into practical implementation over time.

12.3. However, there is a structural tension between 30-year spatial planning horizons and infrastructure funding frameworks that are typically approved and allocated with 10-year funding cycles. Unless this mismatch is actively managed, there is a risk that long-term spatial plans will be underpinned by conservative funding assumptions that do not reflect future investment flexibility.

12.4. Currently, it is unclear whether the intent is for RSPs to include the functions currently performed by Regional Policy Statements under the RMA. If that is the case, the scope of RSPs would extend beyond spatial coordination into broader regional policy direction. In practical terms, preparing what is substantively equivalent to a Regional Policy Statement combined with a 30-year spatial strategy within the proposed statutory timeframes may be unrealistic, particularly for the first generation of RSPs.

12.5. We are also concerned that embedding long-term funding assumptions in RSPs and combined plans could encourage overly cautious approaches, potentially increasing costs under the new development levies scheme and constraining development, which may undermine the reform's objectives for housing and infrastructure delivery.

12.6. Recommendation Q: We recommend that national direction guide long-term forecasting and infrastructure funding assumptions within RSPs. This will discourage overly precautionary approaches that increase development costs or limit development capacity without need.

Consultation timeframes under RSPs

12.7. We are also concerned about the short statutory consultation timeframe of 20 working days in Schedule 2, Clause 14 of the PB for draft RSPs. RSPs are strategically important and have long-term consequences. They will shape regional development and infrastructure investment for decades. Robust engagement, adequate time for scrutiny and high-quality drafting is essential.

12.8. Beyond the length of consultation, we emphasise that minimum process standards should be established for how RSP consultation is undertaken. There should be clear expectations regarding early engagement, structured feedback stages, defined periods

for consideration of submissions, and transparent mechanisms for re-engagement where significant amendments are proposed. We believe the absence of national guidelines create risks for poorly prepared draft RSPs.

12.9. Recommendation R: We recommend extending the minimum statutory consultation period for draft RSPs from 20 working days to 40 working days, particularly for the first generation of spatial plans, to support meaningful engagement and reduce the risk of rushed strategic decisions.

12.10. Recommendation S: We recommend that the legislation or NPDs prescribe minimum procedural standards for RSP consultation, including early stakeholder engagement requirements, structured feedback processes, and defined consideration periods.

13. Spatial Plan Committees

13.1. Property Council supports establishing Spatial Plan Committees "SPCs" as the governance bodies responsible for preparing RSPs. SPCs will play a pivotal role in shaping long-term development and investment priorities, requiring strong, capable governance to ensure plans meet regional needs.

13.2. We broadly support their governance mechanisms, which balance local authority input with regional coordination of environmental management and infrastructure planning.

13.3. We also welcome the requirement for SPCs to develop a formal process agreement that engages central agencies, infrastructure providers, sector groups, iwi authorities, and communities, ensuring plans reflect practical delivery constraints and investment realities.

13.4. Recommendation T: We recommend establishing transparent, capability-based criteria for ministerial appointments to spatial planning governance bodies, including clear guidance on voting rights and the purpose of the appointment.

Lack of alignment with newly proposed Combined Territorial Boards

13.5. A concern that Property Council members have is that the Bills do not yet fully reflect recent central government proposals to remove the role of regional councils.

13.6. As drafted in the Department of Internal Affairs' consultation on local government reform – *"Simplifying Local Government: a draft proposal"*, Combined Territorial Boards ("CTBs") CTBs would become responsible for regional functions, including preparing region-wide spatial planning chapters and national environment plan chapters within combined plans.[2]

13.7. We broadly welcome the introduction of CTBs as streamlined regional governance could reduce duplication, improve accountability, and strengthen coordination. Empowering

[2] Department of Internal Affairs, "Simplifying Local Government – a draft proposal," Link from https://www.dia.govt.nz/simplifying-local-government

mayors through new governance arrangements is seen as a positive step, provided it is well designed and governed effectively.

13.8. If the intent is for CTBs to sit on SPCs, this should be explicitly clarified. The current drafting of the Bills assumes that regional councils will continue to govern spatial planning, leaving ambiguity about the governance structure.

13.9. Recommendation U: We recommend that the Environment Select Committee make it explicit that CTBs are to govern spatial planning to ensure consistency between these reforms.

Private sector involvement on SPCs

13.10. While the Bills provide for Ministerial appointments to SPCs, Property Council members strongly recommend that governance arrangements include a strong mix of private sector representation and independent technical expertise, particularly in property development, infrastructure delivery, and investment. Ensuring the right expertise is involved from the drafting stage is essential to make RSPs practical and workable in practice.

13.11. Recommendation V: We recommend that governance of SPCs should include a strong mix of private sector representatives and independent technical experts, to ensure RSPs are practical and workable from the drafting stage.

14. Role of local authorities

14.1. Under the new system, local authorities will continue to deliver planning and environmental management functions, including plan preparation, consenting, monitoring, compliance, and enforcement. A central feature is their requirement to implement national instruments, including standardised plan provisions, with limited ability to modify these except where expressly authorised.

14.2. Property Council welcomes the clearer role for local authorities, noting that excessive discretion under the current RMA caused fragmented rules, inconsistent outcomes, and higher compliance costs. The existing framework relies on local authorities to monitor and report their own performance, with no independent auditing or centralised verification. This undermines credibility and comparability across regions.

14.3. We support the procedural principles in the new system, which aim to reduce subjectivity and encourage a more enabling approach.

14.4. While there is cautious optimism that these changes could shift council culture toward a constructive, “yes” mindset, real improvements will depend on consistent implementation, adequate resourcing, and effective oversight to ensure the framework operates as intended.

14.5. Furthermore, we note that Clause 13 of the PB and equivalent NEB provisions require decision-makers to act in a timely, cost-effective, proportionate, and enabling way.

These principles should establish a decisive shift toward a solution-focused and efficient regulatory culture for local authorities.

Enhanced monitoring of local authorities

14.6. While the Bills establish robust monitoring obligations for all decision-makers in the new system, territorial authorities and regional councils must systematically assess the efficiency, effectiveness, and user satisfaction of rules and processes, conducting reviews at least every five years. Ministerial oversight reinforces these measures by monitoring system performance, investigating local authority conduct, and ensuring accountability for proper function delivery.

14.7. We strongly support the new provisions for enhanced monitoring and transparency but warn that these measures alone at the local authority level cannot disrupt entrenched behaviour unless accompanied by meaningful powers and public accountability. Furthermore, the monitoring function needs to be aligned with other areas, such as development levies implementation, water infrastructure regulation, and council-controlled organisation oversight.

14.8. We note that publicly available reporting metrics, such as council consent volumes, processing timeframes, and compliance with statutory targets, could further improve transparency.

14.9. Recommendation W: At a minimum, we recommend establishing a centralised or independent performance monitoring authority within central government, potentially managed by the Minister of Local Government, with clear powers to ensure consistent measurement, verification of local authority reporting, national comparisons, identification of best practice, and early detection of systemic issues.

Consent processing practices and accountability

14.10. Property Council members continue to encounter obstructive, overly cautious, and adversarial behaviours from local authorities during the consenting process. Despite legal provisions mandating efficiency, many local authorities impose excessive information requirements and adopt conservative interpretations of the law which have hindered development. Furthermore, there is widespread frustration about practices that undermine statutory processing timeframes, including the use of sequential or consequential Requests for Information ("RFIs") under Section 92 of the RMA that extend processing delays well beyond what is proportionate to the scale or complexity of an application.

14.11. Property Council members emphasise that delay is frequently driven not by genuine project complexity, but by internal coordination inefficiencies within local authorities. There is concern that the concept of "complexity" is too readily invoked to justify extended timeframes, even for development that is anticipated by plan provisions. The

new system should not allow extended timeframes to become the default for ordinary development activity.

14.12. In practice, local authorities may issue follow-up RFIs purportedly connected to earlier requests, and delay resuming the statutory processing clock until they are subjectively satisfied with the substance of responses. This can result in prolonged periods where the processing stops while local authorities internally review information even where factual responses have been provided.

14.13. Recommendation X: We recommend the creation of specific safeguards to prevent practices that undermine statutory timeframes, especially late-stage 'Requests for Information' and pressuring applicants to accept longer processing periods.

Standardised consent processing timeframes

14.14. We strongly welcome Clause 117 of the PB, which sets clear, nationally prescribed maximum timeframes for planning consents. Property Council members view these statutory timeframes as essential for improving certainty, timeliness, and accountability.

14.15. We also support the complementary regulatory-making powers in Clause 282 of the PB, which enable the Government to prescribe procedural steps, limit excluded time periods and standardise the processing of consents nationally. To enhance effectiveness, the Government could use these powers to regulate suspensions of statutory clocks and tightly define circumstances for excluding time. This will help set clear, enforceable national benchmarks and prevent procedural discretion from returning at the local level.

14.16. The effectiveness of nationally prescribed timeframes will depend on disciplined and consistent application by local authorities. There is concern that discretionary classifications could become the default pathway in practice, particularly for developments that are anticipated by plan provisions. If routine development is consistently categorised into longer processing pathways, the intended efficiency gains of reform may not be realised.

Performance reporting

14.17. The five-year reporting requirement is also a positive step. However, we are concerned it could become a procedural exercise unless there are binding responses from the central government or the Minister to hold local authorities accountable for review findings. Without clear thresholds for intervention or improvement, periodic reports may just become an administrative requirement with little impact on institutional change.

14.18. Recommendation Y: We recommend supplementing the five-year review cycle with annual public reporting on core consent-processing performance indicators, along with mandatory improvement actions when performance falls below defined benchmarks.

Consequences for poor reporting

14.19. Property Council members also questioned whether persistent poor performance should result in financial or resourcing consequences for local authorities. Monitoring alone was considered insufficient to drive behavioural change without tangible impacts on local authority incentives.

14.20. Recommendation Z: We recommend that the Government consider implementing performance-linked funding or other financial accountability mechanisms, along with penalties, to complement the oversight framework for local authorities.

15. Natural hazards & risk-based planning

15.1. Property Council supports the intent of both the PB and the NEB to manage natural hazards through a proportionate, risk-based approach. This means aligning regulatory responses to the scale and likelihood of hazards. We have consistently advocated against overly conservative practices that impose disproportionate compliance burdens. In principle, these reforms are a positive response to longstanding concerns.

15.2. Both Bills adopt a clearer statutory framework for assessing natural hazard risk. Clause 146 of the PB and Clause 163 of the NEB allow consent and permit authorities to refuse or condition approvals where there is a "significant risk" from natural hazards. This risk must be assessed using a combination of criteria: likelihood, material damage, adverse consequences of development, and effects on people and natural resources. We welcome this standardised, criteria-based approach.

15.3. Recommendation AA: We recommend that National Standards establish clear, objective, and proportionate criteria for assessing natural hazard risk, including explicit thresholds for what constitutes "significant risk" in different contexts.

Specialist Hazard Reports

15.4. Property Council members consistently raise concerns about the lack of clarity and consistency regarding when specialist hazard reports, such as geotechnical or flood assessments, are required and what their scope should be. Local authorities often request extensive information without clearly explaining its necessity, how it will be assessed, or what specific risk it addresses. These reports add excessive cost, are time-consuming, and are often required without adequate justification.

15.5. Vague or subjective hazard criteria inevitably lead to inconsistent interpretations across local authorities. This results in repeated pushback during consenting, rather than transparent, objective, and proportionate risk assessment. Without more prescriptive national criteria, there is a risk that the new system could reinforce the conservative modelling approaches seen in Auckland Council's Plan Change 120, rather than delivering the balanced outcomes intended.

15.6. Recommendation BB: We recommend that provisions in Clause 146 specify when specialist hazard reports are needed. Further guidance on scope, evidence thresholds, and proportionality will prevent routine and excessive information demands.

Immediate legal effect

15.7. We are concerned about provisions in Schedule 3, Clause 58(2)(b)(ii) of the PB that give immediate legal effect to natural hazard-related rules in proposed plans. Given the persistent use of conservative risk modelling from local authorities, these rules can impose significant constraints on development overnight, without adequate clarification or testing through submissions and hearings.

15.8. This approach appears inconsistent with the stated intent of proportionate, risk-based management for the system's natural hazards. Without nationally consistent, objective standards for hazard assessment, immediate legal effect is not justified and may entrench overly cautious approaches that undermine development enablement and investment certainty.

15.9. Recommendation CC: We recommend reconsidering or limiting the immediate legal effect of natural hazard-related rules in proposed plans, particularly where hazard modelling involves uncertainty or professional judgement.

Financial constraints and risk allocation

15.10. We are concerned about financial constraints and risk allocation. Local authorities carry significant legal, political, and financial risk tied to hazard outcomes but often lack adequate funding or central government support. This drives local authorities to impose conservative constraints on development, especially as broader funding pressures, such as rate caps are imposed by central government.

15.11. Recommendation DD: We recommend the Government consider how liability, funding, and incentive structures influence local authorities' behaviour in natural hazard management, and ensure the system supports balanced, evidence-based decision-making rather than defensive conservatism.

16. Planning Tribunal

16.1. Property Council strongly supports the new Planning Tribunal as a practical, system-wide accountability tool to resolve lower-level disputes between system users and local authorities at pace and at lower cost. Property Council members report that delays in the Environment Court add risk and expense. We see the Planning Tribunal as a positive change likely to improve daily system performance.

16.2. The Planning Tribunal's mandate would largely replace existing local authority objection processes, which members consider ineffective at resolving disputes. We believe the reallocation of consenting disputes to an independent specialist forum does not diminish the Environment Court's core role.

16.3. We strongly support the ability to challenge local authority notification decisions through the Planning Tribunal under Schedule 10, Clause 16 of the PB. Our members expect this to lower barriers and reduce the effective threshold for challenging notification decisions compared with current judicial review pathways, where local authorities over-notify or procedural decisions are contested.

16.4. Property Council members also support the Planning Tribunal's role to provide timely and more consistent clarification on consent and permit conditions, including the ability to interpret and strike out conditions that are out of scope or unreasonable. This is found in the Planning Tribunal's review and order-making powers in Schedule 10, which confer jurisdiction on the Planning Tribunal to review specified decisions of a local authority for procedural or legal error and to exercise declaratory powers in relation to those decisions.[3] Timely resolution of these issues is important for reducing project delays and improving investment certainty.

16.5. Property Council members note that there could be merit in public reporting on Planning Tribunal performance, focusing on the timeliness of notification reviews and administrative disputes. This will ensure the Tribunal is achieving its intended accountability and efficiency objectives and allow ongoing monitoring of its effectiveness.

16.6. The Planning Tribunal could adopt features identical to the Tenancy Tribunal, which includes the use of full-time independent adjudicators and the publication of all decisions. We believe that having enough commissioners – with adequate staffing – would strengthen independence, consistency, and public confidence in the system.

16.7. Furthermore, in the past there have been instances of local councillors being appointed as commissioners for Council hearings. We believe such appointment procedures can create conflicts of interest and prevent the appointment of independent experts into the process. Greater reliance on independent, professionally qualified commissioners and clearer rules on expert evidence and cross-examination would improve decision quality and fairness.

16.8. Recommendation EE: We recommend that the Planning Tribunal adopt identical features to the Tenancy Tribunal model – including the appointment of full-time independent adjudicators and the monthly publication of all decisions – to strengthen independence, consistency of decision-making, and public confidence in the new system.

16.9. Recommendation FF: We recommend reducing reliance on councillors as commissioners in council hearings and increasing the use of independent, professionally qualified commissioners.

[3] Schedule 10, Clause 13, 14, 16, and 25 of PB; Clause 241 of NEB.

Resourcing of the Planning Tribunal

16.10. However, we are concerned that the Planning Tribunal will become another point of delay if it is not adequately resourced. Without sufficient adjudicators, administrative support, and operational capacity, the Tribunal will become a bottleneck, undermining system efficiency and accountability.

16.11. We emphasise that some matters proposed for determination by the Planning Tribunal have historically been considered through judicial review in the High Court, often involving complex issues of statutory interpretation and administrative law. Therefore, it is crucial that the Planning Tribunal comprises not only a sufficient number of adjudicators to tackle difficult cases, but also adjudicators with seniority and legal expertise in resource management, planning, and development. This will help ensure that its determinations are legally robust and defensible.

16.12. Recommendation GG: We recommend that the Planning Tribunal be adequately resourced to ensure timely decision-making and prevent it from becoming a new system bottleneck. We specifically suggest the use of appropriately qualified adjudicators, and sufficient administrative support.

Contesting of technical evidence

16.13. We also have reservations about procedural robustness when technical evidence is contested. Specifically, the Planning Tribunal's current powers under Schedule 10, Clause 25 permit consideration of relevant evidence and requests for further information but lack explicit procedural mechanisms, such as the opportunity to cross-examine expert witnesses, to resolve contested technical evidence effectively.

16.14. Recommendation HH: We recommend developing clearer procedural rules, through regulations or Tribunal practice notes, to guide the robust testing of expert evidence in hearings, including specific provisions for cross-examination where necessary.

Referral to the Environment Court

16.15. Property Council notes that the Planning Bill does not retain an equivalent to the current direct referral pathway to the Environment Court. Under the RMA, direct referral has provided an efficient mechanism for resolving complex or contentious proposals that require robust evidential testing and legal determination without proceeding through sequential hearings.

16.16. While the *Fast-track Approvals Act 2024* is operating as an important parallel consenting pathway and may have been intended to assist during the reform transition, it is not a full substitute for direct referral. The fast-track process differs materially in its structure, public engagement settings, and procedural time pressures.

16.17. Our members are concerned about the proposed removal of direct referral to the Environment Court. While the Fast-track Approvals Act 2024 may serve as an interim

measure during the transition to the new planning system, it is not an adequate substitute for direct referral. The direct referral process enables greater public participation where appropriate and provides applicants with access to the Court's specialist oversight, as well as mediation and adjudication services, free from the time constraints of the fast-track process.

16.18. This flexibility allows applicants to better address stakeholder concerns and pursue mutually agreeable solutions. Eliminating direct referral would remove a proven and efficient consenting pathway for complex projects.

16.19. Recommendation II: We recommend that direct referral to the Environment Court be retained in the Planning Bill as an optional pathway for regionally and nationally significant proposals that warrant early and authoritative determination.

Section 2: Specific Comments on the Planning Bill

17. Land-use plans

17.1. Property Council supports the role of land-use plans as the primary planning instrument for enabling and regulating land use and development within each district. Each district is required to always maintain a single land-use plan, which forms part of the regional combined plan framework – alongside Natural Environment Plans and RSPs.

17.2. We strongly support the PB's inclusion of clear plan content requirements under Clause 81, including objectives, policies, rules, methods, and designations, as well as the hierarchy provided in Clause 85, which confirms that regulations prevail over inconsistent land-use plan rules. This hierarchy reinforces the central nature of the planning and environment management system, which is critical to preventing local rules diverging

Bespoke provisions

17.3. Property Council members also recognise that the Bill permits local variation through bespoke plan provisions in Clause 79, provided they are not precluded by national instruments. Under bespoke provisions, local authorities must prepare justification reports in accordance with Clause 89 and Schedule 3, demonstrating why departure from nationally standardised content is necessary. Bespoke provisions are also subject to merits submissions and appeals. We consider this a sensible framework that strongly encourages national consistency while allowing a minor level of local variation where genuinely justified.

17.4. However, we strongly emphasise that the effectiveness of this framework will depend heavily on how national instruments define the boundary between standardised and bespoke content. If NPDs permit wide discretion for bespoke provisions, there is a major risk that local authorities may reconstruct inefficient local planning frameworks like those under the current RMA. We stress that the justification process must operate as a meaningful constraint, rather than a procedural formality.

17.5. Recommendation JJ: We recommend that justification report requirements for bespoke provisions under Clause 89 and Schedule 3 be designed and applied as a substantive evidential threshold, with clear criteria demonstrating why nationally standardised provisions are not appropriate, rather than operating as a procedural compliance exercise.

Departing from Spatial Plan provisions

17.6. Clause 80(3) provides flexibility by permitting local authorities to deviate from RSP provisions when information becomes outdated or circumstances change significantly. This approach acknowledges that these plans must remain adaptable over extended timeframes to reflect new evidence and changing market conditions. However, in the

absence of clear national guidance, there is a risk that such flexibility could be overextended, thereby undermining the certainty that RSPs are designed to provide.

17.7. Recommendation KK: We recommend that national instruments provide clearer guidance on the limited circumstances in which territorial authorities may depart from regional spatial plan provisions under Clause 80(3), to avoid routine erosion of strategic spatial direction.

Clear sequencing and transitions required under land-use plans

17.8. We also highlight the need for clear sequencing and transitions in land-use plans. Schedule 1, Clause 5(5), requires territorial authorities to notify a land-use plan within 9 months of a regional spatial plan being decided. This is potentially an unrealistic compressed timeframe, especially given the complexity of new standardised provisions and national instruments.

17.9. We support Clause 93, which enables land-use plans to apply temporary provisions that transition to future provisions once defined conditions are met. This is an important mechanism for sequencing infrastructure-led growth, particularly where development capacity depends on servicing, staging, or environmental thresholds being met. Deferred zoning tools of this nature provide greater certainty to landowners and infrastructure providers by signalling future intent while managing interim effects.

17.10. Recommendation LL: We recommend clarifying whether Clause 93 extends equally to private plan changes. This would ensure that deferred or staged zoning mechanisms are accessible not only through council-initiated processes, but also when private sector proposals align with regional growth strategies and infrastructure delivery objectives.

17.11. Recommendation MM: We recommend that sequencing and transitional requirements under Schedule 1, Clause 5(5) be supported by early issuance of NPDs and National Standards, alongside clear national implementation guidance, to enable land-use plans to be prepared efficiently within statutory timeframes.

Review regularity

17.12. The requirement under Clause 99 for land-use plan provisions means that reviews must be conducted at least every 10 years. We believe that the system should allow for more regular, targeted review of specific provisions when evidence demonstrates that settings are not achieving intended outcomes, are creating unnecessary costs or delays, or are conflicting with national direction. Waiting up to 10 years to correct clearly dysfunctional provisions could undermine the efficiency objectives of the new reforms.

17.13. Recommendation NN: We recommend removing any mandatory stand-down periods for private plan changes following the operative date of land-use plans, as such timeframes risk creating unnecessary bottlenecks and delaying responsive plan improvement.

17.14. Recommendation OO: We recommend that the review framework under Clause 99 be supplemented to allow more targeted and timely reviews of specific land-use plan provisions (than the stated 10 years) when evidence demonstrates that settings are not achieving intended outcomes, are creating unnecessary costs or delay, or are conflicting with national direction.

18. Effects & thresholds

18.1. Property Council strongly supports the PB's shift towards a more proportionate approach to land-use regulation with a higher threshold for notification of effects. The narrowing of the scope of regulated effects is one of the most important reforms in the Bill.

Effects outside the scope of this Act

18.2. We strongly support the introduction of Clause 14, which requires decision-makers to disregard certain matters when considering the effects of an activity. This is very positive, considering the persistent problems caused by the current RMA, where character matters, and subjective amenity were frequently used to expand assessment scope, increase development costs, and delay consenting processes.

18.3. In saying that, we have major concerns with Clause 14(1)(a), which requires decision-makers to disregard the internal and external layout of buildings on a site, including the provision of private open space. In practice, the drafting is potentially confusing and raises questions about how far the exclusion extends. There is a risk of dispute about what counts as "layout" and what types of "open space" are captured by the exclusion. Property Council members also queried the scope of the example "private open space", including uncertainty over internal versus external site design elements, and what is intended to be captured or excluded in practice.

18.4. There are also some inconsistencies between Clause 11(1)(a) of the PB, which requires that land use not "unreasonably affect others," and Clause 14(1)(a) and (e) of the PB, which require decision-makers to disregard internal and external layout and visual amenity. If layout and visual amenity must be disregarded, this may significantly narrow the practical scope of what constitutes "unreasonable effects." This potentially limits the consideration to matters such as noise or lighting while excluding shading, privacy, and other spatial interface effects. We do not consider this narrowing to necessarily reflect the intent of the reforms. The interaction between these two specific provisions requires careful reconsideration.

18.5. Furthermore, narrowing the scope of amenity and design considerations may have unintended consequences for development quality if there is no alternative mechanism to establish clear, objective expectations. We do not advocate for lowering thresholds or reintroducing subjective amenity assessments, but highlight the need for nationally consistent, objective guidance that supports quality outcomes.

18.6. We support high-quality urban design and caution that specific provisions of the reforms do not inadvertently enable low-quality development through perverse incentives that undermine long-term urban outcomes. Property Council members noted that poor-quality outcomes are already emerging in some areas in Auckland and expressed concern that this trend may increase in the absence of clear, objective development quality expectations.

18.7. Recommendation PP: We recommend Clause 14(1)(a) and Clause 14(1)(e) be clarified to ensure coherence with Clause 11(1)(a) of the PB. This may require either deletion or redrafting of these provisions, or clear qualification through NPDs, to provide greater certainty on the scope of the "layout" exclusion, including the status of private open space and related site design matters, to reduce dispute risk and inconsistent practices from local authorities.

Considering adverse effects of activities

18.8. Clause 15 is a welcome supplementary section in the PB, as it prevents minor or trivial effects from triggering regulatory intervention, unless cumulative impacts become genuinely significant. This is central to reducing unnecessary consenting and enabling anticipated development.

18.9. However, in Clause 15(4), the statutory definition of "less than minor adverse effect" introduces practical risks, even if it appears reasonable at first. Under the current RMA, "less than minor" was not statutorily defined and has been interpreted by the courts on a case-by-case basis, with de minimis effects generally understood as a lower threshold that could be disregarded altogether. By introducing a tightly framed statutory definition of "less than minor", without equivalent clarity around what constitutes "more than minor", there is a risk that decision-makers and courts may recalibrate the overall spectrum of effects, shifting the practical boundary of what is treated as requiring regulatory intervention.

18.10. A recalibration could result in a wider range of effects being treated as "more than minor," therefore reducing the practical impact of higher notification thresholds and limiting the intended efficiency gains of the reforms. Since "more than minor" remains the critical statutory test for notification decision, clearer national guidance is needed to support consistent nationwide application and reduce litigation risk.

18.11. The notification framework specifically in Clauses 125 to 128 effectively raises the threshold for when planning consents must be notified by narrowing the scope of adverse effects that local authorities may consider "more than minor". This may mean greater reliance on the outcomes anticipated by land-use plans and national rules. The changes will lead to fewer public notifications for planning consents and Property Council see this as a positive step.

18.12. Recommendation QQ: We recommend that the Government provide clearer guidance on the practical application of the "more than minor" notification test, defining what

constitutes "more than minor" to support consistent nationwide decision-making and reduce litigation risk.

Information required in assessment of environmental effects

18.13. We welcome the Bill's direction that assessments and information requests should be proportionate and tied to relevant provisions in Schedule 6, Clause 6 of the PB. This is critical to preventing scope-creep through excessive or irrelevant information demands.

18.14. Overall, while members are supportive of changes to a higher threshold for effects, we emphasise that clarity is essential because these provisions are intended to do the heavy lifting in reducing consent volumes and litigation.

18.15. Recommendation RR: We recommend that National Standards operationalise proportionality expectations for assessments and information requirements in Schedule 6 by clearly defining "proportionality," including clear expectations that information requests must be tied to relevant plan provisions and proportionate to scale and significance.

19. Consent activity classification

19.1. Property Council welcomes the principles for classifying activities established in Clause 31 of the Planning Bill, which provides four consenting categories: 'permitted', 'restricted discretionary', 'discretionary', and 'prohibited'.

19.2. We are particularly pleased with the phrasing of Clause 31(a), which signals that more activities should be permitted when they are "acceptable," "anticipated," and where "adverse effects are known" and manageable. However, this enabling intent of Clause 31(a) will only be realised in practice if clear limits are placed on the scope of information that local authorities may request. Authorities should provide assurance that information requirements will be directly relevant, proportionate, and tied to the specific consent sought.

19.3. The consequences of activity classifications in Clauses 32 and 33 are also clear, concise, and easy to understand – representing a more permissive approach than the six activity classifications under the current RMA system.

19.4. While the reduction in activity categories is a positive structural reform, our members are concerned that certain elements of the classification principles and their practical implementation may not yet deliver a material shift toward enabling development by default.

19.5. We support reducing activity categories but have raised concerns regarding the drafting of Clause 31(c) in the PB, which sets out the principles for classifying activities as discretionary. Clause 31(c)(ii) and (iii) appear to conflate activities that are intended to be discouraged with activities that simply involve a wider range of potential effects. This conflation risks creating an unintended signalling effect at the consenting stage.

19.6. In practice, consent planners may view discretionary activities as undesirable, even when these activities are expected by the District Plan and can deliver acceptable results. This perception risks reviving a cautious approach or refusals, which goes against the reform's goal of supporting planned development.

19.7. Activity status should not imply policy disapproval unless explicitly stated in the relevant Land-Use Plan provisions. The Land-Use Plan – guided by the NPD– should set the strategic policy direction for activities and areas. Discretionary assessment should then be undertaken against that policy framework, rather than being implicitly influenced by classification principles in Clause 31(c).

19.8. Recommendation SS: We recommend deleting Clause 31(c)(ii) and (iii) and instead relying on Land-Use Plan policy direction – as informed by the NPD– to determine when and how discretionary activities are assessed.

Restricted discretionary activities

19.9. While the introduction of 'restricted discretionary' activities aims to limit assessment to specific matters, members are concerned that many minor, manageable activities will still require unnecessary consents. The framework should be amended so that low-risk developments can proceed under clear, standardised rules, removing consent requirements for anticipated, acceptable development. Greater reliance should be placed on national direction to clearly prescribe activity status for common forms of development, where specified development forms were enabled as permitted activities across defined zones.

19.10. It appears that some housing outcomes clearly anticipated in intensification-enabled zones, including THAB-type settings, would still require restricted discretionary consents, even where effects are known and can be managed through standards.

19.11. For example, where a development raises a specific flood risk that can be managed through engineering standards or targeted conditions, members question why local authorities must reassess all other effects, such as urban design, amenity, traffic, or character impacts. Even a restricted discretionary consent in these circumstances is seen as disproportionate, when the issue could be addressed through permitted activity requirements.

19.12. Property Council members emphasise that achieving the reforms' objective of materially reducing the number of consents will require a stronger push toward 'permitted' activity status wherever effects are known and manageable. Restricted discretionary consents should be reserved for genuinely narrow and exceptional circumstances that require targeted assessment.

19.13. In practice, the issue is not just the activity classification label but also the underlying assessment mindset of local authorities. Under the current RMA system, consenting processes have focused on narrow, site-specific amenity effects. We sincerely hope the

new 'funnel' system will drive anticipated outcomes through national rules, with planning consents reserved for genuinely unanticipated activities or material uncertainties.

19.14. Recommendation TT: We recommend that restricted discretionary classification should be applied narrowly and only where a specific assessment is genuinely required.

19.15. Recommendation UU: We recommend limiting discretion and scope creep by ensuring that matters reserved for restricted discretionary activities are narrowly defined and consistently enforced in practice, and by discouraging default discretionary classification for routine development that is anticipated by RSPs and national direction.

Permitted activities

19.16. We support the greater use of 'permitted' activity classification as a key tool to enable development without requiring planning consents. However, members are concerned that the mandatory registration requirements for permitted activities, specifically in Clause 38(2), could create a new layer of bureaucracy and administrative burden for development, as well as consenting authorities, if applied widely. Registration should not be a routine requirement for most permitted activities.

19.17. If registration is required for many activities, the system risks replacing formal planning consents with another layer of administration, including potential fees, delays, and local authority oversight. Registration should only be required when necessary to manage known risks or confirm compliance with clear standards, to preserve the intention of allowing development to proceed "as of right".

19.18. Recommendation VV: We recommend ensuring that permitted activity registration requirements are targeted and do not become a de facto consent system, with registration used only where necessary to manage known risks or confirm compliance with clear and consistent standards.

Qualified person definition

19.19. Property Council members also note that permitted activities may require certification by a "qualified person," however the Bills do not clearly define who may fulfil this role. We believe clear national definitions should specify appropriate professional categories such as planners and engineers.

19.20. Recommendation WW: We recommend that the definition of a "qualified person" be more clearly defined.

19.21. Recommendation XX: Finally, we recommend strengthening the enabling shift in Clause 31 by reinforcing that anticipated development should default to permitted activity status wherever effects are known and can be managed through clear rules and standards.

Prescribed maximum processing timeframes

19.22. Clause 117 of the PB introduces nationally prescribed maximum processing timeframes for planning consents. We agree that clear statutory timeframes are an important component of the new system. However, the effectiveness of these timeframes will depend heavily on how complementary procedural powers, including regulation-making powers relating to excluded time periods and processing steps under Clause 282 of the PB, are exercised in practice.

19.23. National directions and standards could support differentiated processing expectations for routine, well-understood development types, including clearer maximum timeframes by activity type, to avoid local authorities normalising lengthy processing for straightforward consents.

19.24. While the statutory maximum timeframes in Clause 117 may be reasonable as outer limits, we are concerned that, without a real reduction in consent volumes and tighter controls on excluded periods, these timeframes risk becoming default processing targets rather than backstops. This could undermine intended efficiency gains, and the Government's assumption that planning consent volumes will be halved may not materialise in practice.

19.25. Recommendation YY: We recommend improving the credibility of consent processing timeframes and associated incentives, including considering whether additional consequences or escalation mechanisms are required where timeframes are repeatedly exceeded.

Determination of planning consent

19.26. We welcome the clearer articulation of decision-making outcomes in Clause 148. However, to achieve the reform intent, it is essential to prevent local authorities from expanding assessment scope. Without firm national expectations, there is a risk that councils may continue to expand assessment scope through default discretionary pathways or disproportionate information demands.

19.27. Recommendation ZZ: We recommend decision making outcomes be reinforced through national direction that outlines expectations of activities status and limits procedural discretion.

Consent authority may treat certain activities as permitted activities

19.28. Clause 177, which allows consent authorities discretion to treat certain marginal or temporary non-compliances as permitted, is a positive measure. This may reduce unnecessary consent processing where effects do not differ in character, intensity, or scale and impacts remain minor. We consider this tool useful to avoid overreaction to minor breaches, provided it is applied consistently and transparently.

19.29. Recommendation AAA: We recommend promoting consistent use of Clause 177 to treat marginal or temporary non-compliances as permitted activities where

appropriate, supported by national guidance to ensure predictable and transparent application across local authorities.

Planning consent authorising change to plan provisions

19.30. Clauses 97 and 144 introduce a mechanism allowing a planning consent to authorise a change to the spatial application of plan provisions without using the full Schedule 3 plan change process, provided only standardised plan provisions are applied and a significant benefit to housing, employment, or infrastructure is demonstrated.

19.31. In principle, we welcome mechanisms that streamline spatial adjustments where development outcomes are clearly aligned with national direction and standardised plan provisions. However, we seek clarification regarding the intended scope and operation of this pathway.

19.32. It is unclear whether Clause 139, general consent decision-making provisions, are intended to apply to these applications, or whether Clause 144 operates as a complete and self-contained decision-making framework. We anticipate that consideration of the relevant land-use plan and RSPs would be necessary when determining such applications, but this is not expressly stated. Greater clarity on how this pathway interacts with those instruments would improve certainty.

19.33. Furthermore, clarification is required on how this mechanism relates to private plan changes under Schedule 3 - whether it is intended to operate as an alternative pathway in limited circumstances, or as a broader substitute where standardised provisions are applied.

19.34. Recommendation BBB: We recommend clarifying the intended scope, decision-making criteria, and interaction between Clauses 97, 139, 144, and Schedule 3 to ensure the pathway operates predictably and avoids duplication or uncertainty.

20. Subdivision

20.1. Subdivision is a critical enabler of housing supply and infrastructure delivery. Even where land use is permitted, efficient subdivision processes are essential for creating new titles, vesting roads, and enabling property development.

20.2. Property Council supports the Bill's intent to streamline and modernise subdivision processes.

20.3. However, we are disappointed that many of the current RMA subdivision provisions have simply been transferred into the PB, without substantive updates. These risks perpetuate the same barriers that delay development and impose unnecessary costs, a material weakness given the importance of subdivision implementation to the property sector.

20.4. Recommendation CCC: We recommend the strengthening of provisions that apply during the transition period in Schedule 1 of the PB, and issuing consistent national

guidance, to ensure that subdivision and unit title projects that have already started can be completed efficiently and are not exposed to new requirements or uncertainty during the changeover period.

Requirements for approval of survey plans

20.5. The statutory requirement in Schedule 7, clause 17, for territorial authorities to approve or decline survey plans within 10 working days, reflects the existing timeframe under section 223 of the RMA. However, this timeframe applies only to survey plan approval. We have greater concern about the absence of any equivalent statutory timeframe for issuing certificates confirming compliance with subdivision consent conditions - the functional equivalent of section 224C under the RMA. It is at this stage – rather than survey plan approval – where significant delays frequently occur. The broader subdivision implementation process remains unclear and subject to significant local authority discretion, allowing for potential delays through requirements and processes outside the survey plan approval stage.

20.6. Property Council members have major concerns about the workability of the "permitted subdivision" pathway. Clause 18(1)(b) allows subdivision either where it complies with plan rules through permitted subdivision or where a subdivision consent is granted. Schedule 7, clause 17(1) then enables survey plans to be approved either following a subdivision consent or a certificate of compliance. We are concerned that the permitted subdivision model assumed by the Bill does not work well for many real-world developments.

20.7. In practice, full technical compliance is often only possible after later stages, such as engineering works and infrastructure certification. The Planning Bill fails to account for the complex, staged realities of subdivisions. Key compliance tools, such as consent notices and enforceable conditions, work more effectively under a consent process than through permitted subdivision.

20.8. Recommendation DDD: We recommend clarifying the permitted subdivision pathway in clause 18(1)(b) and Schedule 7, clause 17(1) to ensure it is workable in practice, recognising that compliance with subdivision rules is often shown through staged implementation and later certification.

Registration requirements

20.9. We are concerned that the current framework requires local authorities to register all permitted activities, including subdivision consents. This would significantly increase administrative work and undermine the goal of enabling more activities by default.

20.10. Recommendation EEE: We recommend that any permitted activity registration requirements under the Planning Bill – including those arising from the interaction between clause 18, clause 107, and Schedule 7 – include clear statements of the intended purpose, what activities are covered, and proportionality guidelines, so that

registration is required only when it significantly helps with monitoring and ensuring compliance.

Lapse periods

20.11. Clause 175 provides that subdivision consents attach to land, but the Bill largely carries over the RMA's provisions regarding lapse settings for subdivision approvals. A rigid five-year lag period is often unrealistic for large or complex developments that involve staged infrastructure, financing arrangements, and market cycles. The subdivision completion processes under Section 224C of the RMA have historically been major sources of delay, exacerbated by excessive local authority discretion.

20.12. Recommendation FFF: We recommend that the Planning Bill provide greater flexibility for subdivision lapse periods, including explicit ability to tailor lapse periods to development complexity and staging, to reduce unnecessary project failure risk.

Land covenants

20.13. Proliferation of land covenants has been a critical issue for Property Council members. Developers must get permission from multiple covenant holders and embark in litigation. Courts nearly always approve road vesting because covenants do not usually apply to public roads. Section 238 of the RMA – also drafted in Schedule 7, clause 28(2) of the PB – forces developers to get consent from all interested parties before vesting roads, which is causing unnecessary litigation and delays. This rule is a major barrier to timely development and infrastructure, making legislative reform urgent.

20.14. The PB confines subdivision in Schedule 7, clause 2, to a narrow “means” formulation. Courts consistently identify narrow definitions under the RMA as problematic, particularly for non-standard arrangements like cross-encumbrances and complex ownership structures. This rigidity creates technical loopholes and drives unnecessary litigation. An immediate review and amendment to broaden the definition are necessary to prevent such issues.

20.15. Recommendation GGG: We recommend amending Schedule 7, clause 28(2)(a), to exclude land covenants from the interests requiring consent for vesting roads, allowing covenants to automatically extinguish over land that vests as roads or other public land.

Agreement to sell land or building before deposit of survey plan

20.16. Schedule 7, clause 36 of the PB regulates agreements to sell land or buildings before a survey plan is approved and deposited – known as “off the plan sales.” These provisions, retained from Section 225 of the RMA, are vital to the feasibility of development. Case law on these pre-sales is inconsistently interpreted. This section should be modernised, clarified, and potentially moved to the Property Law Act, as it primarily relates to land sales.

20.17. Recommendation HHH: We recommend that the Government consider whether the provisions in Schedule 7, clause 36, would be more appropriately situated within the Property Law Act, rather than the PB, given that their principal function pertains to the sale of land and the feasibility of development funding.

20.18. Recommendation III: We recommend modernising and clarifying Schedule 7, clause 36, to reduce uncertainty for "off the plan" sales and improve development feasibility.

Meaning of subdivision of land

20.19. Schedule 7, clause 2 currently defines subdivision using a narrow "means" formulation, which risks excluding non-standard or complex ownership and development arrangements. Under the current RMA, similarly narrow definitions have led to technical disputes and unnecessary litigation. We believe a more inclusive definition would improve certainty and better accommodate evolving development practices.

20.20. Recommendation JJJ: We recommend amending Schedule 7, clause 2, to adopt an inclusive definition by replacing the phrase "subdivision of land *means*" with "subdivision of land *includes*," thereby ensuring that the framework encompasses non-standard arrangements and mitigates technical disputes.

21. Regulatory Relief

21.1. Property Council strongly supports the introduction of a regulatory relief framework in the PB. Property Council members regard this as a highly positive reform that addresses longstanding concerns about the disproportionate impacts of planning controls on reasonable land use.

21.2. Property Council welcomes the requirement for local authorities to explicitly assess and justify the impacts of specified planning controls on individual properties when preparing plans and plan changes, rather than applying broad protections without considering site-specific consequences.[4] This is expected to promote greater discipline in plan-making and encourage more proportionate regulation.

21.3. We support the requirement for local authorities to develop a relief framework that identifies planning controls reasonably likely to have a significant impact on land use. We believe that the availability of a wide range of relief mechanisms, including financial relief and alternative development rights, will incentivise more timely development, as envisaged in Schedule 3, Clause 70.

21.4. However, we emphasise the importance of keeping the regulatory relief framework constrained by defining clear eligibility thresholds – such as specific financial metrics or operational requirements – and ensuring consistent application across all participants to maintain overall system credibility.

[4] Schedule 3, clauses 64-66 in PB.

21.5. Recommendation KKK: We recommend that the regulatory relief framework be underpinned by enforceable national criteria and methodologies, set out in national instruments, for assessing impacts and determining levels of relief, to ensure consistent and proportionate application across local authorities.

21.6. Recommendation LLL: We also recommend maintaining appropriate safeguards, measures designed to prevent abuse of the framework, to ensure regulatory relief remains targeted to genuinely significant impacts on reasonable land use.

Section 3: Specific Comments on the Natural Environment Bill

22. Natural Environment Plans

22.1. Property Council supports the role of Natural Environment Plans ("NEPs") as the central tool for enforcing environmental protections and limits under the nationally directed framework established by the NEB.

22.2. The structure of a single combined plan for each region – comprising an RSP, an NEP under the NEB, and a land-use plan under the PB– represents a significant improvement over the fragmented planning framework under the RMA.

22.3. We support clear separation of spatial planning, environmental management, and land-use regulation. Integrating these through national instruments creates coherence and coordination. Replacing the RMA resource consent model is a positive step for consistency. A nationally consistent approach will strengthen environmental planning and regulation.

22.4. Regional councils must include bespoke provisions only when clearly justified. Our members insist that strict control over these provisions is required to eliminate the inconsistent regional controls currently in place in the system.

22.5. Recommendation MMM: We recommend that NEP provisions should be tightly constrained through national direction to preserve national consistency.

22.6. We remain concerned about routine overlays and reporting requirements under the RMA. For example, geotechnical and hazard reports are often required for sites without clear risks. The new system must apply controls only when supported by evidence and limits, not by assumptions.

22.7. Recommendation NNN: We recommend that overlays and reporting requirements be applied only when supported by objective evidence and clear environmental limits, and that blanket approaches be avoided.

23. Environmental limits framework

23.1. Property Council supports the introduction of a clear and binding environmental limits framework under the NEB, covering air, freshwater, coastal water, land, soils, and indigenous biodiversity. We strongly support establishing firm environmental "bottom lines" to safeguard human health and the life-supporting capacity of the natural environment.

23.2. The NEB appropriately establishes environmental limits through national direction, with human health limits set by the Minister through National Standards and ecosystem health limits set by regional councils in NEPs using nationally prescribed methodologies.

23.3. The current RMA system, centred on 'sustainable management,' has resulted in poor environmental protection outcomes. We believe a nationally directed framework with

environmental limits has the potential to deliver stronger and more consistent environmental safeguards.

23.4. We welcome the accountability mechanisms in Clause 85, which require the Minister to ensure that national standards only enable resource use within environmental limits. This reinforces the central role of environmental limits in shaping development outcomes.

23.5. Property Council members note that new allocation mechanisms, such as auctions, may have broader implications for cost and access to resources over time and should be carefully designed to avoid unintended barriers to development.

23.6. Recommendation OOO: We recommend that environmental limits be operationalised through clear, nationally consistent National Standards, including measurable criteria and transparent methodologies for setting ecosystem health limits.

23.7. Recommendation PPP: We recommend clear national implementation guidance to ensure environmental limits are applied consistently and proportionately across regions, reducing uncertainty and litigation risk.

23.8. Recommendation QQQ: We recommend ongoing monitoring and review of how environmental limits are implemented in practice, to ensure they achieve environmental outcomes without imposing unnecessary constraints on development.

24. Conclusion

24.1. Property Council commends the Government for taking a major step toward a more outcomes-focused resource management system. Property Council members support many aspects of the proposed framework, including stronger national direction, clearer plan hierarchies, consolidated plan architecture, higher effects thresholds, and enhanced accountability. These changes have the potential to significantly improve certainty, timeliness, and investment confidence.

24.2. However, the ultimate success of the reforms will rely on disciplined national guidance, practical transition arrangements, and meaningful engagement with the private sector, ensuring the reforms are durable and effective over time.

24.3. Property Council members invest, own and develop property across New Zealand. We thank the Environment Select Committee for the opportunity to submit on both the Planning Bill and the Natural and Built Environment Bill and **wish to appear before the Environment Select Committee** to speak to our submission.

24.4. Should you wish to discuss further, please contact Senior Advocacy Advisor Sandamali Ambepitiya: sandamali@propertynz.co.nz

Yours Sincerely, Leonie Freeman, CEO Property Council New Zealand

Appendix 1

Full list of recommendations

Section 1: Comments on both Bills

A. Property Council recommends extending the minimum statutory consultation period for NPDs and National Standards from 20 working days to at least 40 working days. This will help reduce the risk of unintended consequences arising from rushed drafting.

B. We recommend that the Government ensure that local authorities are adequately resourced and supported through clear sequencing guidance, transitional protections, and targeted capability support.

C. We also recommend that the Government review statutory minimum timeframes for spatial plan completion and levy implementation, and, if necessary, extend those timelines. This will ensure strategic planning is thorough and not rushed to meet legislative deadlines.

D. We recommend establishing an explicit recognition pathway within the transition framework to allow regions that have already undertaken growth strategies or spatial planning work to carry that work forward, provided it aligns with NPDs and National Standards.

E. We recommend that the early application of Clause 14 exemptions under Schedule 11 be either deferred or clearly defined in statute and supported by explicit guidance, to ensure certainty during the transition period.

F. We recommend that the Government provide a defined transitional election period during which applicants may choose to lodge and process consents under the RMA framework for a limited time after commencement of the new system.

G. We recommend a clear, transparent national conflict-resolution framework within the NPDs that specifies how trade-offs between development and environmental goals are to help mitigate these issues.

H. We recommend targeted clarification of Clause 11(1)(a), either through amendment or NPDs, including by specifying how this goal is to be applied in practice, to ensure the provision is applied to material incompatibility of land uses and does not reintroduce broad amenity-based or subjective effects assessments.

I. We recommend considering whether certain oversight or intervention functions could be exercised through an independent panel, commissioner, or structured advisory body – similar to the panel convener role in respect of expert panels in the current fast track process. This could preserve central oversight while

introducing greater institutional consistency and reducing exposure to political fluctuation.

J. We recommend that Ministerial intervention powers intended to address system failures be supported by clear thresholds and defined timelines to provide certainty, reduce the risk of delay, and ensure the framework enhances, rather than undermines, the performance of the new system.

K. We recommend an evidence-based, and transparent framework be established for amending NPDs that reflects the long-term nature of development and infrastructure investment. This framework should include clear statutory criteria for amendments, explicit consideration of investment certainty and transitional arrangements, and mechanisms for evaluating and resolving trade-offs between both bills' objectives.

L. We also recommend the establishment of an independent advisory body to support the development and review of NPD settings, similar to the role of the Infrastructure Commission in infrastructure planning.

M. We recommend that National Standards establish meaningful accountability by requiring local authorities to monitor and report consent processing data in a disaggregated way, distinguishing between major developments, larger residential projects, and minor consents.

N. We recommend that National Standards be drafted to include explicit criteria for usability and clarity. These criteria should include a clear structure, consistent definitions, plain language, and minimal ambiguity.

O. We recommend that the scope for local authority departures from National Standards be tightly constrained where uniform application is intended, particularly regarding activity status classifications, notification settings, and standardised plan provisions.

P. We recommend that the threshold for adopting bespoke provisions be clearly defined and strictly enforced. National guidance should specify when departures from standardised content are appropriate, helping to maintain long-term national consistency.

Q. We recommend that national direction guide long-term forecasting and infrastructure funding assumptions within RSPs. This will discourage overly precautionary approaches that increase development costs or limit development capacity without need.

R. We recommend extending the minimum statutory consultation period for draft RSPs from 20 working days to 40 working days, particularly for the first generation of spatial plans, to support meaningful engagement and reduce the risk of rushed strategic decisions.

S. We recommend that the legislation or NPDs prescribe minimum procedural standards for RSP consultation, including early stakeholder engagement requirements, structured feedback processes, and defined consideration periods.

T. We recommend establishing transparent, capability-based criteria for ministerial appointments to spatial planning governance bodies, including clear guidance on voting rights and the purpose of the appointment.

U. We recommend that the Environment Select Committee make it explicit that CTBs are to govern spatial planning to ensure consistency between these reforms.

V. We recommend that governance of SPCs should include a strong mix of private sector representatives and independent technical experts, to ensure RSPs are practical and workable from the drafting stage.

W. At a minimum, we recommend establishing a centralised or independent performance monitoring authority within central government, potentially managed by the Minister of Local Government, with clear powers to ensure consistent measurement, verification of local authority reporting, national comparisons, identification of best practice, and early detection of systemic issues.

X. We recommend the creation of specific safeguards to prevent practices that undermine statutory timeframes, especially late-stage 'Requests for Information' and pressuring applicants to accept longer processing periods.

Y. We recommend supplementing the five-year review cycle with annual public reporting on core consent-processing performance indicators, along with mandatory improvement actions when performance falls below defined benchmarks.

Z. We recommend that the Government consider implementing performance-linked funding or other financial accountability mechanisms, along with penalties, to complement the oversight framework for local authorities.

AA. We recommend that National Standards establish clear, objective, and proportionate criteria for assessing natural hazard risk, including explicit thresholds for what constitutes "significant risk" in different contexts.

BB. We recommend that provisions in Clause 146 specify when specialist hazard reports are needed. Further guidance on scope, evidence thresholds, and proportionality will prevent routine and excessive information demands.

CC. We recommend reconsidering or limiting the immediate legal effect of natural hazard-related rules in proposed plans, particularly where hazard modelling involves uncertainty or professional judgement.

DD. We recommend the Government consider how liability, funding, and incentive structures influence local authorities' behaviour in natural hazard management, and ensure the system supports balanced, evidence-based decision-making rather than defensive conservatism.

EE. We recommend that the Planning Tribunal adopt identical features to the Tenancy Tribunal model – including the appointment of full-time independent adjudicators and the monthly publication of all decisions – to strengthen independence, consistency of decision-making, and public confidence in the new system.

FF. We recommend reducing reliance on councillors as commissioners in council hearings and increasing the use of independent, professionally qualified commissioners.

GG. We recommend that the Planning Tribunal be adequately resourced to ensure timely decision-making and prevent it from becoming a new system bottleneck. We specifically suggest the use of appropriately qualified adjudicators, and sufficient administrative support.

HH. We recommend developing clearer procedural rules, through regulations or Tribunal practice notes, to guide the robust testing of expert evidence in hearings, including specific provisions for cross-examination where necessary.

II. We recommend that direct referral to the Environment Court be retained in the Planning Bill as an optional pathway for regionally and nationally significant proposals that warrant early and authoritative determination.

Section 2: Specific Comments on the Planning Bill

JJ. We recommend that justification report requirements for bespoke provisions under Clause 89 and Schedule 3 be designed and applied as a substantive evidential threshold, with clear criteria demonstrating why nationally standardised provisions are not appropriate, rather than operating as a procedural compliance exercise.

KK. We recommend that national instruments provide clearer guidance on the limited circumstances in which territorial authorities may depart from regional spatial plan provisions under Clause 80(3), to avoid routine erosion of strategic spatial direction.

LL. We recommend clarifying whether Clause 93 extends equally to private plan changes. This would ensure that deferred or staged zoning mechanisms are accessible not only through council-initiated processes, but also when private sector proposals align with regional growth strategies and infrastructure delivery objectives.

MM. We recommend that sequencing and transitional requirements under Schedule 1, Clause 5(5) be supported by early issuance of National Policy Directions and National Standards, alongside clear national implementation guidance, to enable land-use plans to be prepared efficiently within statutory timeframes.

NN. We recommend removing any mandatory stand-down periods for private plan changes following the operative date of land-use plans, as such timeframes risk creating unnecessary bottlenecks and delaying responsive plan improvement.

OO. We recommend that the review framework under Clause 99 be supplemented to allow more targeted and timely reviews of specific land-use plan provisions (than the stated 10 years) when evidence demonstrates that settings are not achieving intended outcomes, are creating unnecessary costs or delay, or are conflicting with national direction.

PP. We recommend Clause 14(1)(a) and Clause 14(1)(e) be clarified to ensure coherence with Clause 11(1)(a) of the PB. This may require either deletion or redrafting of these provisions, or clear qualification through NPDs, to provide greater certainty on the scope of the “layout” exclusion, including the status of private open space and related site design matters, to reduce dispute risk and inconsistent practices from local authorities.

QQ. We recommend that the Government provide clearer guidance on the practical application of the "more than minor" notification test, defining what constitutes "more than minor" to support consistent nationwide decision-making and reduce litigation risk.

RR. We recommend that National Standards operationalise proportionality expectations for assessments and information requirements in Schedule 6 by clearly defining "proportionality," including clear expectations that information requests must be tied to relevant plan provisions and proportionate to scale and significance.

SS. We recommend deleting Clause 31(c)(ii) and (iii) and instead relying on Land-Use Plan policy direction – as informed by the NPD– to determine when and how discretionary activities are assessed.

TT. We recommend that restricted discretionary classification should be applied narrowly and only where a specific assessment is genuinely required.

UU. We recommend limiting discretion and scope creep by ensuring that matters reserved for restricted discretionary activities are narrowly defined and consistently enforced in practice, and by discouraging default discretionary classification for routine development that is anticipated by RSPs and national direction.

VV. We recommend ensuring that permitted activity registration requirements are targeted and do not become a de facto consent system, with registration used only where necessary to manage known risks or confirm compliance with clear and consistent standards.

WW. We recommend that the definition of a "qualified person" be more clearly defined.

XX. We recommend strengthening the enabling shift in Clause 31 by reinforcing that anticipated development should default to permitted activity status wherever effects are known and can be managed through clear rules and standards.

YY. We recommend improving the credibility of consent processing timeframes and associated incentives, including considering whether additional consequences or escalation mechanisms are required where timeframes are repeatedly exceeded.

ZZ. We recommend decision making outcomes be reinforced through national direction that outlines expectations of activities status and limits procedural discretion.

AAA. We recommend promoting consistent use of Clause 177 to treat marginal or temporary non-compliances as permitted activities where appropriate, supported by national guidance to ensure predictable and transparent application across local authorities.

BBB. We recommend clarifying the intended scope, decision-making criteria, and interaction between Clauses 97, 139, 144, and Schedule 3 to ensure the pathway operates predictably and avoids duplication or uncertainty.

CCC. We recommend the strengthening of provisions that apply during the transition period in Schedule 1 of the PB, and issuing consistent national guidance, to ensure that subdivision and unit title projects that have already started can be completed efficiently and are not exposed to new requirements or uncertainty during the changeover period.

DDD. We recommend clarifying the permitted subdivision pathway in clause 18(1)(b) and Schedule 7, clause 17(1) to ensure it is workable in practice, recognising that compliance with subdivision rules is often shown through staged implementation and later certification.

EEE. We recommend that any permitted activity registration requirements under the Planning Bill – including those arising from the interaction between clause 18, clause 107, and Schedule 7 – include clear statements of the intended purpose, what activities are covered, and proportionality guidelines, so that registration is required only when it significantly helps with monitoring and ensuring compliance.

FFF. We recommend that the Planning Bill provide greater flexibility for subdivision lapse periods, including explicit ability to tailor lapse periods to development complexity and staging, to reduce unnecessary project failure risk.

GGG. We recommend amending Schedule 7, clause 28(2)(a), to exclude land covenants from the interests requiring consent for vesting roads, allowing covenants to automatically extinguish over land that vests as roads or other public land. This would eliminate unnecessary transaction costs, avoid litigation, and enable timely delivery of roading and housing infrastructure.

HHH. We recommend that the Government consider whether the provisions in Schedule 7, clause 36, would be more appropriately situated within the Property Law Act, rather than the PB, given that their principal function pertains to the sale of land and the feasibility of development funding.

III. We recommend modernising and clarifying Schedule 7, clause 36, to reduce uncertainty for "off the plan" sales and improve development feasibility.

JJJ. We recommend amending Schedule 7, clause 2, to adopt an inclusive definition by replacing the phrase "subdivision of land *means*" with "subdivision of land *includes*," thereby ensuring that the framework encompasses non-standard arrangements and mitigates technical disputes.

KKK. We recommend that the regulatory relief framework be underpinned by enforceable national criteria and methodologies, set out in national instruments, for assessing impacts and determining levels of relief, to ensure consistent and proportionate application across local authorities.

LLL. We recommend maintaining appropriate safeguards, measures designed to prevent abuse of the framework, to ensure regulatory relief remains targeted to genuinely significant impacts on reasonable land use.

Section 3: Specific Comments on the Natural Environment Bill

MMM. We recommend that NEP provisions should be tightly constrained through national direction to preserve national consistency.

NNN. We recommend that overlays and reporting requirements be applied only when supported by objective evidence and clear environmental limits, and that blanket approaches be avoided.

OOO. We recommend that environmental limits be operationalised through clear, nationally consistent National Standards, including measurable criteria and transparent methodologies for setting ecosystem health limits.

PPP. We recommend clear national implementation guidance to ensure environmental limits are applied consistently and proportionately across regions, reducing uncertainty and litigation risk.

QQQ. We recommend ongoing monitoring and review of how environmental limits are implemented in practice, to ensure they achieve environmental outcomes without imposing unnecessary constraints on development.