File No: 25 12 05
Document No: 29412245
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27 June 2024

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Dear Sir/Madam

Waikato Regional Council Submission on the Resource Management (Freshwater and Other Matters) Amendment Bill

Thank you for the opportunity to submit on the Resource Management (Freshwater and Other Matters) Amendment Bill. Please find attached the Waikato Regional Council's (the council's) submission regarding the Bill, formally endorsed by the Council on 27 June 2024.

Should you have any queries regarding the content of this document please contact Annika Hamilton, Policy Advisor, Policy Implementation directly on (07) 8590990 or by email Annika.Hamilton@waikatoregion.govt.nz.

Regards,

Tracey May
Director Science, Policy and Information

Submission from Waikato Regional Council on the Resource Management (Freshwater and Other Matters) Amendment Bill

Introduction

1. We appreciate the opportunity to make a submission on the Resource Management (Freshwater and Other Matters) Amendment Bill (Bill). Waikato Regional Council (the council) recognises that many of the provisions within the Bill are intended to act as a stopgap while further legislative reviews take place. We also note that the Bill seeks to improve efficiencies for the national direction process.

2. There are several aspects of the Bill that will impact on the council's roles and responsibilities. We believe that the Bill will provide some challenges for efficient carrying out of these functions noting that some of the amendments are looking to be implemented without full consideration for their impacts. These proposed amendments may result in unintended consequences that add complexity to a system that the government is seeking to make more implementable, we highlight these further in our submission.

3. We make recommendations to address issues with the Bill as currently drafted, and to improve workability, clarity and certainty for local authorities. In summary:
   - A more detailed analysis should be undertaken of the impacts of the proposed provisions, particularly given the implications these could have on local government policies, plans and processes. We want to ensure that there are no unfunded mandates or additional costs borne by our ratepayers as a result of the proposals.
   - The Bill may create challenges for regional policy review processes which need to be addressed to prevent regulatory gaps.
   - We seek clarification on how consent authorities are to have regard to the remaining provisions within the National Policy Statement for Freshwater Management 2020 (NPSFM 2020) when processing consents, being that many of these are related to the hierarchy of obligations.
   - It is difficult to comment on whether freshwater farms plans will be an effective way to manage intensive winter grazing and stock exclusion requirements, given the government has signalled the freshwater farm plan (FWFP) system is being reviewed.
   - The requirements for section 32 and section 32AA evaluations for national direction should not be removed. The removal of these requirements may result in a less robust process that insufficiently considers the impact of proposals.
   - We are supportive of a national direction process that is premised on effective consultation and clearly anticipated outcomes, something we believe should be set at the national level.

4. Detailed comments and recommendations on specific sections and clauses of the Bill are set out in the table at the end of this submission.

5. We look forward to any future consultation process on the Bill and welcome the opportunity to comment on any issues explored during their development.

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Excluding the hierarchy of obligations within the NPSFM 2020 from resource consent application and resource consent decision-making processes

- It would be helpful if the Bill clarified how consent authorities are to have regard to the remaining provisions within the NPSFM that relate to Te Mana o te Wai, this would reduce confusion and litigation that will potentially lead to drawn out consent processes.
- We support the hierarchy of obligations continuing to apply as they relate to planning matters, including objectives and policies in regional policy statements and plans.
- The government needs to undertake a more robust impact analysis to understand how these amendments will interact with other legislative requirements, including treaty settlement legislation and other national policy statements and standards.
- We advocate for the government to appropriately engage with iwi/Māori on the Bill, particularly given the significance of freshwater and the Te Mana o te Wai framework to iwi, hapū and Māori.

Clauses 22, 23 and 26

1. We recognise that the intention of these provisions is to create a stopgap whilst the government reviews the NSPFM 2020 and Te Mana o te Wai. However, we consider the provisions in the Bill, as currently worded, will create legal ambiguity and unnecessary lengthening of consent processes whilst this ambiguity is reconciled.

2. Even if the hierarchy of obligations is removed from consent processes, applicants will still need to address what is in the regional plans and in the rest of the NPSFM 2020. In the case of the Waikato, Te Ture Whaimana o Te Awa o Waikato will apply to the Waikato River, leaving other catchments covered by the modified regulatory settings of this Bill. This will create complexity for applicants and consenting authorities because one document may preclude them from having regard to the hierarchy of obligations and another may require them to ensure the health and wellbeing of the Waikato River are restored and protected. Thus, creating a fragmented approach that could lead to inconsistency across the region.

3. If these new provisions are to remain in the Bill, we strongly recommend that further clauses are introduced to specifically address how to deal with this fragmented approach. We recommend that where treaty settlement legislation provides for a hierarchy or prioritisation of values, a clause is introduced to state that such treaty settlement legislation prevails.

4. We recommend that the Bill is amended to clarify how consent authorities are to have regard to Policy 1, to the extent that it includes the hierarchy of obligations. While the Bill's amendment of section 104 RMA precludes a consent authority from having regard to clauses 1.3(5) and 2.1 of the NPSFM 2020 (which refer to Te Mana o te Wai and the hierarchy of obligations), a consent authority will still need to have regard to the remaining provisions within the NSPFM 2020. In particular, the Bill does not include reference to Policy 1 which requires that "freshwater is managed in a way that gives effect to Te Mana o te Wai." Arguably, this restores the full concept of Te Mana o te Wai (which includes the hierarchy of obligations) to the consideration of a resource consent. Clarification is required to aid ease of administration in consent processing. Again, if these provisions are to remain in the Bill, we suggest a new clause is added to state that a consent authority must not have regard to the hierarchy of obligations when applying Policy 1 of the NPSFM 2020.

5. In addition, clause 2.1 is the overarching objective of the NPSFM 2020 and based on the drafting of this Bill, a consent authority is precluded from having regard to this objective when considering an application. We note that policies and methods are a means of achieving the objective and precluding consideration of the objective will give rise to uncertainty and undermine the application of the entirety of the NPSFM 2020, it is not sure if this is what is intended by the amendment.

Schedule 1 – New Part 7 inserted into schedule 12 - section 41

6. We support proposed section 41 in new part 7 of the Bill in that the provisions relating to the NSPFM 2020 apply only in relation to an application for resource consent. We note that regional councils will remain obligated to give effect to the NSPFM 2020 (including the hierarchy of obligations) through their plans and policy statements. We support the hierarchy of obligations continuing to apply as it relates to the establishment of regional water quality limits and other provisions, including objectives and policies in regional policy statements and plans.

7. The Bill and the eventual review of the NPSFM will have an impact on existing local government work programmes and resourcing. We note that this Bill signals the government's direction to review the NSPFM 2020 and Te Mana o te Wai.[1] Regional councils have already significantly progressed work to review regional plans and draft provisions to give effect to Te Mana o te Wai (including engagement with communities and stakeholders).

Consultation with iwi/Māori

8. The regulatory impact analysis for the freshwater amendments indicates that consultation with iwi/Māori was limited and there was insufficient time for the government to fully assess the impact on its treaty obligations. We would suggest that increased iwi engagement needs to occur, potential unintended consequences and legacy issues stemming from insufficient iwi engagement on behalf of government, should not fall to councils administering the RMA.

Te Ture Whaimana o Te Awa o Waikato (Vision and Strategy)

9. Te Ture Whaimana o Te Awa o Waikato is the primary direction setting document for the Waikato River and activities within its catchment. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 elevates the Vision and Strategy above national direction (which includes the NPSFM 2020).

10. We consider the government must undertake a full impact analysis beyond what was noted in the regulatory impact statement for this part of the Bill, to understand how these amendments will affect treaty settlement obligations and Te Ture Whaimana o Te Awa o Waikato.

Aligning the consenting pathway for coal mining with other extractive activities across national direction

- We encourage the government to fully consider, and to further assess, the impact of this proposal on wetlands and significant natural areas and how this relates to New Zealand's international obligations, specifically in regard to biodiversity and greenhouse gas emissions.

11. We acknowledge that consenting pathways for mineral extraction activities in or around wetlands and significant natural areas are narrow and focussed, and we note that coal mining would still be subject to these controls if it was aligned with the consenting pathways of other mineral extraction activities.

12. However, due to the reduced timeframes for introducing this Bill, there has been limited analysis and the impacts of this proposal, we believe, are not fully understood or quantified. We recommend further assessment to understand the extent to which this amendment will impact on wetlands and significant natural areas and New Zealand's international obligations is undertaken. We recommend this information is made available in the Select Committee's report.

[1] Government takes first steps towards pragmatic and sensible freshwater rules | Beehive.govt.nz

13. In terms of international obligations, we recommend that a further assessment is undertaken to determine how this amendment interacts with New Zealand's obligation under the Kunming-Montreal Global Biodiversity Framework (GBF). New Zealand is one of 200 parties that adopted this framework on 19 December 2022, at the COP15 meeting.[2] The GBF includes four goals for 2050 and 23 targets for 2020, including targets that address reducing threats to biodiversity.

14. We also note that this proposed amendment does not appear to fully consider the effects on New Zealand's obligations set out under the Climate Change Act 2002 and may be inconsistent with New Zealand's emission targets under the Paris Agreement (a legally binding international treaty on climate change).

15. Finally, it is unclear how the amendment in this Bill will interact with the requirements for district and regional plans to have regard to the Emissions Reduction Plan[3] that includes an action to phase out fossil fuels, in particular low to medium temperature coal-fired boilers.[4]

Amending the stock exclusion regulations in relation to sloped land

- Stock exclusion from waterways is an important and well recognised method for reducing the losses of all four major contaminants (nitrogen, phosphorus, sediment, microbes) to water from farming.
- Whilst farm plans may provide a means of managing this activity responsibility, we consider the application of farm plans in such circumstances is best supported by a regulatory backstop and appropriately trained certifiers.
- We also note that the government has signalled that the design of the Freshwater Farm Plan (FWFP) system is likely to change, including a potential delay to their uptake. Until we know what the future FWFP system will look like, it is difficult to comment on whether FWFPs will provide an effective alternative approach.

Lines 21 – 26 - Schedule 2 – Amendments to secondary legislation made under Resource Management Act 1991

16. We consider the regulations that are proposed to be removed should remain, because although farm plans may provide a means of responsibly managing this activity, removal of the regulations could risk a reduced emphasis on the exclusion of stock from waterways and potentially delay environmental improvements. The application of farm plans in such circumstances is best supported by a regulatory backstop and appropriately trained certifiers.

17. The result of these amendments as proposed is that, in the absence of regional plan provisions (such as those contained in Waikato Regional Council's Plan Change 1 or the limited restrictions in the Operative Waikato Regional Plan), there is nothing that regulates "non-intensive" beef or deer in relation to stock access and there is no prohibition on any stock in natural wetlands (aside from excluding stock from lakes and "wide rivers" in terms of dairy, pigs, dairy support, intensive beef and intensive deer on all terrain, and exclusion of stock from natural inland wetlands identified in plans, or that support a population of threatened species described in the NPSFM).

[2] COP15: Final text of Kunming-Montreal Global Biodiversity Framework | Convention on Biological Diversity (cbd.int)

[3] Section 61(2)(d) and section 66(2)(f) of the Resource Management Act 1991

[4] We refer to Chapter 11- Energy and Industry – New Zealand Emissions Reduction Plan and the Resource Management (National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat) Regulations 2023

18. Stock exclusion from waterways is an important and well recognised method for reducing the losses of all four major contaminants (nitrogen, phosphorus, sediment, microbes) to water from farming and is considered universal good practice. It is well accepted that keeping stock out of waterbodies, particularly those stock types with an affinity for water (cattle and deer), reduces direct deposition of faecal matter and urine and associated bed disturbance, whilst the use of a vegetated setback improves bank stability and also provides a means of capturing contaminants which may flow over land.

19. Whilst we recognise research suggests that a more significant source of these contaminants comes from land not covered by these regulations, the reason this land is not captured is largely due to the practical implications of stock exclusion in these areas (associated with topography and paddock configuration). This lends itself to the application of bespoke solutions to reduce contaminants through farm plans. However, land captured by the low-sloped land map, which we understand generally encompasses land at five degrees or less, is flat and/or undulating. Therefore, it is relatively straightforward to exclude stock from waterways on this land.

20. The removal of prohibitions on stock in wetlands also creates misalignment with the restrictive wetland provisions in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F). For example, while a consent would be required under the NES-F to build a wetland utility structure for conservation purposes within a 10m setback of wetlands (Regulation 42), the revocation of Regulation 18 of the Stock Exclusion Regulations means that stock will be permitted to access and trample through the same wetlands (except those that are specifically identified in plans or which contain threatened species) without restriction. In partnership with landowners, and in some instances with government, Council has undertaken significant planting and fencing of wetlands and water bodies. The use of non-regulatory tools (such as investment partnering in planting and fencing to assist landowners) is a key lever that we believe should be incentivised and strengthened. The removal of Regulation 18 will undermine the efforts that invested to date has gained.

21. We also note that the government has signalled that the design of the FWFP system is likely to change, including a potential delay to their uptake. Until we know what the future FWFP system will look like, it is difficult to determine whether FWFPs will provide an effective alternative approach.

Repealing intensive winter grazing regulations in the NES-F

- The Bill will create challenges for regional councils that have prepared regional plans in reliance on the NES-F provisions that are being removed.
- Whilst the regulations may have moved farmers either away from intensive winter grazing, or towards better practice, we consider that this amendment will create a regulatory gap in some planning frameworks.
- We note that the government has signalled that the design of the FWFP system is likely to change, including a potential a delay to uptake (for those areas not covered by Regional Plan requirements). Until we know what the future FWFP system will look like, it is difficult to comment on whether FWFPs will provide an effective alternative approach.

Lines 14 – 20 - Schedule 2 – Amendments to secondary legislation made under Resource Management Act

22. We note that the amendments will revoke regulation 26. The proposed change appears to make the assumption that regional authorities have addressed intensive winter grazing (IWG) matters via their regional plans, however, this is not universally the case. Whilst the regulations may have moved farmers either away from IWG, or towards better practice, we consider that this amendment will create a regulatory gap in some planning frameworks.

23. There is likely to be a considerable period without clear requirements for management of the effects of IWG in the Waikato region. We recommend the Bill provides for a mechanism to address these challenges or introduces a transitional pathway.

24. For Waikato Regional Council's Plan Change 1 (PC1), which awaits a decision of the Environment Court, the council recommended deleting the PC1 'winter forage crop grazing' provisions in favour of the Regulation 26 provisions, to reduce conflict between provisions, and because the Regulation 26 provisions were considered more effective than the decision version of PC1 for IWG.

25. Regulation 26 refers to Regulation 29 (temporary further conditions) which is also revoked by the Bill. The temporary further conditions were that the land used for IWG must have been used for that purpose during the reference period and that the area for IWG was not to increase above that used in the reference period.

26. The temporary conditions were to be revoked by Regulation 31 on 1 January 2025 and the council was aiming to notify a change to the regional plan that would have superseded Regulation 29 provisions by December 2024 (as part of its freshwater policy review). However, given the government has amended the statutory timeframe for notification of the freshwater policy review to December 2027 (and has indicated there will be changes to the NSPFM 2020), that plan change may not be notified until December 2027.

27. Whilst our understanding is that IWG is a common but relatively small-scale activity in our region (occupying as little as 0.25% of the agricultural land use in the 2023 season[5]) and is comparatively small relative to southern regions of New Zealand, it is an activity which, if not managed appropriately, can significantly increase the risk of contaminant loss to waterbodies.

28. Farm plans may potentially provide a useful tool to support responsible management of IWG, especially where they are supported by using appropriately trained certifiers. However, the government has signalled that the design of the FWFP system is likely to change, including potentially to the timing of their uptake, so until we see what the new FWFP system will look like, it is difficult to determine whether FWFPs will provide an effective alternative approach.

Modifying local authority obligations under the National Policy Statement for Indigenous Biodiversity 2023 (NPSIB) to identify new significant natural areas and include them in district plans for 3 years

- We encourage the government to undertake a full analysis of the effect of this amendment and caution against any unintended consequential loss of significant natural areas (noting these habitats are highly vulnerable and some of them are irreplaceable).
- We consider proposed new section 78(5) should be removed to ensure it does not impact on the council's obligations to provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna under the RMA.

Clause 21 – New section 78(2) inserted (time-limited modifications to NPSIB 2023)

29. We understand that the government intends to review the NPSIB to explore concerns that the significant natural areas identification criteria in the NPSIB may be too broad and could capture areas with less significant biodiversity. Therefore, we recognise that the intention of this amendment is to suspend the requirement so further investment and resources are not put into NPSIB implementation whilst it is being reviewed.

[5] This information was collected as part of a Landcare Research report. The full contents of the report have not yet been cleared to be shared publicly, however we are happy to work with the relevant agency to provide access to the information.

30. However, we consider there is a risk that landowners and the public might misinterpret this suspension as the government's policy position on all significant natural areas. We are concerned that this could potentially result in some clearance on private land.

31. We encourage the government to undertake a full analysis of the effect of this amendment and caution against any unintended consequential loss of areas of significant biodiversity value (noting, these habitats are highly vulnerable and some of them are irreplaceable). A Waikato Regional Council Technical Report on nationally threatened and regionally uncommon species in the Waikato Region, states that as at June 2019, there were 305 threatened native species in the Waikato Region.[6] We also note that many threatened species exist on private land as well as public conservation land, and some occur exclusively on private land. Significant natural areas on private land can also act as corridors for mobile species. Protecting the habitats of species on private land will help towards protecting the species themselves.[7]

32. It also remains unclear whether the suspension would simply delay the work or whether the government ultimately intends to remove the requirement entirely. To this regard, we highlight that there is already a big gap between the identification of existing and new significant natural areas. This is due to changes to aerial photographs, changes to district and landowner boundaries, and improved spatial mapping and information technology. Changes to the threatened species status over the three years will also impact the status of these important areas. We therefore consider it critical that data is updated and note that this work relies on a clear methodology at a national level (which the NPSIB provides).[8]

Clause 21 - New section 78(5) inserted (Time-limited modifications to NPSIB 2023)

33. We seek to clarify the application of proposed new section 78(5) of the Bill, which appears to conflict with clause 78(4). We read section 78(4) to mean that the amendment does not affect the requirements on councils under section 6(c) of the RMA to provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

34. In contrast, however, the proposed new section 78(5) states that an area of significant indigenous vegetation or significant habitat of indigenous fauna that, after commencement, is included in a policy statement, plan or proposed plan is not to be treated as a significant natural area regardless of how it is described in that document.

35. We are concerned that use of the term 'after commencement' does not align with the three-year suspension (which varies from the preceding subclauses) and suggests a more permanent proposal. In addition, it places limits on the ability of councils to achieve protection of indigenous vegetation or significant habitat of indigenous fauna under the RMA. Clause 78(5) is inconsistent with 78(4) and introduces an undue restriction in the ability of local government authorities to provide for indigenous flora and fauna under the RMA. Further, it introduces a restriction that is not aligned with the 3-year suspension period in the Bill.

Amendments to speed up process to prepare or amend national direction

[6] There are 305 threatened native species as occurring in the Waikato region (as at June 2019), including data deficient and taxonomically indeterminate entities. Of these, 295 are Threatened or At Risk taxa and 10 are classed as Data Deficient. See page 8 of the Waikato Regional Council Technical Report 2019/2028: TR201928.pdf (waikatoregion.govt.nz)

[7] Protecting our places: Introducing the national priorities for protecting rare and threatened biodiversity on private land (doc.govt.nz)

[8] Appendix 1 of the NPSIB.

- We oppose the removal of the requirements for section 32 and section 32AA evaluations for national direction. The removal of these requirements may result in a less robust process that insufficiently considers the impact of the proposals. Assessments of the costs and benefits of all proposals are essential.
- We are concerned that the removal of the requirements for section 32 and section 32AA evaluations for national direction will result in lower order documents (such as regional plans) being subject to more rigour than higher order documents (national direction).
- We warn against a process that results in less effective consultation and unanticipated outcomes, and processes that result in unintended consequences, legacy issues, and increased costs for our ratepayers.

36. The Bill introduces a new term "national direction" which includes national environmental standards, planning standards, and policy statements (including coastal policy statements) and seeks to remove steps in the process for preparing or amending national direction documents. We recognise the government's desire to speed up the development of new national direction and amend existing national direction. However, the proposed approach will create unanticipated conflicts between legislation and national policy statements/standards. For example, the unexpected consequences in the NPSFM and NES-F wetland provisions (where the NPSFM and NES-F had differing definitions for wetlands). We also warn against a process that results in less effective consultation and unanticipated outcomes, where the costs and benefits of national direction proposals are not adequately identified, and where there may be unintended negative impacts on the regions ratepayers.

Clause 5 and 6 - Section 32 and 32AA evaluations

37. We oppose clauses 5 and 6 of the Bill. These clauses amend the Bill so that the evaluation requirements in section 32 and 32AA of the RMA do not apply to national direction proposals. Instead, clause 7 introduces a new section 32AB that sets out the new requirements for the evaluation of national direction. These requirements are notably less rigorous than those in section 32 and 32AA.

38. This results in a situation where higher order documents (national direction) will be subject to a relatively less robust process, whereas lower order documents, such as regional plans, will remain subject to the significant rigour of sections 32 and 32AA.

Clause 7 – new section 32AB inserted (Evaluation of national direction)

39. We highlight that unlike section 32, the new proposed section 32AB does not require an assessment of social and cultural effects. We are concerned this may impact both the urban and rural communities of our region. In addition, this may give rise to complexities for local authorities seeking to give effect to national direction through their own regional planning processes. For example, councils through their own section 32 evaluations may identify implications at a local level that were not considered in these higher order documents.

Clause 13 – Section 47 to 51 repealed (Board of Inquiry process)

40. While clause 13 repeals section 47 to 51 (the Board of Inquiry process), the RMA already provides for a more simplified alternative process through section 46A(3)(b). Whilst we recognise that this process is more commonly used than the Board of Inquiry process, we see no reason to remove the Board of Inquiry process as the alternative option. There may be cases in the future where more significant or contentious proposals would benefit from an expert panel (the Board of Inquiry). Ministers or their ministries may not have the expertise to properly consider the wide range of relevant matters that factor into national direction. Ministerial reliance on the recommendations of an expert panel may be critical in getting new national direction working well.

Clause 8(2) – removal of reference to section 49 in section 32A(1)

41. We note that section 32A(1) of the RMA previously enabled a person to challenge (at the Board of Inquiry process via section 49) any failure by the government to prepare an evaluation report for new national direction. Removing the Board of Inquiry process altogether means that there would be no ability for the public to challenge the lack of an evaluation report.

Clause 17 – section 57 amended (Preparation of New Zealand coastal policy statements)

42. As noted above, we oppose the removal of the Board of Inquiry process.

Clause 10(4) – replacement of section 44(3)

43. We oppose clause 10(4) (and clause 16 which cross-references to the amended section 44) that the Minister need not follow the process in section 46A for preparing national direction if the Minister is recommending an amendment for one of the reasons in new section 44(3).

44. We recommend that new subsections 44(3)(c) and (d) around the Emissions Reduction Plan, National Adaptation Plan, and timeframe for national environmental standards, are removed. We also recommend that the Bill amends subsection (e) to clarify how far the ability to 'remove' provisions in a national environmental standard go or what 'no longer required' means.

45. These items could have significant implications, particularly for local government. The Emissions Reduction Plan and National Adaptation Plan include a large number of wide-ranging actions and as a result, subsection (c) could result in significant changes being made to national direction without any real consultation.

46. Changing timeframes could also create uncertainty for multi-year council work programmes and if the Minister can bypass the section 46A process in these circumstances, there would no opportunity for the public or iwi to make a submission. We are particularly concerned that without a proper consultation process, the national direction may fail to consider the workability of proposals at a local level and impact on local government funding and resourcing.

Clause 11(7) replacement of section 46A(4)(b)

47. It is not clear why this change is being made and the amendment makes the provision less clear and more subjective, entirely at the discretion of the Minister. The implication could be that "what the minister considers to be adequate time and opportunity" is less than what ordinarily might be considered adequate. We note that submission timeframes under the coalition government have been short, and this limits the ability for local government to fully consider and comment on matters that have direct implications on our roles and responsibilities. In most cases local authorities will present proposed submissions to their elected members for consideration and deliberation. Public meetings are required for this process, along with public agendas. If only short timeframes are afforded for consultation processes, then there may be no reasonable opportunity for councillors to deliberate on a submission. Local authorities will have an essential role in the implementation of national direction, and we also hold specialist expertise in the advice that can be provided on the proposals. It is essential that we have sufficient opportunity to provide feedback and to ensure that matters of importance to local communities are brought into consideration. We seek to avoid scenarios where, due to limited consultation, there are unintended consequences that impact the roles of local authorities and ultimately result in costs to rate payers.

Additional technical comments on the Bill

Provision	Technical comments and recommendations to improve workability of the Bill, clarity and certainty
Clause 7 – new section 32AB(2)	We consider the phrase 'must begin early' should be clarified. Greater certainty should be provided for when the report must begin in the process of developing the proposal.
Clause 21 – new section 78 inserted	Proposed section 78(4) refers to biological diversity. For consistency with the NSPIB 2023, we consider this should refer to 'biodiversity'.
Schedule 1: New Part 7, Schedule 12, Clause 43 – Effects of certain amendments on existing applications for resource consents	We recommend clause 43 is amended for consistency with clause 41(1). For example, clause 43(3) could be amended to reflect the wording in section 41(1) and state "the amendments affecting coal mining only apply in relation to an application for a resource consent that is lodged with a consent authority on or from commencement…."