

Environment Select Committee

Planning Bill and Natural Environment Bill

McGuinness Institute Oral Submission FINAL
18 March 2026

Notes

1. Yellow highlight and strikethrough are suggested changes.
2. Green highlight is simply to highlight the purpose of the Bills and how the purpose of each Bill needs to be reflected in the goals of each Bill.
3. Our oral submission is that further work is required to ensure the proposed framework functions effectively. For the two-Act framework to operate as intended, each Bill must stand independently and avoid overlapping or duplicative purposes. The objective is for the instruments to tease out the issues clearly and deliver sound decision-making.

What's catching people off guard in 2026

1. Extreme weather escalating much faster than forecast
2. Unexpected social fragmentation and volunteer decline
3. AI capability jumps disrupting work faster than organisations can adapt
4. Sharp demographic turning points
5. Economic behaviour becoming less predictable
6. Declining trust in institutions and data
7. Ageing infrastructure failing sooner than expected
8. Geopolitical situation and fuel shortages

Looking more closely at the purpose of the Bills

Planning Bill

‘The purpose of this Act is to establish a framework for **planning and regulating** the **use,** **development, and enjoyment** of land **and the coastal marine area.**’

land includes—

- (a) land covered by water; and
- (b) the airspace above the land; and
- (c) the surface of water in a lake or river

Natural Environment Bill

‘The purpose of this Act is to establish a framework for the **use,** **protection and enhancement** of the **natural environment.**’

natural environment includes,—

- (a) land, water, air, soil, minerals, energy, plants:
- (b) plants (excluding pest species), animals (excluding humans, domesticated animals, or pest species), and their habitats:
- (c) ecosystems and their constituent parts

'Aquaculture' mentions in both Bills

- Planning Bill (PB) (5 mentions)
- Natural Environment Bill (NEB) (238 mentions)

This prompts the following reflections:

1. The purpose of the Planning Bill needs to change to 'land and the coastal marine area'.
2. 'Aquaculture regulation' is sitting in the wrong Bill; it should be moved out of the NEB into the PB. The PB deals with development and enjoyment, while the NEB deals with protection and enhancement.
3. Remove the term 'use' from the purpose of both Bills.
4. The term 'develop' can be swapped for 'use' in the PB (see overleaf).
5. Do not allow targeted goals of industry to sit in legislation.

Compare submissions: McGuinness, NZPI and NZKS

- **Where they align**
 - All three want **clearer national direction**
 - All three think the Bills need **significant improvement**
 - All three see **system coherence** as a problem
- **Where they diverge**
 - McGuinness is the most **environment-first** and **long-term governance-focused**
 - NZPI is the most **practical/implementation-focused**
 - NZKS is the most **development-enabling** and **industry-focused**

Source: AI-generated, March 2026

Planning Bill Purpose – ‘planning and regulating’

Proposed change: Replace s 58(c)(iv). As the proposed natural environment plan is concerned with protection rather than development, the provision should be framed as ‘protects the coastal marine area’.

Note:

We think this is a case where a section of the 1991 RMA was carried over to the Planning Bill without due consideration (see image on right).

58 When rules in proposed plans have legal effect

(1) Except as otherwise specified by **subclauses (2), (4), (5), and (7)**, a rule in a proposed plan has legal effect on and from the date on which the local authority notifies its decision on the independent hearings panel’s recommendation on the rule in accordance with **clause 27**.

(2) A rule in a proposed plan that is notified for public submissions has immediate legal effect if—

- (a) a national standard provides that the rule will have immediate legal effect; or
- (b) for a proposed land use plan only, the rule—
 - (i) protects significant historic heritage; or
 - (ii) relates to natural hazards; or
- (c) for a proposed natural environment plan only, the rule—
 - (i) protects or relates to water, air, or soil (for soil conservation); or
 - (ii) protects areas of significant indigenous vegetation; or
 - (iii) protects areas of significant habitats of indigenous fauna; or
 - (iv) provides for or relates to aquaculture activities; or
 - (v) relates to natural hazards.

Part 5 s 86B Resource Management Act 1991 Version as at 10 February 2026

- (c) the local authority concerned resolves that the rule has legal effect only once the proposed plan becomes operative in accordance with clause 20 of Schedule 1.
- (2) However, subsection (1)(c) applies only if—
 - (a) the local authority makes the decision before notifying the proposed plan under clause 5 of Schedule 1; and
 - (b) the notification includes the decision; and
 - (c) the decision is not subsequently rescinded (in which case the rule has legal effect from a date determined in accordance with section 86C).
- (3) A rule in a proposed plan has immediate legal effect if the rule—
 - (a) protects or relates to water, air, or soil (for soil conservation); or
 - (b) protects areas of significant indigenous vegetation; or
 - (c) protects areas of significant habitats of indigenous fauna; or
 - (d) protects historic heritage; or
 - (e) provides for or relates to aquaculture activities; or
 - (f) relates to natural hazards.
- (4) For the purposes of subsection (2)(c), a decision is **rescinded** if—
 - (a) the local authority publicly notifies that the decision is rescinded; and
 - (b) the public notice includes a statement of the decision to which it relates and the date on which the decision was made.
- (4A) However, a rule described in subsection (3)(a), (b), or (c) does not have immediate legal effect if, and to the extent that, it is a rule that controls fishing in a coastal marine area.
- (5) For the purposes of subsection (3) and section 86BA, **immediate legal effect** means legal effect on and from the date on which the proposed plan containing the rule is publicly notified under clause 5 of Schedule 1.
- (6) *[Repealed]*

Section 86B: inserted, on 1 October 2009, by section 68 of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Section 86B heading: amended, on 19 April 2017, by section 72(1) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 86B(1): amended, on 21 December 2021, by section 11(1) of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

Section 86B(1)(a): amended, on 21 December 2021, by section 11(2) of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

Section 86B(2)(a): amended, on 19 April 2017, by section 72(2) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 86B(2)(b): amended, on 19 April 2017, by section 72(3) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 86B(3)(c): replaced, on 1 October 2011, by section 18(1) of the Resource Management Amendment Act (No 2) 2011 (2011 No 70).

266

Planning Bill Purpose – ‘planning and regulating’

in sections 17, 20, 21, 22, 23, and 104(2) and clause 4(1)(b) of Schedule 5, means—

- (i) to alter, demolish, erect, extend, place, reconstruct, remove, or use a structure or part of a structure in, on, under, or over land:
- (ii) to drill, excavate, tunnel, or disturb land in a similar way:
- (iii) to damage, destroy, or disturb the habitats of plants or animals in, on, or under land:
- (iv) to deposit a substance in, on, or under land:
- (v) any other use of land; and

in sections 17, 20, 21, 22, 23, and 104(2) and clause 4(1)(b) of Schedule 5, also means to enter onto or pass across the surface of water in a lake or river

Proposed changes

1. Remove ‘use’ from purpose
2. Replace the term ‘use’ with ‘development’
3. Unclear why (iii), damage, destroy ... is included here

Planning Bill Purpose – ‘planning and regulating’

Part 2 Foundations

Subpart 1—Core provisions for decision making

11 Goals

- (1) All persons exercising or performing functions, duties, or powers under this Act must seek to achieve the following goals subject to **sections 12 and 45**:
- (a) to ensure that land use does not unreasonably affect others, including by separating incompatible land uses:
 - (b) to support and enable economic growth and change by enabling the use and development of land:
 - (c) to create well-functioning urban and rural areas:
 - (d) to enable competitive urban land markets by making land available to meet current and expected demand for business and residential use and development:
 - (e) to plan and provide for infrastructure to meet current and expected demand:
 - (f) to maintain public access to and along the coastal marine area, lakes, and rivers:
 - (g) to protect from inappropriate development the identified values and characteristics of—
 - (i) areas of high natural character within the coastal environment, wetlands, and lakes and rivers and their margins:
 - (ii) outstanding natural features and landscapes:
 - (iii) sites significant historic heritage:
 - (h) to safeguard communities from the effects of natural hazards through proportionate and risk-based planning:
 - (i) to provide for Māori interests through—
 - (i) Māori participation in the development of national instruments, spatial planning, and land use plans; and
 - (ii) the identification and protection of sites of significance to Māori (including wāhi tapu, water bodies, or sites in or on the coastal marine area); and
 - (iii) enabling the development and protection of identified Māori land.

Proposed changes to align the two Bills

1. Move all planning and regulation of aquaculture from the NE Bill into the Planning Bill.
2. Do not add targeted goals (as requested by NZKS, see below). Otherwise it opens up all other industries for targeted goals and salmon farming is still a highly contested and unproved industry at scale.

NZKS wants a targeted goal in the Planning Bill

- ‘The Planning Bill’ included a goal “to support and enable economic growth and change by enabling the use and development of land” and a goal “to plan and provide for infrastructure to meet current and expected demand”.
- New Zealand King Salmon **wanted a similar targeted goal for aquaculture**, “as follows: to support and enable existing and new aquaculture, including by implementing central government aquaculture strategies or aquaculture development plans”, its written submission said.’

NE Bill Purpose – ‘protection and enhancement’

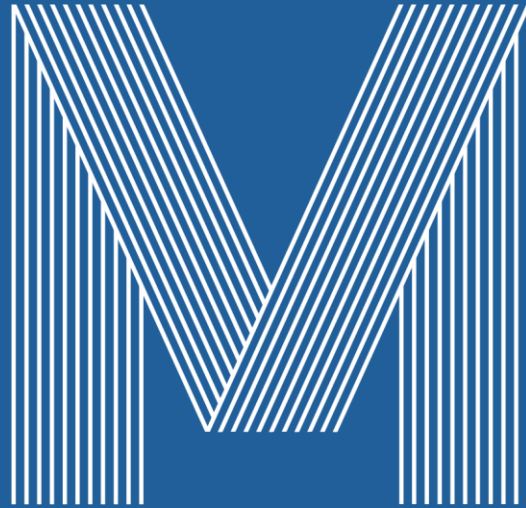
11 Goals

All persons exercising or performing functions, duties, or powers under this Act must seek to achieve the following goals subject to sections 12 and 69:

- (a) to enable the use and development of natural resources within environmental limits:
- (b) to safeguard the life-supporting capacity of air, water, soil, and ecosystems:
- (c) to protect human health from harm caused by the discharge of contaminants:
- (d) to achieve no net loss in indigenous biodiversity:
- (e) to manage the effects of natural hazard associated with the use or protection of natural resources through proportionate and risk-based planning:
- (f) to provide for Māori interests through—
 - (i) Māori participation in the development of national instruments, spatial planning, and natural environment plans; and
 - (ii) the identification and protection of sites of significance to Māori (including, wāhi tapu, water bodies, or sites in or on the coastal marine area); and
 - (iii) enabling the development and protection of identified Māori land.

Proposed changes to align the two Bills

1. Add a new 11(a)
 - to **protect and enhance** the **natural environment** (this is essential as currently the purpose of the Bill is not aligned with the goals as they stand)
2. See 11(a) to become 11 (b): - to enable the use and development **and enjoyment** of natural resources within environmental limits:



MCGUINNESS INSTITUTE
TE HONONGA WAKA

Thank you - Questions