

## To the Committee Secretariat of the Environment Committee,

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Thank you for the opportunity to submit on the Planning Bill and the Natural Environment Bill (collectively referred to as the draft legislation).

The significant storms of January 2026, like many natural hazard events before them, demonstrate the ongoing exposure New Zealand faces. Effective land use planning is central to reducing and managing that risk.

NHC considers the draft legislation a significant step forward in integrating natural hazard considerations into planning. The amendments proposed below are intended to improve clarity, consistency, and operability across a reformed resource management system.

### **About NHC**

NHC is a Crown entity established under the Natural Hazards Insurance Act 2023. The Act sets the Commission's objective as reducing the impact of natural hazards on people, property, and communities.

NHC gives effect to that objective by administering the natural hazards insurance scheme and investing in resilience. We fund research and data that improve understanding of hazard and risk, enable better risk management and resilience, and support readiness and recovery.

Land-use planning directly influences long-term exposure to natural hazards and the scale of loss. NHC's interest in the draft legislation arises from this connection.

NHC is not seeking to broaden the scope of the Bills. Our focus is on ensuring the natural hazard provisions operate clearly, consistently, supports safer land-use decisions, and reduce long-term fiscal exposure.

### **NHC supports the natural hazards clauses of the draft legislation**

The draft legislation is a critical opportunity to reduce exposure to natural hazard risk. International experience shows that effective risk reduction starts with understanding the risk and aligning planning systems to manage it.

NHC strongly supports:

- the requirement to consider natural hazard risk in decision-making
- the adoption of a risk-based planning approach

### **NHC recommends the following changes to further the goals of the legislation**

Our submission focuses on ensuring the new resource management system supports consistent, clear, risk-based decision-making for natural hazards. That decision-making is key to supporting safe development, reducing future recovery costs, and improving certainty for communities, councils, and developers.

NHC's key recommendations are as follows and are further addressed in Appendix 1:

1. Definition of "risk-based planning"

We recommend including a definition of risk-based planning in clause 3. As primary legislation for planning decisions, the Bill should clearly articulate what a risk-based approach means, how it is applied, and how it relates to 'effects' under the Act.

Clear and consistent treatment of hazard risk enables development. Uncertainty around thresholds or information standards increases cost, delays, and litigation, and shifts risk into future recovery, insurance, and public expenditure.

2. Balancing the provision in the Planning Bill to protect existing use rights, with natural hazard risk

Clause 20 of the Planning Bill protects existing use rights. That protection needs to be balanced with the need to manage natural hazards.

The framework should allow existing land use rights to be overridden in exceptional circumstances where it is necessary to avoid, mitigate or adapt to any existing or future natural hazard risk to people, property or infrastructure.

3. Including natural hazard risk as a human health limit

We recommend natural hazard risks are included as a human health limit in clause 49 of the Natural Environment Bill. Adding natural hazard risk meets the purpose of protecting human health, given the 233 deaths from natural hazard events in the last 15 years<sup>1</sup>.

Several councils already use life safety thresholds in district plans. For example, the Christchurch District Plan has life safety limits (using an Annual Individual Fatality rate) for cliff collapse, rockfall, boulder roll and mass movement. The Whakatāne District Plan prohibits development

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<sup>1</sup> 2011 Christchurch earthquake – 185; 2016 Kaikoura earthquake – 2; 2019 Whakaari eruption – 22; 2023 Auckland Anniversary Floods – 4; 2023 Cyclone Gabrielle – 11; (<https://nzhistory.govt.nz/culture/new-zealand-disasters/timeline>), 2026 January storm – 9

on the Awatarariki fanhead in Matatā. Intolerable levels of risk to life were identified in areas with existing development because of debris flow risk.

This recommendation seeks a nationally consistent mechanism to address significant risk to life from natural hazards. If the limits framework is not considered appropriate, an equivalent mechanism should be provided through national direction.

4. Requiring councils to develop a 'pre-event land use plan'

A pre-event land use plan identifies in advance the land uses and planning provisions that may need to change following a natural hazard event. This would support faster, more certain recovery by reducing consultation time, clarifying expectations, and lowering the financial and social costs of prolonged recovery. NHC has developed a methodology that could guide councils in preparing these plans.

To ensure proportionality, the requirement could be targeted to higher-risk locations identified through national hazard information or risk thresholds, or implemented through national direction rather than a universal statutory duty.

5. Consistency between the draft legislation and existing legislative instruments

NHC recommends maintaining consistency with existing standards unless there is a clear and deliberate need to introduce new ones. Where new standards are proposed, they should align with the existing framework to avoid uncertainty and inconsistent application. For example:

- 'Best obtainable information' versus 'best available information'

The Natural Environment Bill introduces the term 'best obtainable information' (see clause 80 of the Planning Bill and clause 97 of the Natural Environment Bill). This differs from the established 'best available information' used in the Resource Management Act, including the New Zealand Coastal Policy Statement and the National Policy Statement – Natural Hazards (NPS-NH).

Introducing a different threshold risks confusion about which standard applies and how it should be interpreted. NHC's preference is for a single, consistent information standard.

If "best obtainable information" is retained, it should be clearly defined and used consistently across core obligations, national direction, and decision-making tests.

- 'Greater than less than minor' versus 'more than minor'

The draft legislation introduces the concept of 'greater than less than minor' (for example, clause 15 of the Planning Bill). This is a different standard to the 'more than minor' standard that is currently used in the Resource Management Act (e.g. clause 95D - Consent authority decides if adverse effects likely to be more than minor).

The meaning and intent of this new standard are unclear. Introducing a different threshold risks uncertainty about how it applies and how it differs from the established "more than minor" test.

If new standards are introduced, they should be clear, transparent, and compatible with existing frameworks. Otherwise, they risk increasing complexity and undermining consistent decision-making.

We welcome the opportunity to address the Environment Committee on our submission.

Yours sincerely,



Tina Mitchell  
Chief Executive Officer

## Appendix 1: Technical recommendations

In addition to the changes recommended above, NHC recommends the following technical recommendations.

Comments on provisions included in both the Planning Bill and the Natural Environment Bill				
Provision	Current text	Support/oppose/propose	Justification	Recommendation
3 Interpretation: Effect	(a) includes, irrespective of the scale, intensity, duration, or frequency, — (i) any positive or adverse effect; and (ii) any temporary or permanent effect; and (iii) any past, present, or future effect; and (iv) any cumulative effect that arises over time or in combination with other effects; and (b) also includes— (i) any potential effect of high probability; and (ii) any potential effect of low probability but that has a high potential impact	<b>Support</b>	We support this definition for effect. The explicit consideration of cumulative and low probability, but high potential impacts can support and facilitate effective hazard risk management for the range of natural hazards that New Zealand is exposed to.	Retain as proposed.
3 Interpretation: Natural hazard	(a) means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment; and (b) includes the effects of climate change on any of those occurrences	<b>Support</b>	We support this definition for natural hazard as it includes the range of natural hazards that New Zealand is exposed to. We support the inclusion of climate change as it has the potential to exacerbate impacts from natural hazards.	Retain as proposed.
3 Interpretation: Risk-based planning		<b>Propose</b>	We propose the inclusion of a definition for risk-based planning to support the Goals of both Bills, in particular Goal 11 - 'safeguarding communities from the effects of natural hazards through proportionate and risk-based planning'. The most effective way to realise Goal 11 is to clarify what risk-based planning means (noting our proposed amendments to Goal 11). We propose a definition for risk-based planning is included in clause 3 (Interpretation). Our proposed definition captures: <ul style="list-style-type: none"> <li>Avoidance, mitigation and adaptation, each of which are options to manage (and reduce) natural hazard risks;</li> <li>Likelihood and consequence, which underpin how risk is assessed and align to how risk is defined in the Civil Defence and Emergency Management Act 2002;</li> </ul>	The following definition is included: <u>Risk-based planning means an approach that seeks to avoid, mitigate, or adapt to natural hazard risk in a manner that is proportionate to the level of risk, by assessing and responding to—</u> <u>(a) the likelihood of natural hazards occurring (whether individually or in combination);</u> <u>(b) the effects and consequences of natural hazards occurring;</u> <u>(c) the exposure of people, property, and infrastructure to natural hazards; and</u> <u>(d) the vulnerability of exposed people, property, infrastructure, and the environment; and</u> <u>(e) the interdependencies of people, property and infrastructure</u>

			<ul style="list-style-type: none"> <li>Includes effects, to ensure that temporary or permanent; past, present and future; and low probability, high impacts are included. This also makes it consistent with the management of 'effects'</li> <li>The inclusion of people, property, and the environment is consistent with the adverse effects included in the definition of natural hazard;</li> <li>The exposure and vulnerability of infrastructure is a key concern which needs to be planned for, to enable a quicker recovery from events.</li> <li>The interdependencies of people, property and infrastructure is key to ensure that planning outcomes consider the system wide effects.</li> </ul>	
11 Goals	All persons exercising or performing functions, duties, or powers under this Act must seek to achieve the following goals ...	<b>Support with amendments</b>	We support the intent of the goals and recommend the Resource Management Act's 'recognise and provide for' is used for consistency and to support the goals being achieved.	The following amendment is made: All persons exercising or performing functions, duties, or powers under this Act must <del>seek to achieve</del> <u>recognise and provide for</u> the following goals ...
15 Considering adverse effects of activities	(1) A person exercising or performing functions, powers, or duties under this Act who is considering the effects of an activity— (a) must consider how— (i) adverse effects are to be avoided, minimised, or remedied, where practicable; or (ii) adverse effects are to be offset or compensated, where appropriate. (b) must not consider a less than minor adverse effect unless the cumulative effect of 2 or more such effects create effects that are greater than less than minor.	<b>Support with amendments</b>	We support considering how effects are to be avoided, minimised, or remedied. This supports a risk-based approach and can reduce the impacts of natural hazards to people, property, and the environment. We recommend adjusting the wording to focus on effects that are 'more than minor'. This is easier to understand than 'greater than less than minor'. The term 'more than minor' also has an established meaning, having been interpreted by the Environment Court.	The following amendment is made: (b) must not consider a less than minor adverse effect unless the cumulative effect of 2 or more such effects create effects that are <u>more than minor</u> <del>greater than less than minor</del> .
80 Core obligations when preparing and deciding land use plan (Planning Bill) 97 Core obligations when preparing and deciding natural environment plan (Natural Environment Bill)	From the Natural Environment Bill: (4) The regional council must— [...]	<b>Support with amendments</b>	We recommend adding an additional obligation in Clause 4 requiring councils to use 'best obtainable information' when preparing and deciding land use and natural environment plans.  Adding this requirement supports effective risk-based planning by ensuring high quality data and information is used to inform our understanding of likelihood, consequence, exposure, and vulnerability.  We propose using the 'best obtainable' wording, because it is used elsewhere in the draft legislation. 'Best obtainable' is new wording and arguably introduces a higher threshold than in the 'best available' requirements in the New Zealand Coastal Policy Statement (Policy 24)	The following amendment is made: <u>(e) use the best obtainable information. Best obtainable information means information that the decision-maker is satisfied –</u>  <u>(i) is as robust, transparent, and accessible as reasonably possible; and</u>  <u>(ii) is obtained from information that is available or can be reasonably obtained at the time; and</u>  <u>(iii) is obtained in a manner that is proportionate to the effects of the decision.</u>

			and the NPS-NH (Policy 5; clause 3.4(1) and (2)). We recommend ensuring consistent use of these terms, or providing clear guidance on when each should apply, including whether both may be required in different contexts. Also refer to our comment on this on page 3 of our submission.	
119 Request for further information (Planning Bill) 140 (Natural Environment Bill)	From the Natural Environment Bill: (2) The permit authority may make a request under <b>subsection (1)</b> only if it is satisfied that obtaining the information will ensure that the permit authority has enough information to understand the implications of its decision, after considering— (a) the cost and feasibility of obtaining the information; and (b) the scale and significance of the matter to which the decision relates.	<b>Support with amendments</b>	For effective hazard risk management, the cost for obtaining information should be considered alongside the potential consequences and adverse effects that a natural hazard could cause. We recommend including specific reference to effects and consequences in this provision to support a risk-based planning approach and our proposed definition for risk-based planning.	The following amendment is made:  (b) the scale, <u>effects, consequences</u> , and significance of the matter to which the decision relates.
120 Request for report (Planning Bill) 141 (Natural Environment Bill)	From the Natural Environment Bill: (2) The permit authority may notify the applicant that it wants to commission a report under <b>subsection (1)</b> only if it is satisfied that obtaining the report will ensure the permit authority has enough information to understand the implications of its decision, after considering— (a) the cost and feasibility of obtaining the report; and (b) the scale and significance of the matter to which the decision relates.  (4) If the report is a review of the information provided by the applicant,— (a) it must be carried out by an expert appointed by the permit authority; and (b) it must be limited to an assessment of the methodology used to reach the conclusion of that information.	<b>Support with amendments</b>	For effective hazard risk management, the cost for obtaining information should be considered alongside the potential consequences and adverse effects that a natural hazard could cause. We recommend including specific reference to effects and consequences in this provision to support a risk-based planning approach and our proposed definition for risk-based planning.  We do not support the 'review' referred to in subclause 4 being limited to the assessment of the methodology used to reach conclusions. Data and information can often be misinterpreted or misused to suit a particular purpose. It is important that a report can be reviewed in its entirety – including the conclusions. The reviewer should be able to give a view on whether the information is being used correctly and applied appropriately.	The following amendments are made:  (2) The permit authority may notify the applicant that it wants to commission a report under <b>subsection (1)</b> only if it is satisfied that obtaining the report will ensure the permit authority has enough information to understand the implications of its decision, after considering— (a) the cost and feasibility of obtaining the report; and (b) the scale, <u>effects, consequences</u> and significance of the matter to which the decision relates.  (4) If the report is a review of the information provided by the applicant, — (a) it must be carried out by an expert appointed by the permit authority; and (b) <u>it must review the methodology used and the conclusions reached based on the information.</u> <del>and (b) it must be limited to an assessment of the methodology used to reach the conclusion of that information.</del>
146 Consents may be granted if risk from natural hazards etc. (Planning Bill) 163 Land use permit may be refused or	From the Natural Environment Bill: (1) A permit authority may refuse to grant a land use permit, or may grant a land use permit subject to conditions, if it considers that there is a significant risk from natural hazards. (2) Conditions imposed under <b>subsection (1)</b> must be— (a) for the purposes of avoiding, remedying, or mitigating the effects referred to in <b>subsection (1)</b> ; and (b) of a type that could be imposed under <b>section 170</b> .	<b>Support with amendments</b>	We support the ability to refuse a consent if there is significant risk from natural hazards.  We recommend that taking a risk-based approach is explicit in this provision to reduce any confusion and ensure the consistent application of rules and policies. Referring to risk-based planning explicitly shows a	The following amendment is made:  (1) <u>Taking a risk-based planning approach</u> , a A permit authority may refuse to grant a land use permit or may grant a land use permit subject to conditions, if it considers that there is a significant risk from natural hazards.

<p>granted with conditions if risk from natural hazards (Environment Bill)</p>	<p>(3) For the purposes of <b>subsection (1)</b>, an assessment of the risk from natural hazards requires a combined assessment of all of the following taken together:</p> <ul style="list-style-type: none"> <li>(a) the likelihood of natural hazards occurring (whether individually or in combination):</li> <li>(b) the material damage to land, structures, or the natural environment that would result from natural hazards:</li> <li>(c) whether the proposed use of the land would accelerate, worsen, or result in material damage of the kind referred to in <b>paragraph (b)</b>:</li> <li>(d) whether the proposed use of the land would result in adverse effects on natural resources or people.</li> </ul>		<p>linkage to Goals 11(e) and 11(h), and to the proposed definition of risk-based planning.</p>	
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Comments specific to the Natural Environment Bill				
Provision	Description	Support/ oppose/ propose	Justification	Recommendation
11 Goals	(e) to manage the effects of natural hazard associated with the use or protection of natural resources through proportionate and risk-based planning:	<b>Support</b>	<p>We support the use of risk-based planning, with a definition (see table above) included to support its understanding and implementation.</p> <p>We recommend simplifying the wording of the goal to make the intention clearer, to emphasise the use of the risk-based planning, and to remove 'effects'.</p> <p>A risk-based approach is inherently proportionate as it considers strategies for risk management in relation to the likelihood and consequences of a natural hazard. Explicitly referencing "proportionate" and "effects" in this goal is redundant and potentially confusing, and may weaken the intent of risk-based planning.</p> <p>Changing the goal to focus on managing natural hazards rather than managing effects provides a solution to concerns outlined in the Randerson Review<sup>2</sup>. This Review states that "the effects-based orientation of the [Resource Management Act] RMA framework is a poor fit for risk management methods. This is because managing risks requires a proactive approach rather than a focus on the effects of activities. There is also no clear framework for how decision-makers should consider risk in the RMA, and the meaning of 'risk' is not defined, which further hinders development of a clear policy approach" (p.171).</p> <p>We also recommend removing the specific reference to 'natural resources' in the goal to broaden the scope of natural hazard risk management within this Bill.</p>	<p>That the following amendment is made:</p> <p>(e) to <u>reduce the impacts of</u> <del>manage the effects of</del> natural hazards <u>on people, property and communities</u> <del>associated with the use or protection of natural resources through proportionate and risk-based</del> planning:</p>
14 Considering effects of activities	<p>A person exercising or performing a function, duty, or power under this Act who is considering the effects of an activity on a person, people, or a natural resource,—</p> <p>(a) must give particular consideration to effects such as the following, as far as each is applicable:</p> <p>(iii) the effects of natural hazards associated with the use or protection of natural resources:</p>	<b>Support with amendments</b>	<p>We support considering the effects of natural hazards associated with the use or protection of natural resources. The wording 'associated' is unclear in this context. We assume 'associated' includes considering the effects of use or protection of natural resources on natural hazards.</p> <p>We recommend additional wording is added to clarify that it can be interpreted both ways, or if not, this be made clearer.</p>	<p>Ensure this provision includes the effect of the use and protection of natural resources on natural hazards. To provide clarity, the following wording could be added:</p> <p><u>(iv) the effects of the use or protection of natural resources on natural hazards</u></p>

<sup>2</sup> Resource Management Review Panel. (2020). *New directions for resource management in New Zealand: Report of the Resource Management Review Panel*. Resource Management Review Panel. <https://environment.govt.nz/assets/Publications/Files/rm-panel-review-report-web.pdf>

<p>32 Principles for classifying activities</p>	<p>(a)an activity should be classified as a <b>permitted activity</b> if—          (i)either—          (A)the activity is acceptable, anticipated, or achieves the desired level of use, development, or protection of the natural environment; or          (B)any adverse effects of the activity on the natural environment are well understood and can be managed; and          (ii)there is sufficient allocation for any anticipated cumulative effect without breaching an environmental limit:</p>	<p><b>Support with amendments</b></p>	<p>In relation to natural hazard risk management, the draft of this clause risks allowing land uses susceptible to high natural hazard risk as permitted activities. To achieve a balance between permitting more activities but advancing a risk-based approach to natural hazard risk, we recommend adding an additional test. This would prevent high risk use and development being unintentionally included as permitted activities.</p> <p>Our recommended provision refers to significant risk, which provides a link to the NPS-NH and subsequent management framework. We understand from the 'Blueprint for resource management reform' Expert Advisory Group report<sup>3</sup> that "the [national policy direction] NPD under the Planning Act would cover matters currently addressed in the ... proposed national direction on natural hazards, once again focused on essential policy matters" (p. 43), therefore the content of the NPS-NH is applicable to assessing 'significant' risks.</p>	<p>The following amendment is made:  <u>(iii) taking a risk-based planning approach, the activity does not result in a significant risk from natural hazards</u></p>
<p>49 Where human health limits must be set</p>	<p>(1) The Minister must set human health limits for attributes within each of the following domains:          (a) freshwater:          (b) coastal water:          (c) land and soil:          (d) air.</p>	<p><b>Support with amendments</b></p>	<p>We recommend natural hazard risks are included as a human health limit in clause 49 of the Natural Environment Bill. Adding natural hazard risk meets the purpose of protecting human health, given the number of people that have lost their lives, or had significant impacts to their health as a result of natural hazard events. The purpose of the limit could be 'to protect the health and safety of people from significant natural hazard risk'. Before setting a human health limit in a national standard, Clause 53 requires the Minister to be satisfied that the proposed limit will protect human health to an acceptable standard, and it will, at a minimum, prevent significant or irreversible harm to people and communities. We believe this is achievable and have provided examples on page 3 of our cover letter.</p>	<p>(1) The Minister must set human health limits for attributes within each of the following domains:          (a) freshwater:          (b) coastal water:          (c) land and soil:          (d) air;  <u>(e) natural hazard risk.</u></p>
<p>221 Overview of the responsibilities of regional councils</p>	<p>(1) Every regional council must enable and regulate the use, protection, and enhancement of the natural environment within its region.          (2) In undertaking its responsibilities under <b>subsection (1)</b>, a regional council must regulate and manage the</p>	<p><b>Support with amendments</b></p>	<p>We support regional councils having a responsibility to manage natural hazard risk. We recommend removing the specific reference to 'natural resources' to broaden the scope of matters that natural hazard risk could relate to and not limit it to natural resources only.</p>	<p>The following amendment is made:          (2) In undertaking its responsibilities under <b>subsection (1)</b>, a regional council must regulate and manage the matters specified in this subpart in relation to the following:</p>

<sup>3</sup> Expert Advisory Group on Resource Management Reform. (2025). *Blueprint for resource management reform: A better planning and resource management system*. Ministry for the Environment. <https://environment.govt.nz/assets/publications/Final-EAG-Report.pdf>

	<p>matters specified in this subpart in relation to the following: [...] (e) natural hazard risks as they relate to natural resources:</p>		<p>Restricting councils to focus to natural resources means that the full range of risks is not considered. In some instances, it is also impractical to consider the risks of natural hazards on natural resources as this is difficult to control, for example the effect of earthquakes on land. This recommended change also supports our proposed amendments to Goal 11(e).</p>	<p>[...] (e) natural hazard risks <del>as they relate to natural resources:</del></p>
<p>222 Functions of regional councils</p>	<p><i>Planning and related functions</i> (1) Every regional council has the following functions: .... (d) regulating and managing effects in accordance with subpart 1 of Part 2; and (e) any other functions or responsibilities specified in this Act or in the Planning Act 2025.</p> <p><i>Functions relating to fisheries</i> (3) A regional council and the Minister of Conservation may perform the functions set out in <b>subsection (3A)</b> to control aquaculture activities so as to avoid, minimise, or remedy the effects of aquaculture activities on fishing and fisheries resources. (4) The functions referred to in <b>subsection (3)</b> are the control of— ... (f) any actual or potential effects of the use, development, or protection of land, including avoiding or mitigating natural hazards:</p>	<p><b>Support with amendments</b></p>	<p>We support the functions of regional councils including regulating and managing effects in accordance with subpart 1 of Part 2. This requires natural hazards to be managed through a risk-based approach, which can reduce the impacts of events.</p> <p>The specificity of (f) being included in relation to fisheries is confusing, unless it is for structures and associated development of fishery infrastructure. We recommend this clause is deleted, as natural hazard management is included through the (1)(d).</p>	<p>That clause (4)(f) is either clarified in relation to fisheries or deleted.</p>

Comments specific to the Planning Bill				
Provision	Description	Support/ oppose/ propose	Justification	Recommendation
11 Goals	(h) to safeguard communities from the effects of natural hazards through proportionate and risk-based planning:	<b>Support with amendments</b>	<p>We support the use of risk-based planning, with a definition (see above) included to support its understanding and implementation.</p> <p>Provided our recommendation (on page 5) to include a risk-based planning definition is accepted, we recommend simplifying the wording of the goal to make the intention clearer, to emphasise the use of the risk-based planning, and to remove 'effects'.</p> <p>A risk-based approach is inherently proportionate as it considers strategies for risk management in relation to the likelihood and consequences of a natural hazard. Explicitly referencing "proportionate" and "effects" in this goal is redundant and potentially confusing, and may weaken the intent of risk-based planning.</p> <p>We also recommend removing reference to 'communities' as this provides a narrow focus for the goal. It implies that only effects to people needs to be considered. This is in contrast with the provided definition for natural hazards, which includes 'human life, property, and other aspects of the environment'.</p> <p>Changing the goal to focus on managing natural hazards rather than managing effects provides a solution to concerns outlined in the Randerson Review<sup>4</sup>. This Review stated that "the effects-based orientation of the RMA framework is a poor fit for risk management methods. This is because managing risks requires a proactive approach rather than a focus on the effects of activities. There is also no clear framework for how decision-makers should consider risk in the RMA, and the meaning of 'risk' is not defined, which further hinders development of a clear policy approach" (p.171).</p>	<p>The following amendment is made:</p> <p>(h) to <u>reduce the impacts of safeguard communities from the effects of natural hazards through proportionate and on people, property and communities through risk-based planning:</u></p>
14 Effects outside the scope of this Act	(1) A person exercising or performing a function, duty, or power under this Act who is considering the effects of an activity must disregard—	<b>Support with amendments</b>	<p>We support the inclusion of (2), so that this provision does not restrict the management of natural hazards. The considered layout of buildings on a site is essential to reduce risks from natural hazards, for example to avoid an</p>	<p>The following amendment is made:</p> <p>(2) This section does not restrict the management of—</p>

<sup>4</sup> Resource Management Review Panel. (2020). *New directions for resource management in New Zealand: Report of the Resource Management Review Panel*. Resource Management Review Panel. <https://environment.govt.nz/assets/Publications/Files/rm-panel-review-report-web.pdf>

	<p>(a) the internal and external layout of buildings on a site (for example, the provision of private open space);</p> <p>(f) the following matters:</p> <p>(i) the type of residential use; and</p> <p>(2) This section does not restrict the management of—</p> <p>(e) the effects of natural hazards.</p>		<p>active fault; or a primary overland flow path; or an area of land instability.</p> <p>However, we suggest that the wording is amended to provide more clarity and to support a risk-based approach to natural hazards.</p>	<p>(e) the effects of natural hazards <u>risks</u>.</p>
20 Certain existing land uses allowed	<p>(3) Subsections (1) and (2) do not apply to a use of land if –</p> <p>(a) the use has been discontinued for a continuous period of more than 12 months at any time after the rule came into force unless an extension granted under section 21 applies; or</p> <p>(b) any reconstruction, alteration, or extension of or to any building increases the extent to which the use contravenes the rule; or</p> <p>(c) the use is of the surface of water in a lake or river</p>	<b>Support with amendments</b>	<p>It is important to balance the protection of existing land use rights with other objectives, as the exceptions in sub-clause 20(3) aims to do. We propose to add one further exception to this sub-clause in relation to natural hazard risk.</p> <p>In our view, it is important that existing land use rights can be extinguished in exceptional circumstances where it is necessary to do so to avoid, mitigate or adapt to any existing or future natural hazard risk to people, property or infrastructure.</p> <p>For example, where a local authority needs to construct or extend protection against natural hazards (e.g. stop banks), it should be possible for that local authority to take steps to extinguish existing land use rights to accomplish that goal. Another example is where the land use has become unsafe or is at risk of future natural hazard impacts that may threaten the life or safety of the occupiers or impact the property.</p> <p>Any such exception would need to be carefully framed to ensure that existing use rights are only extinguished where it is reasonably necessary and feasible to do so, in accordance with a transparent and efficient process, noting that Māori land may need to be excluded from such an exception.</p>	<p>Add a new sub-clause under clause 20(3) that existing land use rights can be extinguished if:</p> <ul style="list-style-type: none"> <li>the land is reasonably required by a local authority or other public entity to mitigate, adapt to, or avoid natural hazard impacts to people, property or infrastructure</li> <li>the land is at significant risk of future natural hazards and redevelopment should be avoided</li> </ul> <p>Any such mechanism should be narrowly confined and accompanied by clear safeguards, including:</p> <ul style="list-style-type: none"> <li>application only where there is demonstrable and significant risk to life;</li> <li>a transparent evidential basis drawing on nationally consistent hazard information; and</li> <li>a limited purpose focused on enabling risk-reduction works or preventing re-occupation or redevelopment in intolerable-risk areas.</li> </ul>
81 Provisions in land use plan	<p>(1) A land use plan—</p> <p>(a) must include objectives, policies, and rules; and</p> <p>(b) must include a relief framework if required by <b>section 92</b>; and</p> <p>(c) may include methods; and</p> <p>(d) may include designations in accordance with <b>Schedule 5</b>.</p> <p>(2) A land use plan may incorporate material by reference in the prescribed manner.</p>	<b>Support with amendments</b>	<p>We recommend this provision requires land use plans to give effect to the goals in the Planning Bill, to the extent that it hasn't already been given effect to in a higher order instrument (i.e. national policy direction, national standards or special plans). A requirement like this will ensure that the goals are given effect in one of the key instruments listed in section 12(1) of the Planning Bill. Our proposed wording ensures that land use plans are not just procedural documents but actively implement the strategic intent of the legislation.</p>	<p>The following amendment is made:</p> <p>(1) A land use plan—</p> <p><u>(a) must give effect to the goals in <b>Section 11</b>, unless it has already been given effect by one of the key instruments listed in section 12(1)(a) – (c); and</u></p> <p><del>(b)</del> <u>(b)</u> must include objectives, policies, and rules; and</p> <p><del>(c)</del> <u>(c)</u> must include a relief framework if required by section 92; and</p> <p><del>(d)</del> <u>(d)</u> may include methods; and</p> <p><del>(e)</del> <u>(e)</u> may include designations in accordance with Schedule 5.</p> <p>(2) A land use plan may incorporate material by reference in the prescribed manner.</p>

150 General requirements before conditions may be included	(4) This section does not limit <b>section 38</b> (permitted activity standard), <b>section 36</b> (rules relating to restricted discretionary activities), <b>section 37</b> (rules relating to discretionary activities), <b>section 30</b> (meaning of rule), <b>section 146</b> (consent may be refused or granted with conditions if risk from natural hazards etc.), or <b>Part 1 of Schedule 7</b> (further provisions relating to conditions of subdivision consents).	<b>Support</b>	We support the risks from natural hazards being included in this clause.	Retain as proposed.
184 Overview of responsibilities of territorial authorities	(1) Every territorial authority must enable and regulate the use and development of land within its district, including subdivision and activities on the surface of water bodies. (2) In undertaking its responsibilities <b>subsection (1)</b> , a territorial authority must regulate and manage the following matters: [...] (d) effects of natural hazards as they relate to land use:	<b>Support with amendments</b>	We recommend amending this wording so that it applies to natural hazard risks rather than just the effects of natural hazards on land use. Replacing effects with risks allows for a risk-based approach to be taken (as per Goal 11(h)). It also allows for not just effects [sic] of natural hazards on land use, but also how land use affects natural hazards.	The following amendment is made: <del>(d) effects of natural hazard risks; s as they relate to land use:</del>
185 Functions of territorial authorities	(1) Every territorial authority has the following functions: <i>Planning and related functions</i> [...]	<b>Support with amendments</b>	We recommend adding an additional provision that requires councils to develop a 'pre-event land use plan'.  A pre-event land use plan is a document that can be prepared by councils to identify what land uses and planning provisions may need to change, or adapt after a natural hazard event, to enable a faster, more efficient recovery. The benefits of having a pre-event land use plan include: <ul style="list-style-type: none"> <li>• reducing consultation time after an event as consultation with Māori and other stakeholders would have been completed at the time of preparation of the pre-event land use plan; and</li> <li>• avoid unnecessary delays to recovery, as the pre-event land use plan would have tested and set expectations for what regulations and changes would be required; and</li> <li>• Reducing the financial burden of a longer recovery times.</li> </ul>	A new sub-clause (d) be inserted in addition to the existing sub-clauses:  <u>(d) making and maintaining a pre-event land use plans, that includes—</u>  <u>(i) Natural hazard risks within the region (including an assessment of likelihood and consequence); and</u>  <u>(ii) what land use planning changes may need to change after a natural hazard event; and</u>  <u>(iii) a risk tolerance assessment; and</u>  <u>(iv) planning options for land use recovery.</u>
187 Further monitoring requirements	(2) A territorial authority must also keep, in reasonably accessible form at all of its offices, the information relevant to administering its plan, monitoring resource consents applying in the district, and current issues relating to the environment, so that members of the public—	<b>Support with amendments</b>	We support requiring councils to share information about natural hazards as this supports risk-based decision-making. We recommend that clear guidance is developed about the 'duties' of the public to ensure the consistent application of this provision.  It is not clear if the 'functions and responsibilities' also include council responsibilities for natural hazard risk	Provide guidance about public 'duties'.  Provide clarity about whether the interpretation of 'functions and responsibilities' applies to other Acts.

	<p>(a) are better informed of their duties and of the functions and responsibilities of the territorial authority; and</p> <p>(b) are able to participate effectively under this Act. [...]</p> <p>(h) records of natural hazards, to the extent that the territorial authority considers appropriate for the effective discharge of its functions and responsibilities; and</p>		<p>management under the Local Government Official Information and Meetings Act 1987 (via the LIM process), where territorial authorities are required to provide natural hazard information “to the extent that is known to the territorial authority”. We recommend providing more clarity and consistency between legislation for consistent application of rules and policies.</p>	
<p>Schedule 3 Further provisions relating to plans Part 3 Legal effect of rules in proposed plan 58 When rules in proposed plans have legal effect</p>	<p>(2) A rule in a proposed plan that is notified for public submissions has immediate legal effect if—</p> <p>(a) a national standard provides that the rule will have immediate legal effect; or</p> <p>(b) for a proposed land use plan only, the rule— [...]</p> <p>(ii) relates to natural hazards; or</p> <p>(c) for a proposed natural environment plan only, the rule— [...]</p> <p>(v) relates to natural hazards.</p>	<b>Support</b>	<p>We support rules relating to natural hazards having immediate legal effect. This supports effective and timely hazard risk management.</p>	<p>Retain as proposed.</p>
<p>Schedule 7 Further provisions relating to subdivision and reclamation 6 Condition requiring protection against natural hazards</p>	<p>A subdivision consent may include a condition requiring that provision be made, to the satisfaction of the consent authority, for either or both of the following purposes:</p> <p>(a) to protect land that forms part of the subdivision against natural hazards, or any risks of natural hazards, from any source;</p> <p>(b) to protect any other land against natural hazards, or any risks of natural hazards, that arise, or are likely to arise, as a result of the subdivision.</p>	<b>Support with amendments</b>	<p>This provision suggests that hard engineering approaches will be prioritised and implemented to manage natural hazards. While hard engineering can be used to mitigate natural hazard risk in some circumstances, they can require ongoing maintenance costs and result in residual risk. Other approaches should be considered and, in some cases, are more appropriate. An additional provision should be added to ensure any residual risks are not significant.</p>	<p>The following amendment is made:</p> <p><u>(c) residual risk from any provisions to protect against natural hazards can be managed.</u></p>