Planning Bill

Government Bill

As reported from the Environment Committee

Commentary

Planning Bill recommendation

The Environment Committee has examined the Planning Bill and recommends by majority that it be passed. We recommend all amendments by majority.

Natural Environment Bill recommendation

The Environment Committee has examined the Natural Environment Bill and recommends by majority that it be passed. We recommend all amendments by majority.

Introduction

The Planning Bill (PB) and the Natural Environment Bill (NEB) would together replace the Resource Management Act 1991 (RMA) system. Both bills are omnibus bills that amend more than one Act.

The PB and the NEB have been designed to work together but have clear and distinct purposes. The PB aims to establish a framework for planning and regulating the use, development, and enjoyment of land. The NEB aims to establish a framework for the use, protection, and enhancement of the natural environment.

Committee process

We were referred both bills on 16 December 2025. Due to their interrelated nature, we decided to consider the two bills jointly. This involved one call for submissions, public hearings that traversed both bills at the same time, and receiving advice on both bills concurrently.

Consequently, we have prepared one commentary to explain our recommended changes and appended it to the revision-tracked version of each bill.

Advisers

We appointed the Ministry for the Environment as our departmental adviser on the two bills. We note that the ministry ceased to exist on 1 July 2026, and its functions transferred to the Ministry of Cities, Environment, Regions and Transport, which then continued to advise us. For ease of reference, we refer to them as the Ministry for the Environment throughout this commentary.

In addition, we appointed two independent advisers. The Parliamentary Commissioner for the Environment (PCE) advised us on areas within his expertise. The PCE is an independent Officer of Parliament, with broad powers to investigate and advise on environmental management issues, with a view to maintaining or improving the quality of the environment. The current Parliamentary Commissioner is Rt Hon Simon Upton.

We also sought independent advice from Bronwyn Carruthers KC, specifically on the purpose statements of the bills, the goals, and regulatory relief, and some specific questions about provisions relating to Treaty settlements.

Main features of the new system

The PB and the NEB are designed to create a new planning and environmental management system. Where the RMA covered these matters together, the bills separate them out. However, there is much content shared between the bills, and each bill relies on the content and processes of the other.

The system the bills would create operates like a "funnel". Each level of the system is designed to implement the level above it. In basic terms the levels are as follows:

- Purpose—each bill has a purpose statement.
- Goals—each bill has a set of goals that provide more information about the purpose.
- National instruments—a national policy direction for each bill would particularise the goals and resolve any conflicts between different goals. National standards would ensure procedural and administrative consistency nationwide.
- Regional combined plans—would be made up of:
    - a regional spatial plan
    - a natural environment plan
    - district-level land use plans.

Natural environment plans and land use plans would both be responsible for setting out how regional spatial plans would be implemented. There would be opportunities for engagement at several levels of the "funnel", including requirements to consult Māori.

Consents for land use activities would be managed under the PB, and permits for use of natural resources would be managed under the NEB. Activity classification would be split into four categories: permitted, restricted discretionary, discretionary, and prohibited activities.

Designations, compliance and enforcement, financial assurances, duties and restrictions, and subdivision would follow similar approaches to the RMA. New features of the system the bills would introduce include:

- more ministerial influence—national instruments would give Ministers a more active role in shaping the system
- greater use of regulations—primarily in the development of national instruments, but also for administrative and operational matters
- a new regulatory relief regime—councils would be required to provide relief to landowners if they are significantly adversely affected by certain planning controls
- a Planning Tribunal—this would be used in addition to the Environment Court to resolve lower-level disputes.

About this commentary

We propose extensive amendments to the bills. Many are technical in nature and focus on improving the bills' workability rather than signalling significant policy changes to the bills as introduced. This reflects the technical nature of the bills and the submissions we received. The commentary does not discuss every proposed amendment in detail; instead, we chose to focus on the most notable changes. In places, we have also included discussion of some amendments we considered but are not recommending.

Commentary structure

Rather than working through the changes sequentially by clause number, we have approached this commentary thematically by topic. Some themes only appear in one of the bills. Within each theme, we have explained in detail the changes that we consider most significant or noteworthy. We clearly signal which parts of each bill our proposed amendments relate to.

For brevity, we cover less significant changes in a table under the relevant theme. The table lists the bills' clause numbers as introduced, with a brief description of what the clause and our proposed amendment would do. We also provide a reference to the advice we received from the Ministry for the Environment that informed each amendment. Unless stated otherwise, our rationale for adopting the change is in line with the advice provided.

We hope our approach assists the House and the public in understanding our proposed amendments to the overall reform package in a more cohesive way.

The themes we discuss appear in the following order:

- Overarching themes
- Preliminary provisions
- Foundations
- Māori interests and Treaty provisions

- Māori interests and Treaty provisions
- Effects management
- Duties and restrictions
- Activity classes
- Environmental limits
- National instruments
- Regional spatial plans
- Plans and plan making
- Independent hearings panels
- Transition
- Regulatory relief
- Coastal matters
- Freshwater farm plans
- Consenting and permitting
- Notification, submissions, and hearings
- Allocation
- Central and local government functions
- Designations
- Subdivision
- Environment Court and Planning Tribunal
- Compliance and enforcement
- Financial assurances
- Levies
- Emergency works
- Regulations
- Wildlife approvals
- Amendments to other legislation
- Other matters.

Differing views can be found at the end of our commentary, before the appendices.

Reference material

Commonly used acronyms are defined in the relevant sections. However, we have appended a glossary for easy reference. (Appendix B.)

Where we have not provided a detailed explanation of a proposed change, we have included a reference to where further information can be found. We include a guide to these references and all the advice we received in Appendix C.

Overarching themes

This first section examines some of the overarching themes of our consideration. We are not proposing recommendations to the basic structure of the system. However, because we spent considerable time discussing the matters set out below, we wish to present some of our overall views.

Coordination between the bills

Each bill sets out how the "domains" it is responsible for would be treated. The PB would manage the use of land and activities on the surface of water, while the NEB would manage natural resources, including air, water, indigenous biodiversity, and the coastal marine area.

Despite their separate domains, the bills interact in several ways. These include:

- through national policy directions
- through regional spatial plans
- in administrative and procedural ways, such as plans being prepared jointly and joint hearings for consents.

Submitters expressed concern that the bills were insufficiently integrated with each other, and that separating the system would create structural issues and incoherence. For example, they argued that there is no clear statutory mechanism to resolve conflicts between the two bills. Several local authorities also requested that we insert explicit provisions relating to cross-referral, joint processing, shared information requests, joint hearings, and aligned time frames.

The Parliamentary Commissioner for the Environment (the PCE) provided robust feedback along similar lines, writing "while the Bills pretend that [the domains] can be treated as distinct and separate matters, they cannot in the real world be managed without reference to one another." Both the PCE and Bronwyn Carruthers KC told us that they could not find any stated rationale underpinning the Government's original decision to opt for the "two bills approach".

We echo the desire to streamline administration of the new system. We have proposed amendments throughout both bills to better align provisions and, in our view, improve the coherence of the overall system. The Ministry for the Environment has provided extensive advice detailing the careful design choices that underpin the various interactions between the bills.

Ultimately, the majority of us concluded that the "two bills approach" will promote a simpler system that would:

- allow targeted national instruments for each regime, and clearer roles for central and local government
- enable, but not mandate, coordinated and concurrent functions, while maintaining clear accountability under each piece of legislation
- create a more accessible system for users.

"Funnel" structure

The bills are designed to operate like a "funnel", with each level of the system designed to give effect to the one above it. For example, the national instruments would be implemented through the regional spatial plans, which in turn would be implemented through the land use and natural environment plans. Although the bills do not use the "funnel" phrase (apart from in the explanatory notes), we have found it a useful way to think about how the system would operate.

Standardisation

One of the reasons for implementing a top-down "funnel" is to deliver greater standardisation. Many submitters commented on the tension between national standardisation and the need for local flexibility. Some representative Māori groups expressed concern that standardised national rules could override tikanga-based approaches specific to their rohe. Many councils shared similar concerns about local needs and knowledge being deprioritised over a national approach. Submitters also suggested that bespoke plan provisions would effectively be discouraged by being hard to obtain.

The PCE is supportive of standardisation, particularly in urban areas. However, his view is that the system would not allow for enough bottom-up input. Most engagement would occur at the top of the "funnel", when the Minister creates national instruments. The PCE considers it good to have input early in the system, but thinks local-level input later on is equally important. He advised of the utility of operational management tools, such as freshwater farm plans. We discuss the PCE's advice regarding freshwater farm plans in more detail later.

These bills would introduce the ability for greater national standardisation to be directed through national instruments. The system is intended to be more efficient and consistent for users and local authorities. With the proposed system's enablement of bespoke provisions and public participation, we consider that it strikes the appropriate balance between top-down direction and bottom-up engagement.

System stability

Bronwyn Carruthers KC, an independent adviser, spoke about how a change at the top of the system, in the national instruments, would lead to changes in the rest of the system. The PCE noted that leaving the system direction to the discretion of the Minister, as proposed in the bills, has "the potential for endless churn following every change of government and resulting in uncertainty for system users." We discuss the PCE's suggestions for national instruments in that section.

We acknowledge the potential for instability in the system if a Minister were to set a different direction from their predecessor. However, we consider this to be a political decision and something a Minister would have to keep in mind, in addition to the legislated requirements, when developing any new national instruments.

Use of secondary legislation

The PB and the NEB would place more reliance on secondary legislation than the RMA does. This reflects the complexity of the planning and environmental management system, as well as lessons learnt from the RMA. Regulations should allow for more flexibility and adaptability. Regulations would be used to provide more technical detail and to allow rules to be updated over time. The use of national instruments would allow the government of the day to set direction for the system.

We note that in recent years the Parliamentary Counsel Office, which drafts legislation, has moved to including more operational and administrative matters in secondary rather than primary legislation across the board.

We received submissions that broadly supported the top-down "funnel" system proposed. However, they observed that much of the system's effectiveness would depend on instruments that are yet to be developed. It is therefore difficult to assess whether the new system would achieve its intended outcomes.

The Regulations Review Committee wrote to us about regulation-making powers in the bills. We will cover the specifics in the relevant sections. The committee commented in particular on the delegation of legislative power to Ministers for the setting of national instruments.

Our section on "Regulations" details the dedicated regulation-making powers in the bills. There are other powers throughout the bills that we discuss alongside their relevant subject matter.

Environmental protections

Submitters consistently expressed concern that the bills would weaken environmental protections compared to the RMA. They argued that many elements of the system would lead to poorer environmental outcomes because there are fewer clear, enforceable, and durable safeguards. Many were disappointed by what they saw as a lack of ambition to improve the natural environment. A central criticism was targeted at the environmental limits framework, which we cover in its own section.

The PCE is critical of the way the bills approach environmental protections. He considers that the framework for setting environmental limits may not result in any meaningful limits being set. The PCE provided advice that discussed approaches to the protection of indigenous biodiversity. One of the principles he advocates for is taking a holistic approach. He told us that the RMA attempted to do this through sections 6(c) and 17. The PCE is concerned that the proposed system "could potentially return us to the pre-RMA situation where the law doesn't address biodiversity as a whole".

The majority of us consider that the measures to protect the natural environment remain the same or similar to the RMA. However, the way the system is designed may affect the level of protection. There is intentionally greater flexibility in the level of environmental protection compared to the RMA—this could mean higher or lower

levels of protection. The system would rely on the Minister to provide the appropriate amount of protection through national instruments.

Transition

We have a separate, detailed section on matters related to transitioning from the RMA to the new system. That said, transition is relevant to all aspects of the bills, and prompted particular debate for us on regional spatial plans and regulatory relief.

Preliminary provisions

PB clauses 3–10; NEB clauses 3–10

(DR3 recommendations 1–12)

The first clauses of both bills set out the interpretation and purpose. Together these preliminary provisions form the initial building blocks of the system. We have some notable recommendations to the purpose clauses.

Interpretation

PB clause 3; NEB clause 3

(DR3 recs 4–6, pp 41–43)

The interpretation clause defines terms used in each bill. We propose no major policy changes to the interpretation clauses, but propose changes to make them clearer and align the bills.

We recommend the following amendments to definitions:

- "built environment"—include the surface of water in the coastal marine area.
- "natural resources"—include that:
    - the management of land under the PB does not restrict land from being a natural resource
    - the description of natural resources is exhaustive and complete
    - humans are not a natural resource.
- "bed"—specify that methodologies for identifying the bed of braided (and other wandering) rivers can be set in national standards.

Definition of "infrastructure"

We also recommend inserting a definition of "infrastructure" that applies to the whole of both bills, rather than just designations. A definition is required that is flexible enough to apply in multiple contexts. We achieve this by reference to the services and public good outcomes that infrastructure provides to people and communities, rather than promoting an exhaustive list of different types of infrastructure.

We discussed whether the definition would include "green infrastructure". This term is used to refer to a system or network that fuses natural and built elements with the aim to improve resilience and reduce negative effects on the environment. We wish to ensure that green infrastructure is captured in the definition of "infrastructure". We

recommend specifying infrastructure that includes a natural feature that is modified to perform certain functions is also "infrastructure" for the purposes of these bills.

Further amendments to the interpretation clauses are discussed under the theme that the definition relates to.

Purpose

PB clause 4; NEB clause 4

(DR3 rec 8, p 47)

Most modern legislation contains a purpose clause that explains the bill's overarching aim. The purpose clauses of these bills state that they are intended to:

- PB—establish a framework for planning and regulating the use, development, and enjoyment of land
- NEB—establish a framework for the use, protection and enhancement of the natural environment.

Many submitters expressed concern that these clauses do not clearly set out what the bills actually seek to achieve. They also commented that the purposes are conceptually different and it is difficult to understand how they would integrate with each other.

We note that each bill also contains a "goals" clause (clause 11). The goals define the outcomes that the system in each bill aims to achieve, and the intent of the bills is that these goals will be further detailed in national policy direction issued by the Minister.

Bronwyn Carruthers KC, an independent adviser, noted that, as introduced, the purpose of the bills appears to be limited to "establishing a framework". She noted that almost all subsequent provisions refer to the goals clauses, rather than the purpose clauses. Therefore, she advised, the role of the purpose clauses would likely be limited. Ms Carruthers suggested we amend the purpose statements to explain how the overall system is intended to operate, and how each bill's framework and implementation would relate to the other. The PCE provided similar advice, commenting that "they are purpose clauses that have no purpose". He provided drafting options for each purpose clause that included cross-references to the other bill.

Our majority view is that the goals provide sufficient detail to explain the policy objectives of each bill, so we do not consider that wholesale change is needed to the purpose statements.

Proposed amendment

As introduced, the PB's purpose is to "establish a framework for planning and regulating the use, development, and enjoyment of land." We recommend amending this clause to make it clearer that enjoyment of land is the key element: "to provide for the enjoyment of land by establishing a framework for planning and regulating the use and development of land." We acknowledge the PCE's concerns that "enjoyment of land" is subjective and ideological. He warned of unintended consequences of this language being included in the purpose clause.

Some of us also proposed amending the purpose clauses to include a reference to "benefitting current and future generations". The Ministry for the Environment informed us that the Minister could consider including such a reference in national instruments.

Act binds the Crown

PB clause 6; NEB clause 6

(DR3 recs 10–11, p 48)

Clause 6 of each bill describes how compliance and enforcement mechanisms would be applied to the Crown. The bills contain specific exemptions for national security, certain conservation activities, and corrections facilities. These are equivalent to existing provisions in the RMA.

Proposed amendments

We note that the equivalent section of the RMA provided an exemption (with appropriate safeguards) for work undertaken by the Department of Conservation on conservation land. This provision was not properly replicated in the bills as introduced.

We recommend amending NEB clause 6(3) to exempt Crown activities on public conservation land from land use controls in NEB clause 17(1). This exemption would still require the Department of Conservation, on behalf of the Crown, to act in line with conservation plans and cause no significant adverse effects beyond the boundary of an area of land. We also propose amending PB clause 6(3) (also for Crown land use activities on public conservation land) to make it clear that exempt activities do not include designations under clause 17(2) or overflying aircraft under clause 17(3).

Foundations

PB clauses 11–13; NEB clauses 11–13

(DR3 recommendations 13–30)

The foundations of how the system would work are set up in Subpart 1 of Part 2 of each bill. This includes the goals, decision-making processes, procedural principles, and effects management. We discuss effects management in its own section.

Goals

PB clause 11; NEB clause 11

(DR3 recs 13–28, pp 49–67)

Each bill contains a list of separate and distinct goals which its framework would aim to achieve. All people exercising or performing functions, duties, or powers under each bill must seek to achieve the goals. For example, there are goals in the PB to enable the use and development of land, while ensuring that land use would not unreasonably infringe on others. In the NEB, there are goals to enable the use and development of natural resources while safeguarding the life-supporting capacity of resources and ecosystems. Both bills have the same goal relating to Māori interests.

The goals are designed to have no hierarchy. Clause 12 of both bills is important when considering the goals. It details how they interact with other key decision-making instruments. The Minister would particularise the goals in national instruments and determine how to resolve any conflicts between them.

Role of the goals

PB clauses 11–12; NEB clauses 11–12

(DR3 rec 13(a), p 51)

Submitters were generally in favour of a set of legislative goals, and many supported the intent and general direction of the goals as introduced. However, they also argued that the goals are too broad, undefined, and aspirational.

Like submitters, the PCE said that the goals are descriptive and do not set a clear legislative direction. He also noted that clause 12 limits the regard that can be given to the goals. For example, clause 12(3)(c) says that people "must not consider a goal directly" in specified circumstances, despite the overarching requirement that they "must seek to achieve" the goals. He expressed concern that unclear application of vague goals would create interpretation issues for decision makers, courts, and system users.

We were also advised, by the PCE and Bronwyn Carruthers KC, that the goals would only have meaning if given proper effect to in national instruments. Using the "funnel" analogy, they noted that once national instruments are set in place at the top of the "funnel", there would be very few situations in which lower-order instruments or decision makers would refer to the goals directly.

We appreciate the feedback from submitters and our advisers. However, we consider that the goals are an important feature of the bills, alongside the bills' purpose statements. The goals are designed to be primarily relevant to the Minister, and act as guardrails for setting national instruments. Once national policy direction is set, lower-order instruments would predominantly give effect to those directions (unless the subject matter of a goal is unclear or not covered by a higher-order instrument). Consequently, we do not recommend substantial changes to the role that the goals would play in the system.

We propose an amendment to the chapeau of the goals. We recommend removing the word "duties" from clause 11, so it reads: "All persons exercising or performing functions or powers under this Act must seek to achieve the following goals". This is to make sure the goals do not unintentionally apply to lower-level "duties" in the system.

"Seek to achieve"

PB clauses 11–12; NEB clauses 11–12

(DR3 rec 13(b), p 51)

Some submitters expressed concern about the legal weight of the requirement to "seek to achieve" the goals. For example, they noted that in some circumstances the

goals (or the bills) could conflict with others, and one goal may be achieved at the expense of another. They questioned whether it would be lawful to not achieve a goal, and suggested that the bills should use more directive language.

In our view, the system should be led by the goals, rather than constrained by them. As introduced, the bills acknowledge that not all goals would be able to be achieved at the same time. This is reflected in PB clause 45(2)(b) and NEB clause 69(2)(b): when making national instruments "not all goals need to be achieved in all places at all times". To better reconcile the requirement to seek to achieve the goals with the recognition that not all goals would need to be achieved in all places at all times, we recommend moving the provision in PB clause 45(2)(b) to clause 11(1A) and NEB clause 69(2)(b) to clause 11(2). It means that "all persons exercising or performing functions, or powers" under the bills would not be required to seek to achieve all goals at all times. Previously, this only related to the Minister when setting national instruments.

Hierarchy of the goals

PB clauses 11–12; NEB clauses 11–12

(DR3 rec 13(c), p 51)

Many submitters proposed inserting a formal hierarchy or clear legislative process for resolving conflicts between goals. Some expressed concern that inconsistencies in the language of the bills appeared to give more weight to some goals over others.

In our view, the bills should contain no hierarchy between the goals. The Minister, through national policy direction, would set out how conflicts between goals are addressed.

We recommend adding "the order in which the goals appear […] does not assign their order of importance" to clause 11 of both bills to make it clear that there is no hierarchy. We also recommend wording changes to any goals that could be interpreted as giving a goal more or less weight than others. For example, "to enable infrastructure" rather than "to plan and provide for infrastructure" in PB clause 11(1)(e).

Proposed amendments to specific goals

PB clause 11; NEB clause 11

(DR3 recs 14–27, pp 52–65)

We received many suggestions from submitters to amend or add to the goals. For example, several recommended that climate mitigation, climate adaptation, and emissions reduction should be included. Others suggested goals that generally reflected their particular interests, for instance Fish and Game New Zealand requested that recreation, public access, and the protection of habitats for sport fish and game birds be included. The New Zealand Archaeological Association sought the inclusion of historic heritage in the NEB's goals.

We acknowledge that not every topic is covered in the goals. We recommend the amendments below to improve and clarify the existing goals. We also recommend adding a goal to the NEB.

- PB clause 11(1)(d)—The policy intent is to promote competitive urban land markets, to unlock housing and business development. The existing goal aims to "meet current and expected demand". In our view, competition is better served by creating abundant development opportunities and propose amending the goal accordingly.
- PB clause 11(1)(e)—This goal aims to "plan and provide for infrastructure to meet current and expected demand". In our view, "plan and provide for" is vague and should be made more definitive. We also consider that the goal should explicitly refer to future demand to promote longer-term thinking. Finally, we note that many submitters expressed concern at the lack of a consistent definition of "infrastructure". We discussed our recommended definition above.
- NEB clause 11(1)(a)—This goal aims to "enable the use and development of natural resources". Submitters recommended removing the reference to environmental limits to avoid inconsistency with later provisions that enable limits to be breached in certain circumstances. We note the PCE's concern that removing this reference could imply that the goal promotes unfettered development, and his reflection that development will always be constrained by biophysical factors. However, we consider that including environmental limits in this clause would imply a hierarchy of goals, which is not the intent.
- NEB clause 11(1)(a)—Many primary sector submitters argued that the goals do not adequately recognise food and fibre production, and recommended goals to promote specific primary industries. We recommend adding "including for the production of food and fibre (including aquaculture)", as an example of an activity that this goal would support. Our intention is to acknowledge the national importance of food and fibre production. However, we do not consider it necessary or desirable to promote every specific primary industry, and note this aligns with the PCE's advice against referencing specific sectors and not others. We also considered whether it would then be necessary to define "food and fibre" in the legislation. We concluded that the natural meaning of these words is sufficient (although, for completeness, we state here that we intend a broad interpretation that includes arable, dairy, forestry, horticulture, viticulture, aquaculture, meat and poultry, bees, wool, fisheries, and processing).
- NEB new clause 11(1)(ca)—We also propose adding a goal "to support and enable enhancement of the natural environment". We agree with submitters who said that the bill does not sufficiently provide for restoration or enhancement of the natural environment, which would create a disconnect between the goals and the NEB's purpose statement.
- PB clause 11(1)(h) and NEB clause 11(1)(e)—These goals relate to natural hazards. The PB aims to "safeguard communities from the effects of natural

hazards through proportionate and risk-based planning". The NEB aims to "manage the effects of natural hazards associated with the use or protection of natural resources through proportionate and risk-based planning". Submitters expressed concern that these similar issues, being addressed in different ways under each bill, could result in inconsistency. We agree that responsibilities should be split more clearly across the bills in line with their purposes, and recommend amending these clauses accordingly. We also wish to make it clear that the focus should be to manage natural hazard risks, rather than managing the effects of natural hazards. This would more clearly signal that decisions should consider both how likely hazards are to occur and how serious their effects would be. We recommend amending these clauses accordingly.

Decision making (the "funnel")

PB clause 12, NEB clause 12

These clauses are functionally identical and set out key instruments and decision-making processes in each bill. These clauses establish the "funnel" approach we mentioned earlier and explain how it would work. For example, clause 12(2)(a) sets out that each instrument must implement the instrument directly above it. Clause 3 of each bill provides the meaning of "key instrument". They would be one of:

- a national policy direction
- a national standard
- a regional spatial plan
- a land use plan (under the PB)
- a natural environment plan (under the NEB).

Procedural principles

PB clause 13, NEB clause 13

(DR3 rec 30, p 71)

These clauses would guide decision making across the system. They are intended to ensure that decisions are clear, timely, proportionate, and evidence based. We recommend some amendments in response to submitter comments, to improve clarity and workability. Specifically, we recommend:

- in clause 13(2)—distinguishing between those principles where a failure to comply would not invalidate the action taken, and those which are intended to have a more active role in decision making
- in clause 13(1)(b)—including the use of consistent processes
- in clause 13(1)(e)—clarifying that the intent of this principle is to require people exercising functions and powers to act in a pragmatic way that supports practical solutions
- in clause 13(1)(eb)—including a new procedural principle that encourages the use of technology, and digital tools and systems

- in clause 13(1)(ea)—including a new procedural principle that requires the setting of conditions in national instruments, plans, permits, consents, or designations to be no more onerous than necessary
- in clause 13(4)—excluding the courts from being required to adhere to the procedural principles.

Māori interests and Treaty provisions

PB clauses 8, 11, 69, 70, 80; NEB clauses 8, 11, 97

(DR3 recommendations 48–67)

Clause 8 of each bill sets out the specific provisions that recognise the Crown's responsibilities in relation to the Treaty of Waitangi/te Tiriti o Waitangi. Both bills include a goal that describes how Māori interests would be provided for in the system:

- Māori participation in the development of national instruments, spatial planning, land use plans, and natural environment plans
- the identification and protection of sites of significance to Māori
- enabling the development and protection of identified Māori land.

These would be further developed and detailed through national instruments.

Designation provisions under the PB would impose specific requirements on decision makers for certain classes of Māori land. This is designed to recognise the importance of those land classes.

Almost all Māori groups who made a submission opposed the bills. They, and others, expressed concerns that the bills' core decision-making framework is narrower than the RMA. Therefore, they think it would not adequately allow for recognition and protection of Māori relationships with ancestral land, water, and other taonga. They argued that the new system would not provide sufficient support for redress arrangements, or upholding planning arrangements established through existing Treaty settlements.

We received extensive advice from the Ministry for the Environment about how Treaty settlements would be upheld. This included a table showing how Māori rights and interests are provided for in these bills compared to the RMA, and to the repealed Natural and Built Environment Act 2023.

We split discussion of this topic into:

- how the bills interact with Treaty settlements
- consultation with Māori
- transition to the new system
- statutory acknowledgements
- the Marine and Coastal Area (Takutai Moana) Act 2011.

We propose some amendments on each topic, the most notable being to include on spatial plan committees someone with an understanding of te ao Māori and Māori development, to better understand Māori perspectives.

Interaction with Treaty settlements

PB clauses 9–10; NEB clauses 9–10

(DR3 rec 54, p 103)

Existing Treaty settlement redress and the Ngā Hapū o Ngāti Porou arrangements can be complex and bespoke, such as Te Ture Whaimana o Te Awa o Waikato | the Vision and Strategy for the Waikato River. Redress can include requirements for statutory acknowledgements, iwi advisory bodies, and regional council governance arrangements. Because these arrangements interact with the structure of the RMA, the Crown must work with post-settlement governance entities (PSGEs) and Ngā Hapū o Ngāti Porou to seek agreement on how Treaty settlement redress or arrangements would operate under the proposed system.

Clause 9 provides that the Crown would work with PSGEs and Ngā Hapū o Ngāti Porou for the first two years from when the bills are enacted to seek agreement on how relevant Treaty settlement redress could be given the same or equivalent effect to the greatest extent possible in the new system. (It should be noted that the bills do not prevent further discussions or agreements being reached after two years.) While agreement would be sought under clause 9, clause 10 would require redress or arrangements to be given the same or equivalent effect as under the RMA until an agreement is reached, to the greatest extent possible in the new system. Clause 10 would not apply to statutory acknowledgements, whereas clause 9 would.

Most submitters expressed opposition to clause 10 because they consider it:

- dilutes or undermines redress during the transition to the new system
- does not sufficiently protect the integrity and durability of, and intent underlying, existing settlements
- places a disproportionate burden on PSGEs to effectively "renegotiate", without guaranteed resource to support this.

Submitters also told us that "to the greatest extent possible under this Act" is vague, and incompatible with "the same, or equivalent effect" given the difference between the RMA's and the bills' frameworks. Local councils also noted that Treaty settlements are made between the Crown and Māori, and argued that it would be inappropriate for councils to be responsible for assessing how to provide the "same or equivalent effect".

Proposed amendments

We acknowledge the uncertainty that some groups may be feeling about transitioning to a new system. However, the majority of us ultimately decided not to propose large-scale amendments to these clauses.

In our view, provisions in clauses 9 and 10 are not intended to diminish the rights recognised in Treaty settlements or the Ngā Hapū o Ngāti Porou arrangements. Reaching agreement about how settlements and arrangements are given effect in a new system would take time, during which the new system would already be operating. The terms "equivalent effect" and "greatest extent possible" are intended to protect Treaty settlements during this transition, while ensuring that these provisions are not interpreted as preserving RMA mechanisms.

We heard from some submitters that it is not clear how clauses 9 and 10 interact. As introduced, clause 10 would cease to apply once an agreement is reached under clause 9, and clause 9 would be repealed two years after the bills' commencement. However, the bills do not specify whether clause 10 would continue to apply if agreement under clause 9 had not be reached before it was repealed.

To provide more certainty for PSGEs and Ngā Hapū o Ngāti Porou, we recommend amending clause 10 so that it continues to apply until an agreement is reached, including after the repeal of clause 9. We also recommend amendments to the following clauses, to address further points raised by submitters:

- Clause 3—Include land acquired as Treaty settlement redress and vested or registered in named ancestors of a settlement group in the definition of "identified Māori land".
- Clause 8—Update this clause so that it contains all provisions in each bill that recognise the Crown's Treaty responsibilities which were missing from clause 8 in the bills as introduced.
- Clauses 9 and 10—Specify that redress under the Māori Commercial Aquaculture Claims Settlement Act 2004 and the Treaty of Waitangi (Fisheries Settlement) Act 1992 is not included as part of Treaty settlement redress or arrangements as defined in clauses 9 and 10.

Consultation with Māori

PB clauses 46, 70, 80, 188; NEB clauses 70, 97, 228

(DR3 recs 55–63, pp 106–114)

Clause 8 of both bills details how the Crown will uphold its responsibilities in relation to the Treaty of Waitangi/te Tiriti o Waitangi. This includes how Māori interests would be considered at different stages of the system through consultation, and through ensuring that relevant authorities have regard to agreements such as statutory acknowledgements or iwi participation legislation.

There was general support for consultation with Māori, and we note that many submitters called for more opportunities to participate in the system beyond consultation.

Requirement for Māori representation on spatial plan committees

PB clauses 69–73

(DR3 recs 56–57, pp 106–108)

Councils would need to agree how to consult with iwi authorities during the preparation of draft regional spatial plans. As introduced, these plans would have to identify and provide for statutory acknowledgements and sites of significance for Māori.

PB clauses 71 to 73 would require local authorities to form a spatial plan committee when preparing a regional spatial plan. Committees must consult iwi and customary marine title groups when preparing draft plans, or changing plans, and have regard to iwi feedback and iwi management plans. The bills contain no requirement for tangata whenua membership on the committee (although appointment of tangata whenua would not be precluded).

Many submitters, including local councils and PSGEs, suggested that the bills should require Māori representation on spatial plan committees to support legitimacy and durability of the planning system.

We agree, and recommend creating a new clause 71 on the appointment of spatial plan committees. This should require spatial plan committees to have at least one member with "knowledge, skill, and experience relating to te ao Māori and Māori development", to address Māori interests in an appropriate way. This approach would align with requirements for expert panels under the Fast-track Approvals Act 2024.

We also recommend relocating PB clause 70 to PB Schedule 2, new clause 9 so it is grouped with other procedural matters. We recommend requiring spatial plan committees to carry out pre-notification consultation with iwi authorities by:

- establishing and maintaining processes to provide opportunities for iwi authorities to be consulted and identify relevant issues of concern
- indicating to iwi authorities how those issues have been or are to be addressed
- providing iwi authorities with drafts sufficiently early to ensure adequate time and opportunity to consider the draft and provide advice on them.

These requirements align with consultation requirements with iwi authorities on land use plans in PB Schedule 3.

Other proposed amendments

As introduced	Description of proposed amendment
PB cl 46 NEB cl 70 (DR3 rec 55, p 106)	These clauses would require the Minister to provide iwi authorities with draft national instruments, and have regard to their advice, before publicly notifying a national instrument. The intent of these clauses is to enable iwi authorities to engage early in the policy process. We recommend making this clearer in PB new clause 57 and NEB new clause 84. We also recommend clarifying that the responsible Minister should have the flexibility to seek advice on either a sufficiently detailed outline of the policy proposals or a draft proposal.
PB cl 188 NEB cl 228 (DR3 rec 59, p 110)	These clauses would require local authorities to maintain records of iwi and hapū in their region or district (such as contact details, planning documents recognised by each iwi authority, a record of any area over which one or more group exercises kaitiakitanga, and any initiated or existing Mana Whakahono ā Rohe).

	As introduced, subclause (6) would restrict councils from using any information collected under each bill for purposes outside that specific bill. However, we recommend an amendment to enable councils to use any information collected under either bill for the purposes of both bills. Our amendment would also state that, with written consent of the relevant party, councils may also use this information for any other agreed purposes.

Transition to the new system

PB clauses 193, 197, Schedule 1, clauses 19–21; NEB clauses 232, 236

(DR3 recs 64–67, pp 115–119)

The RMA contains three key tools for Māori participation in its processes. They include:

- transfers of power from local authorities to iwi authorities
- joint management agreements between local authorities and iwi authorities
- Mana Whakahono ā Rohe agreements.

The PB and the NEB have transitional provisions to carry across existing arrangements. Under PB clauses 193 and 197, territorial authorities would be able to transfer powers or enter into joint management agreements with public authorities. NEB clauses 232 and 236 would provide the same but for regional councils.

For the purposes of these clauses "public authority" does not include iwi authorities or any other type of representative Māori group. Once the RMA ceases to apply at the end of the transition period, there would be no ability for iwi authorities and local authorities to enter into new transfers of power or joint management agreements. There are no provisions for new Mana Whakahono ā Rohe agreements to be entered into either.

We have no major amendments in this area. We consider the bills provide sufficient mechanisms for iwi authorities to work with local authorities.

Proposed amendments

As introduced	Description of proposed amendment
PB cl 193, 197 NEB cl 232, 236 (DR3 rec 64, p 115)	These clauses relate to the ability for territorial authorities and regional councils to transfer powers and enter into joint management agreements. We recommend inserting PB new clause 192A and NEB new clause 231 to define "public authority" in the same way as for joint management agreements and transfers of power.
PB Sch 1, cl 19 (DR3 rec 65, p 117)	This clause sets out how a transfer of power or function by a regional council or a territorial authority would have effect before and during the transition period. We recommend clarifying that clause 19 applies to all transfers of power that exist immediately before the specified transition date.
PB Sch 1, cl 21 (DR3 rec 67, p 119)	This clause sets out how Mana Whakahono ā Rohe agreements that exist or have been initiated before the PB is enacted would have effect. We recommend inserting in Schedule 1, clause 21 and new clauses 21A and 21B that:

	• Mana Whakahono ā Rohe initiated before Royal assent must be negotiated in the transition period in accordance with the provisions of Part 5, Subpart 2 of the RMA (as modified in PB Schedule 11) • new Mana Whakahono ā Rohe cannot be initiated after Royal assent • where negotiations on a Mana Whakahono ā Rohe are not complete before the specified transition date, that agreement will not have effect in the new system • Mana Whakahono ā Rohe that exist immediately before the specified transition date will continue to have effect, through functions in the RMA that relate to equivalent functions under the PB and the NEB • provisions relating to the purpose, guiding principles, amendment, review, monitoring, and contents of Mana Whakahono ā Rohe would continue to apply, with appropriate modifications, to those transitioned into the new system.

Statutory acknowledgements

PB Schedule 12; NEB Schedule 6

(DR1 rec 239, p 285)

A statutory acknowledgement is a record of the Crown's acknowledgment of a group's cultural, spiritual, or historical association with an area of Crown-owned land. Statutory acknowledgments could also be in relation to the coastal marine area. They are included in most Treaty settlements.

In both bills, consent authorities would be required to have regard to statutory acknowledgments when considering who qualifies as affected parties to consents (PB) and permits (NEB). Statutory acknowledgments would be required to be attached to all plans and considered when those plans are being made. Clauses related to these provisions are included in the relevant parts of the bills. PB Schedule 12 and NEB Schedule 6 list Treaty settlement Acts that include statutory acknowledgements. We are only proposing technical amendments to statutory acknowledgements provisions, namely adding any settlement legislation that has been enacted since the bills were introduced.

Marine and Coastal Area (Takutai Moana) Act 2011

PB clause 82–83, 114, 118, 147

(DR1 recs 229–238, pp 271–280)

The Marine and Coastal Area (Takutai Moana) Act 2011 provides for the recognition of customary interests for iwi, hapū, and whānau in the common marine and coastal areas. The Act provides for the participation and involvement of rights holders in resource management processes. The rights under this Act were cross-referenced in the RMA. The PB and the NEB intend to uphold the rights in the Takutai Moana Act in a similar way.

The Takutai Moana Act is incorporated in several places in the bills. For example, when preparing natural environment plans one of the core obligations is to consider customary marine title (CMT) planning documents, as prepared under section 85 of the Act.

Proposed amendments

As introduced	Description of proposed amendment
NEB cl 103 (DR1 rec 231, p 275)	This clause provides that a natural environment plan or proposed plan cannot include a rule that permits an activity that may have an adverse effect on the relationship of a CMT group with their CMT area. We recommend including the following in NEB clause 103 and in PB new clauses 83A and 83B: • a requirement for regional councils to identify in the plan all permitted activities that will, or are likely to, have more than a minor adverse effect on the relationship of a CMT group with their CMT area (listed activities) • a requirement that the applicant may only proceed to undertake a listed activity if the applicant also obtains, and lodges with the council, evidence of a permission right granted by the CMT group. We recommend updating amendments to other legislation (PB Schedule 11) with corresponding changes to the Takutai Moana Act sections 66 to 68.
PB Sch 11 (DR1 rec 238, p 280)	In our section on amendments to other legislation, we recommend including amendments to the Takutai Moana Act. We recommend appropriately aligning exemptions to produce justification reports for bespoke plan provisions in natural environment plans with relevant provisions in the NEB.

Effects management

PB clauses 14–15; NEB clauses 14–15

(DR3 recommendations 31–47)

Clauses 14 and 15 in both bills set out a framework for considering and managing the effects of activities on people and the environment. They specify what effects would be managed, how they would be managed, and the thresholds for when they should be managed.

Each bill approaches the consideration of effects differently. The PB excludes some effects from consideration, while the NEB specifically identifies what effects must be given particular attention. The management framework would require particular consideration of positive effects of enabling activities, effects on natural resources, and effects of natural hazards. Any effects regulated under the PB would not be able to be considered under the NEB.

The bills take largely the same approach to managing adverse effects of activities. Where practicable, adverse effects would have to be "avoided, minimised, or remedied". Where appropriate, adverse effects may be "offset or compensated". Less than minor effects would not be able to be considered, except where two or more effects create a cumulative effect that is "greater than less than minor".

National instruments would be able to provide direction on how effects are managed. The NEB would enable national instruments to specify frameworks to guide offsetting and compensation of effects.

Proposed amendments

Effects outside the scope of the Planning Bill

PB clause 14

(DR3 rec 31, pp 73)

PB clause 14(1) lists the effects of activities that would be out of scope, and therefore would not be considered under the bill. Many submitters commented on the listed activities, and suggested that some activities were poorly defined and could lead to uncertainty or disputes. We recommend a series of changes to improve the clarity and workability of clause 14(1).

As introduced	Current wording and recommended change
PB cl 14(1)(a) (DR3 recs 32–33, p 74)	This paragraph would set "internal and external layout of buildings on a site" as an effect that must not be considered. We recommend splitting this paragraph so that the internal layout of a building is separate from the external layout of buildings on a site. We also clarify that the external layout of buildings is out of scope where there is no effect beyond the boundaries of a site.
PB cl 14(1)(b) (DR3 rec 34, p 75)	This paragraph would set "negative effects of development on trade competitors, including on competing providers of input goods and services" as an effect that must not be considered. We recommend specifying that this relates to trade competition generally, and that landowners cannot oppose development or rezoning of other land on competition grounds.
PB cl 14(1)(d) (DR3 rec 36, p 77)	This paragraph would set "the demand for or financial viability of a project unless it is a matter to which clause 11(1)(b) or (d) relates" as an effect that must not be considered. We recommend amendments to clarify that the decision maker must disregard any lack of demand for the project, and must not consider whether the project is financially viable.
PB cl 14(1)(e) (DR3 rec 37, p 78)	This paragraph would set "the visual amenity of a use, development, or building in relation to its character, appearance, aesthetic qualities, or other physical feature" as an effect that must not be considered. We recommend making this less subjective by phrasing it as "the character, appearance, aesthetic qualities of a use, development, or building".
PB cl 14(1)(f) (DR3 rec 38, p 79)	This paragraph would set "the type of residential use and the social and economic status of future residents of a new development" as an effect that must not be considered. We recommend better reflecting the policy intent that the exclusion applies to the consideration of the types of residents, but that consideration of housing typology or the type of development remains in scope.
PB cl 14(1)(h) (DR3 rec 40, p 80)	This paragraph would set "the effect on landscape" as an effect that must not be considered. We recommend clarifying that effects on landscapes and natural character must be disregarded only where the landscape is not outstanding, or the area is not of high natural character.
PB cl 14(1)(j) (DR3 rec 42, p 82)	This paragraph would set "any matter where the land use effects of an activity are dealt with under other legislation" as an effect that must not be considered.

	We recommend adding that natural hazards and contaminated land are not excluded from consideration.

Climate change and greenhouse gas emissions reduction

PB clause 14(1)

(DR3 rec 319, p 387)

Many submitters noted the bills' lack of an explicit climate change goal. They expressed concern that climate considerations are predominantly addressed via the lens of natural hazards, and commented on the bills' limited integration with the Climate Change Response Act 2002, and the lack of references to climate change mitigation.

We agree that it is not clear how emissions reduction and climate mitigation measures are intended to interact with the bills. We considered three options. Some of us consider that it would be appropriate for the bills to be able to consider the positive effects of a reduction in greenhouse gas emissions. However, by majority, we have decided to recommend that the PB and the NEB explicitly not be able to regulate adverse effects of greenhouse gas emissions. This removes any risk of duplication with the Climate Change Response Act.

We recommend inserting PB clause 15A and NEB clause 15A. They would make clear that adverse effects of greenhouse gas emissions are out of scope of the bills, but the positive effects and benefits of activities that avoid, reduce, remove, or displace greenhouse gas emissions are within scope.

To provide an example of what our amendments would mean—a council would not be able to limit development in greenfield areas in order to limit associated vehicle emissions. Neither would they be able to decline applications for consents or permits based on concerns about greenhouse gas emissions. National standards would not be able to control adverse emission effects. However, national standards would be able to provide direction for the construction and installation of electric vehicle chargers.

Considering adverse effects of activities

PB clause 15; NEB clause 15

(DR3 rec 46, p 91)

As explained above, clause 15 in both bills sets out how adverse effects of activities are to be managed. Adverse effects would have to be avoided, minimised, remedied, offset, or compensated if the effect is not "less than minor". PB clause 15(4) and NEB clause 15(5) define "less than minor" as "an adverse effect that is acceptable and reasonable in the receiving environment with any change being slight or barely noticeable". Less than minor effects would only be able to be considered if they contributed to cumulative effects which are "greater than less than minor".

Many submitters commented on these clauses. They expressed concern:

- that the threshold was either too high or too low
- about how the "less than minor" threshold would be applied

- that framing cumulative effects as "greater than less than minor" was complex and unclear
- that the term "minimise" is subjective, and less clear than the equivalent term "mitigate" in RMA section 17.

The PCE also advised that, because the bills apply a higher threshold than the RMA for what effects can be considered and managed, it is imperative that the bills appropriately account for cumulative effects.

In our view, large-scale policy changes are not necessary. However, to make the language clearer, we recommend clause 15(1)(b) in both bills is amended to specify that a cumulative effect must be considered if it "results in a minor or more than minor adverse effect".

We agree that "mitigate" is a preferable term, as it allows more flexibility and aligns better with the role of national instruments. We recommend replacing the term "minimise" with "mitigate" throughout both bills. This is relevant to duties in regards to the treatment of adverse effects.

We also suggest that clause 15(2) of both bills, relating to matters that national instruments may specify concerning adverse effects, would sit better with other clauses that deal with national instruments. We recommend shifting this provision into the part related to national instruments: for national policy direction PB new clause 48 and NEB new clause 72, and for national standards PB new clause 52 and NEB new clause 77.

Other proposed amendments

As introduced	Description of proposed amendment
PB cl 14 NEB cl 14 (DR3 recs 43–45, pp 83–84)	PB clause 14(2) lists areas that clause 14(1) does not restrict the management of. We recommend: • amending clause 14 in both bills so it is clear that the consideration of effects relating to the matters listed in clause 14(2)(a) to (e) is not excluded • amending NEB clause 14(b) so it does not have a prohibition on considering effects regulated under the PB • amending the chapeau of NEB clause 14 so it aligns with the chapeau in PB clause 14.

Duties and restrictions

PB clauses 16–26; NEB clauses 16–27

(DR1 recommendations 1–14)

Duties and restrictions provisions generally follow the approach taken by the RMA. Land use under the PB would be enabled unless restricted by a national instrument or land use plan. Where land use is restricted then a consent would be required. The NEB would generally restrict the use of natural resources unless the use is permitted through a national instrument, a natural environment plan, or a natural resource permit.

The PB allows existing uses of land to continue when they otherwise would not be permitted without a consent under a new national or plan rule. Where an existing use of a natural resource would contravene a new national or plan rule, the NEB allows that use to continue while seeking a permit to continue the activity.

Both bills include a general duty to avoid, minimise, or remedy adverse effects. The duty would be enforced through abatement notices or enforcement orders. PB clause 24 includes an additional duty to avoid unreasonable noise.

Existing use protections and natural hazards

PB clauses 20–22

(DR2 rec 138, p 186)

These clauses relate to existing use protections, including how existing land uses and related building work would be treated in the new system. Submitters generally supported continuation of existing use rights. However, some submitters noted that clause 20 could "over-protect" existing uses in hazard-prone areas, which could undermine the ability of councils to reduce risk over time. We share these concerns.

We recommend inserting new clause 20(3)(aaa), and amending clause 22, to provide that specified natural hazard rules override existing use protections and related building work protections. They may be rules in land use plans, proposed land use plans, or national instruments.

However, we also propose adding a "continuation mechanism" in new clause 22A for existing activities that are affected by a proposed rule about natural hazards in a land use plan. Such activities would be allowed to continue on an interim basis until the relevant rule is tested through the planning process. In our view, this would reduce the potential for natural justice issues However, we do not think this should be applied if an activity has been discontinued for a continuous period of over 12 months.

Restrictions on use of beds of rivers and lakes

NEB clause 19

(DR1 rec 5, p 21)

NEB clause 19 would restrict certain uses of river and lake beds. Clause 19(3) lists things a person must not do if it goes against a rule or standard. They may be able to obtain a natural resource permit to undertake their activity. They include not to "damage, destroy, disturb, or remove" plants or the habitats of plants. One submitter suggested adding a reference to fungi as they are a distinct biological kingdom and not covered by the term "plant". We agree but think a broader term would be more useful. We recommend adopting the same approach as in clause 18(4) for protections in the coastal marine area, which uses "natural resource" as a catch-all term. We recommend amending clause 19(3) to use broader phrasing and "natural resource" to ensure that all natural resources are protected.

Restrictions relating to water

NEB clause 20

(DR1 rec 6, p 23; Responses 20/05/2026 rec 6, p 6)

NEB clause 20 contains restrictions relating to water. They include that a person must not "take, use, dam, or divert, or take or use any heat or energy" from specified water types unless expressly permitted in certain circumstances. Clause 20(4)(b) includes an exemption to this general rule for stock drinking water for animals. This exemption would only apply if the taking or use of the water would not, or is not likely to, have an adverse effect on any natural resource.

The provision for stock drinking water was an important issue for submitters. They wanted to understand how adverse effects would be measured and how cumulative effects would be treated. Some primary sector representatives sought retention of the general right for taking stock and domestic water. Others asked for adverse effects to be considered when they are "greater than less than minor", as in other places in the bills.

We recommend adding a "no more than minor" adverse effects threshold for the statutory authorisations in clauses 20(4)(b) to (d). These subclauses relate to the taking, using, damming, or diverting of fresh water (including for stock drinking water), geothermal water, and coastal water, under certain circumstances. This would mean that actual or likely adverse effects would need to be minor or lower. We think this would establish a nationally consistent baseline that would allow proportionate management of material effects, and aligns with the approach to adverse effects taken elsewhere in the bills.

We also consider that national standards should be able to specify a greater level of permissible effect to allow the taking, using, damming, or diverting of water where it may cause a more than minor adverse effect. We recommend amending clauses 20(4)(b) to (d) and inserting clause 20(5) to allow for a higher level of effect to be prescribed.

We also propose clarifying the relationship between clause 20 and environmental limits. In practice, impacts on (and of) domestic and stock water would already be considered under NEB clause 56(b) (which requires an assessment of the impact of a proposed environmental limit). However, we consider it would be helpful to explicitly require clause 20 activities to be considered when setting limits. We recommend amendments to this effect.

Other proposed amendments

As introduced	Description of proposed amendment
PB cl 17 (DR1 rec 12(a), p 28; DR3 rec 265, p 327)	The PB did not specify restrictions on the coastal marine area. PB matters in the coastal marine area, such as historic heritage and high natural character, are intended to be managed under the PB by regional councils. We recommend inserting new clause 17A to allow activities in, on, under, or over the coastal marine area to be regulated. This aligns with the proposed changes at clause 184(3) and new clause 184A (discussed in our section on

	coastal matters), that would clarify that regional councils can perform all the responsibilities, functions, and powers that a territorial authority has under the PB in respect of matters wholly within the coastal marine area.
PB cl 21 (DR1 rec 9, p 25)	This clause would allow extensions to be granted to continue land use in a manner that contravenes a rule, even if the use has been discontinued for a continuous period of more than 12 months. We recommend removing clause 21(1) and including the reference to discontinuation of an existing use in clause 20(3)(a).

Activity classes

PB clauses 31–38; NEB clauses 32–39

(DR3 recommendations 68–77, pp 120–133)

Activity classes are the basis for rules in national instruments, land use plans, and natural environment plans. They are intended to support national consistency and to guide those exercising or performing powers, functions, and duties under the legislation.

As introduced, PB clause 31 and NEB clause 32 set out the principles for classifying activities into four categories:

- permitted activities
- restricted discretionary activities
- discretionary activities
- prohibited activities.

New activity class and guidance for classifying activities

PB clauses 30–31; NEB clauses 31–32

(DR3 rec 71, p 127)

The RMA contains a category called "controlled activities" which must generally be granted. It is not included in the bills as introduced. Broadly speaking, "controlled activities" would sit between the thresholds of "permitted" and "restricted discretionary" in the new system. Some submitters expressed concern that the bills' drafting could result in "controlled activities" under the RMA becoming "restricted discretionary activities" in the new system. This would result in more-restrictive controls on those activities, and lead to uncertainty for long-term planning for these submitters.

We note that these bills are intended to be more enabling than the RMA. Based on these concerns, we recommend inserting a new "controlled activities" class to the NEB. We do not consider it appropriate to make the same amendment in the PB because established existing uses already have stronger protections under that bill. We note that the PCE supports this recommendation.

We recommend several further amendments to PB clause 31 and NEB clause 32 relating to activity classes to help improve the clarity and workability of these classifications:

- reframing these clauses as "guidance" (compared to "principles") as these are not intended to be strict requirements
- clarifying that the guidance applies to the Minister (through national standards) and councils (through plans) when making rules
- removing the references to environmental limits and allocation from the principles in NEB clause 32
- inserting subclause (1)(b) to PB clause 31 and NEB clause 32 so that non-regulatory measures and other regulations (such as freshwater farm plans) can form part of the considerations for activity classifications
- making a series of small changes to address inconsistencies between the two bills.

Registering permitted activities

PB clause 38; NEB clause 39

(DR3 rec 77, p 133)

PB clause 38 and NEB clause 39 would allow national standards, natural environment plans, or land use plans to make permitted activity rules that require registration for certain purposes. For example, obtaining written approval, obtaining a certificate, or paying a fee. Most submitters were opposed to these provisions. They commented that the drafting implied that all permitted activities would need to be registered, and that the registration regime is unclear, complex, and an unnecessary cost.

We agree that the drafting could be clearer. The new system is proposed to be more enabling, and most permitted activities would not need to be registered. National standards would provide more detail on what permitted activities would need to be registered, and how registration would work. Therefore, we recommend some changes to make the framework clearer, including:

- clarifying that not all permitted activities would need to be registered
- adding that the registration of permitted activities could only occur when required or allowed by national standards
- clarifying the relationship between certificates of compliance and registered permitted activities.

Other proposed amendments

As introduced	Description of proposed amendment
PB cl 29 NEB cl 30 (DR3 rec 69, p 121)	These clauses state that an objective, policy, rule, or method of a key instrument may apply to all or part of specified geographical areas. We recommend enabling rules to apply to specified activities or classes of activities.
PB cl 30 NEB cl 31 (DR3 rec 76, p 131)	These clauses provide the meaning of a rule. We recommend providing in subclause (1)(g) that a "controlled" (NEB only), "restricted discretionary", or "discretionary" activity could include conditions requiring an adaptive management approach.

Environmental limits

NEB clauses 45–67

(DR3 recommendations 122–174)

Environmental limits are set out in the NEB to define either the acceptable level of protection of human health or the life supporting capacity of the natural environment (ecosystem health). Environmental limits would be required to cover five domains: air, land and soil, freshwater, coastal water, and indigenous biodiversity.

Human health limits would be:

- set by the Minister in national standards
- required for all domains except indigenous biodiversity
- required to be at or above a level that would "prevent significant or irreversible harm to people and communities".

Ecosystem health limits would be:

- set by regional councils in natural environment plans (NEPs), following any methods set in national standards
- required for all domains except air quality, although ecosystem health limits for air quality could be included if directed by national standards
- required to "protect the life-supporting capacity of the natural environment" to an acceptable level.

When setting limits, the Minister and regional councils would need to balance environmental protection with social and economic aspirations of communities. The Minister could set a minimum acceptable level for ecosystem health limits in national standards. Regional councils would have to prepare a justification report if they set a limit that was less stringent than a minimum acceptable level.

Regional councils would have to avoid limits being breached in their region. Where a limit was breached or likely to be breached, councils would need to prepare an action plan to address the issue, change their NEP, or take any other action that they consider necessary to avoid or remedy the breach.

Most submitters supported the environmental limits framework and principles of national consistency. However, submitters expressed varied views on the role of limits in the proposed system. For example, we heard that:

- the limits framework does not sufficiently protect the environment, nor address cumulative environmental degradation, and could be undermined through discretionary exceptions
- limits should recognise economic considerations and provide flexibility by not being set in a way that unduly restricts resource use
- limits should function as enforceable biophysical thresholds, and the bills could set binding national "bottom lines", similar to the National Policy Statement for Freshwater Management under the RMA

- the limits framework should ensure that councils would be able to set stricter limits than national standards, to protect taonga and give effect to Treaty settlements.

We received advice from the PCE that effective implementation of environmental limits would require robust monitoring, data, and enforcement. He identified that, compared to the RMA, the NEB generally raises the threshold for what effects are managed—the impact of an effect would need to be larger before it must be managed. Cumulatively, this would place more pressure on the way the environment is protected through limits.

The PCE generally supported the framework proposed for human health limits but expressed significant concern about the bill's approach to ecosystem health limits. His criticism has two key facets.

First, the PCE suggested that the bill would give the Minister significant influence over decision making. He noted that the NEB contains at least five statutory opportunities for ministerial discretion in setting ecosystem health limits. Depending on the Minister at the time, the PCE stated that this could lead to ecosystem health limits that are "fairly protective" but could equally "permit an increase in pollution and environmental degradation". In his advice to us, the PCE said "Parliament is effectively being asked to delegate environmental protection to the Executive on terms that are completely open-ended."

Second, like submitters, it is the PCE's view that the limits framework provides no "bottom line". He noted that RMA sections 70 and 107 act as "legislative backstops to prevent pollution" but the NEB contains no equivalent. Councils would be able to set lower limits than the minimum acceptable levels specified in national standards. Although councils would be required to present a justification report for this, he is concerned that the NEB contains few details about how robust these would need to be, and how they would be assessed and challenged. The PCE suggested that, like human health limits, ecosystem health limits should "prevent significant or irreversible harm" to the natural environment.

We appreciate the time submitters and advisers have taken on this subject. Protecting the natural environment is vital for the future of New Zealand and its citizens, biodiversity, and businesses. The majority of us consider that the NEB strikes a good balance between using resources sustainably and future-proofing economic growth. Consequently, we recommend some amendments to the limits framework which are mostly focused on workability.

Rather than addressing this topic in clause order, we address these themes:

- ministerial decision making
- developing environmental limits
- limit management tools
- general environmental limit provisions.

Ministerial decision making

Minister may make national standards authorising activities to breach environmental limits

NEB clauses 85–86

(DR3 recs 168–174, pp 213–214)

NEB clause 85 would require the Minister to set national standards that enable resource use only within environmental limits. Clause 86 would enable national standards to establish a pathway for significant infrastructure activities to breach environmental limits, subject to checks and balances on the use of any such pathway.

We understand that the intent of the bills is for national standards to allow certain activities to breach environmental limits in some situations. We cannot see any reason why this should be limited to "significant infrastructure", and propose amending these clauses to allow other publicly beneficial activities to breach environmental limits in specific circumstances.

We note the PCE's critique of these amendments. He advised that widening the Minister's ability to override limits set by local authorities (where this ability was previously constrained to infrastructure) could undermine limits set by regional councils. We also note his concern that this could increase instability in the "funnel" system.

Our proposed amendment is set out in new clause 79 and would enable the Minister to make national standards that authorise activities or resource use that breach environmental limits where criteria are met. This could be human health limits as set in national standards, or ecosystem health limits set in NEPs.

This amendment would make clause 86 (exemption for significant infrastructure) redundant, and so it can be deleted.

Guardrails for decisions that authorise breaches

NEB clause 86

(DR3 rec 169, p 213)

Given the risk to environmental protections, we consider it important to limit the circumstances in which an exemption may be used. We recommend adapting the guardrails set out in clause 86 to make new clause 79. We recommend the following guardrails:

- national standards must be clearly identified as enabling specific activities or classes of activities that are allowed to breach identified limits (so it is clear the clause is invoked, and that councils would be required to follow the standards even if it leads to a breach)
- there must be a test of the public benefits relative to the harm to ecosystem or human health
- the wider implications for natural resource use must be considered

- the likely opportunity costs associated with not requiring compliance with environmental limits must be considered.

Council obligation and options to remedy the breach

NEB clause 66–67

(DR3 recs 170 and 171, p 213)

If a breach of an environmental limit happens due to an exemption made by national standards, councils may not be able to meet their duty in clause 66(1) to avoid limit breaches in the short- to medium-term. We suggest that, in these cases, a council's duty should instead be to take actions towards remedying the breached limit. We recommend that this be their duty until such time as they update a limit to account for the consequences of the exemption. This is the same approach as in clause 66(3).

NEB clauses 66 and 67 set out the actions a regional council must take if an environmental limit were likely to be breached or were breached. We acknowledge that it may be difficult for councils and communities to remedy a breach that has resulted from an exemption in national standards. We recommend adding an additional action to this clause to require councils to review environmental limits or interim limits to account for the effects of the national standard when it next reviews its natural environment plan.

Other proposed amendments

As introduced	Description of proposed amendment
NEB cl 164 (DR3 recs 173–174, p 215)	This clause outlines matters that a permit must not be granted for, and generally precludes the grant of a permit that would breach an environmental limit. We recommend clarifying that councils must not grant a natural resource permit if it would breach an environmental limit or, if applicable, an interim limit during the period that the interim limit applies. We recommend that, where a national standard authorises specific resource uses and activities to breach an ecosystem or human health limit, councils may (but would not be required to) grant permits for other activities or uses that affect the same limit. When deciding whether to grant such a permit, councils must have regard to remedying the breach of the limit.

Developing environmental limits

NEB clauses 53–55

(DR3 recs 137–152, pp 189–198)

Human health limits would be developed by the Minister. Ecosystem health limits would be set by regional councils with the NEB specifying certain considerations and requirements. NEB clauses 53 to 55 would move to new clauses 49 to 50B.

Developing human health limits

NEB clause 53

(DR3 recs 137–138, p 189)

NEB clause 53 sets out the matters a Minister must consider and be satisfied of when developing human health limits.

In clause 53(1)(a) the Minister would have to be satisfied that a proposed human health limit is to an "acceptable standard". Some submitters were concerned that this clause could introduce a hierarchy where environmental factors were given more weight than economic or social factors. There should be no hierarchy. We recommend setting out in new clause 49A that "acceptable level" of human health means that the Minister must be satisfied that the level is acceptable based on consideration of clauses 56 and 57 (assessing limit impact and existing capacity), with no hierarchy between environmental, social, and economic factors. Three other clauses as introduced, include the consideration of factors in the development of other environmental limits—clauses 54(2)(c), 55(1)(c), and 56(b). We recommend that these be similarly amended to ensure there is no hierarchy.

Clause 53(2)(a) would require the Minister to consider all the goals in NEB clause 11, and any national policy direction (NPD). We do not consider it necessary to have this provision here, as it duplicates existing duties at a higher level of the "funnel". Clause 11 would already require all persons performing duties to seek to achieve the goals. Similarly, the provision drafted here is weaker than the requirement in clause 12 for national standards to implement an NPD. We recommend removing clause 53(2)(a).

We note the PCE's concern that these changes could result in environmental limits "no longer [being] a specific consideration" and "particularisation of the goals that provides almost unfettered priority for growth and development". However, the majority of us do not share these concerns.

Specifying methodologies for setting ecosystem health limits

NEB clause 54

(DR3 recs 139–141, p 190)

National standards would specify the methodologies that regional councils must follow when setting ecosystem health limits. This provision in clause 54 would move to new clause 58A. We recommend amendments to clarify how methodologies are set. The effect of our proposed changes would be the following:

- When specifying methodologies for councils to follow, the Minister must also consider natural variability, and how to accommodate future improvements to science and monitoring methods in a timely manner.
- The Minister must be satisfied that the methodology for setting an ecosystem health limit protects the life-supporting capacity of the natural environment to "an acceptable level".
- Removing ambiguity about what is meant by "minimum acceptable level", by defining it as "the minimum level of protection for the life-supporting capacity of the natural environment". We note that this would not prevent councils from setting more stringent limits (or, with a justification report, setting less stringent limits).

Developing ecosystem health limits

NEB clause 55

(DR3 recs 142–143, p 192)

NEB clause 55 sets out the requirements (in addition to those in clause 52) on regional councils when setting ecosystem health limits in their NEPs. It would become new clause 50B.

In general, NEB clauses 12 and 97 would require decision makers to implement regional spatial plans when determining the content of NEPs. Ecosystem health limits are set in NEPs. Some submitters were concerned that regional spatial plans may pre-determine ecosystem health limits. We consider it important that regional spatial plans do not pre-empt the limit-setting process. Instead, regional spatial plans should have detail to support planning for urban and infrastructure development, within known environmental constraints.

We recommend making an exception for the duty on regional councils to implement spatial plans when setting ecosystem health limits.

Other proposed amendments

As introduced	**Description of proposed amendment**
NEB cl 56 (DR3 recs 144–146, p 194)	As introduced, this clause sets out how councils should "assess" the impact of a proposed environmental limit or methodology. We recommend: • amending the clause so that councils must "have regard to" the matters listed in clause 56 rather than implying that councils must undertake a specific or fixed level of assessment • clarifying that, when setting limits, consideration must be given to any cost–benefit analysis prepared in accordance with regulations (provided for in new clause 57A).
NEB cl 57 (DR3 recs 147–149, p 196)	This clause lists considerations that councils must use to assess existing capacity of the natural environment to withstand or recover from pressure and disturbances. We recommend amending the clause so that councils must: • "have regard to" the matters listed rather than implying that councils must undertake a specific or fixed level of assessment • consider the listed matters to the extent appropriate when applying new clause 50B (clause 55 as introduced). We note that this would need to be read alongside the proportionality approach reflected in NEB clause 13. We recommend amending clause 57 to state that when decision makers consider the existing state of the natural environment they consider: • naturally occurring processes, levels, and variability • We recommend clarifying that "best obtainable information" means the best obtainable information available to the decision maker at the time the decision is made. We also recommend deleting clause 59 and inserting it as new clause 57B, and specifying that it applies to all decisions made under subpart 4.
NEB cl 59	This clause would establish the standard of evidence for decision making for environmental limits.

(DR3 recs 151–152, p 198)	We recommend clarifying that "best obtainable information" means the best obtainable information available to the decision maker at the time the decision is made. We also recommend deleting clause 59 and inserting it as new clause 57B, and specifying that it applies to all decisions made under subpart 4.

Limit management tools

NEB clauses 60–65

(DR3 recs 123, 153–165, pp 176, 200–207)

The bills would give councils two specific tools to manage natural resources that are subject to an environmental limit: action plans and resource caps.

Action plans would be used to manage compliance within a limit, or to avoid or remedy a breach. They could set out matters relating to how councils decide applications for natural resource permits, review conditions of existing permits, prepare rules in an NEP, or implement caps on resource use to avoid or remedy the breach. When an action plan is put in place to remedy a breach of environmental limits, the council would set a target date for the breach to be remedied, and set interim limits as "stepping stones" back to the original limit.

Resource caps describe the maximum amount of resource use that could occur without breaching an environmental limit. They would not be binding rules, but would act as an intermediate step between a limit and its management methods. They are designed to help inform decision makers, resource users, and the community about how much of a resource is available for use. Caps could be expressed as a land use, or an input or output, and would be published on council websites.

We heard concerns about the clarity and legal status of these limit management tools. We recommend several amendments to improve the clarity and workability of these provisions (and we note that further detail would be set out in national instruments and regulations).

Preference for resource caps over action plans

NEB clause 60

(DR3 rec 153, p 200)

The policy intent is that councils should, where feasible, use resource caps in the first instance. We note that a cap may only be effective or feasible for some attributes or resources, and may not be effective where the relationship between the natural resource and a cap is weak. We would like to make this preference clearer, and recommend amendments to this effect in new clause 60A.

Role of interim limits in action plans

NEB clause 65

(DR3 recs 125, 128(a), 162–165, pp 176–177, 207)

Under this clause as introduced, if an environmental limit were breached, councils must set a target date by which the breach should be remedied. If this target date is longer than 10 years away, the council would be required to set interim limits at inter-

vals of no more than 5 years. Interim limits would be accompanied by actions and outcomes to help progress back towards the original environmental limit.

"Interim limits" are referred to in the clause 3 definition of "environmental limits". However, the term is not itself defined. We recommend this term be defined. Most simply put, interim limits are "a temporary environmental limit".

We understand that the requirement for interim limits to be set at intervals of "no more than 5 years" was selected to align with typical environmental reporting cycles. However, we consider this overly burdensome and suggest aligning this with the 10-year plan-making cycle instead. We recommend amending clause 65(2) so that a plan "must contain 1 or more series of interim limits at 10-year intervals".

As introduced, interim limits could only be used in action plans where a limit is breached. However, in some situations, the activities that lead to limits being breached have already happened and the breach is inevitable. We recommend adding new clauses 49B (for human health) and 50C (for ecosystem health) to enable the use of interim limits in more situations.

Finally, we recommend the following amendments, in response to submitter feedback, to improve clarity around interim limits:

- specifying when an interim limit must be recommended in an action plan
- specifying when an interim limit must be included in an NEP
- adding matters decision makers must consider when setting interim limits
- specifying that when an interim limit applies, the interim limit has effect instead of the limit
- allowing interim limits to be included in NEPs at the same time as environmental limits (in which case the interim limit would not have to be proposed through an action plan).

Other proposed amendments

As introduced	**Description of proposed amendment**
NEB cl 45 (DR3 recs 123–124, p 176)	This clause sets out definitions related to environmental limits. We recommend moving operational matters related to action plans to clauses 60 to 65, as they are not defining the term. We also recommend defining an "action plan", in new clause 60, as a plan containing measures to manage compliance with, avoid breaching, or remedying any breach of, an environmental limit.
NEB cl 61 (DR3 recs 154–155, p 201)	We recommend providing that the decision-making process for action plans follow either: • a process set out in national instruments • the requirements of sections 76 to 82A of the Local Government Act 2002 where national instruments do not specify a process. We recommend including in new clause 61A that: • where proposals in an action plan would affect permit decisions, the action plan must be subject to a consultation process before having effect under clause 156 (consideration of a natural resource permit)

	• where proposals in an action plan would not have implications for decision making (non-regulatory measures), councils would not be required to carry out consultation.
NEB cl 62 (DR3 recs 156–159, p 202)	This clause describes how caps on resource use would work. We recommend amendments to make it clear that: • caps are a tool to help councils manage resource use within environmental limits • caps do not impose a direct control on individual resource users • caps should be developed using best obtainable information (new clause 57B "decisions must be based on best obtainable information" would still apply) • caps for limits in the freshwater domain (including water takes and discharges to water) are not to be applied at the individual property level unless the property covers the entire management unit. We also recommend inserting wording to specify that caps would only directly control a natural resource if the cap is included in a rule in an NEP.
NEB cl 64 (DR3 recs 160–161, p 207)	This clause sets out that where a regional council prepares an action plan, it would not be able to include controls on land use or inputs unless other specified measures are insufficient. We recommend inserting subclause (3) to state that controls on land use included in an action plan may only be proposed rules, as any proposed rules will need to be brought into effect through a plan change. We recommend clarifying that such rules are recommended to be included in an NEP.
NEB cl 65 (DR3 rec 165, p 207)	This clause sets out the requirement for councils to set, in an action plan to remedy a breach, a target date and interim limits. This clause sets out the requirement for councils to set, in an action plan to remedy a breach, a target date and interim limits. We recommend clarifying that any proposed rules in an action plan do not have effect unless they are included as rules in an NEP. (Clause 97 requires councils to have regard to relevant action plans when preparing their NEP.)

General environmental limit provisions

NEB clauses 45–52

(DR3 recs 127–136, 166–167, pp 177–187, 208–210)

NEB clauses 45 to 52 set up how environmental limits would work. We have two proposed amendments to highlight.

Limits definitions

NEB clause 45

(DR3 rec 128, p 177)

The environmental limits subpart of the NEB begins with relevant definitions. We recommend updates to some of them in other areas of this section. Additionally, we recommend:

- aligning terms used in clauses 3 and 45 to avoid duplication, including the difference between "coastal water" and "coastal water ecosystem"

- amending the definition of "freshwater" to refer to ecosystems including rivers, lakes, wetlands, and groundwater, but excluding geothermal water and coastal ecosystems
- adding that the scope of "ecosystems" includes biological life of both indigenous and introduced species
- amending the definition of "land and soil" to include contaminated land
- adding a definition of "decision maker" to mean a person who makes decisions related to this subpart of the NEB.

How environmental limits are expressed

NEB clause 48

(DR3 rec 131, p 181)

NEB clause 48 would require an environmental limit to be expressed as a biophysical state, or an amount of stress or harm to the natural environment that is allowed to occur. It must be possible to measure performance against the limit to determine breach situations. We recommend amending clause 48 to specify that environmental limits may be expressed numerically or as narrative descriptions. This expression must be in relation to a measurable attribute, either a state or a stress attribute.

Other proposed amendments

As introduced	Description of proposed amendment
NEB cl 49 (DR3 rec 132, p 182)	This clause would require the Minister to set human health limits for certain domains. We recommend clarifying that the list of domains for human health is an exhaustive list comprising freshwater, coastal water, land and soil, and air.
NEB cl 50 (DR3 rec 133, p 183)	This clause would require regional councils to set ecosystem health limits for certain domains. We recommend specifying that the list of domains for ecosystem health is an exhaustive list comprising freshwater, coastal water, land and soil, and indigenous biodiversity (and air if directed through national standards).
NEB cl 52 (DR3 rec 136, p 187)	This clause sets out decision-making criteria for environmental limits. It becomes new clause 55. We recommend adding in new clause 48A that the decision-making criteria apply to: • the Minister before notifying a national standard, and before recommending one for approval • regional councils before notifying and making a final decision on NEPs.
NEB cl 67 (DR3 rec 167, p 210)	This clause set out how breaches of environmental limits would be managed. We recommend inserting subclause (4) stating that councils may identify a range of causes of a breach.

National instruments

PB clauses 44–52; NEB clauses 68–76

(DR3 recommendations 78–121)

"National instruments" is an umbrella term that refers to any national policy direction (NPD) and national standard issued under either bill. National instruments may apply to all of New Zealand or to any specified district, region, or part of the country.

The Minister would be required to produce one NPD for each bill, providing direction on how to give effect to the goals and manage conflicts between them. NPDs are new instruments with no clear equivalent in the RMA.

National standards would implement the NPDs. National standards would ensure procedural and administrative consistency nationwide and are analogous to National Policy Statements, National Environmental Standards, and National Planning Standards under the RMA. National standards could set methodologies for councils to follow when developing lower-order plans (regional spatial plans, natural environment plans, and land use plans). They could also include standardised zones and land use rules that councils must include in plans (PB only) or direction on the allocation of natural resources (NEB only).

The bills set out the process a Minister must follow when developing national instruments, including relevant considerations and consultation requirements.

Overarching comment on ministerial discretion

We spent considerable time discussing the level of ministerial discretion that the bills propose. If passed, the bills would enable Ministers to set the NPDs and national standards as secondary legislation. These instruments sit at the top of the "funnel" so all decisions in the system would flow from them.

The Regulations Review Committee wrote to us, expressing its concern that "the NPDs are a significant delegation of legislative power". It identified them as "Henry VIII powers" that would enable the Minister to develop secondary legislation that could significantly alter the primary legislation's effect. The committee noted that, although NPDs are intended to be broadly consistent with existing practice and jurisprudence under the RMA, their effect would depend heavily on the exact drafting and implementation through lower-order instruments.

The PCE and Bronwyn Carruthers KC echoed similar concerns. For example, Ms Carruthers said that exact settings in the NPD were of "the utmost importance", yet the bills are silent on how the NPD should determine the importance of different goals in different situations. Similarly, although submitters supported the purpose of national instruments, many told us that the language used in the bills (such as requirements for a Minister to "have regard to" various matters) was weak and open-ended. They argued that a Minister could therefore justify almost any direction, or change, which would undermine stability of the system.

Our independent advisers also warned us that the "funnel" approach could result in "churn" in the system. If a Minister were to amend national instruments for any reason, every lower-order instrument would need to be reviewed and updated to reflect

this change. The PCE noted that, in his experience, changes in ministerial direction have caused similar problems under the RMA.

The PCE specifically proposed amending the bills to include a procedural option to curtail broad ministerial discretion, encourage long-lasting policy development, and help reassure the public about top-level decision making in the new system. Submitters suggested that national instruments could be set using an independent Board of Inquiry (BOI) or Technical Advisory Group (TAG) process. They said that these would protect the integrity of the system following a change in Ministers, for example.

We note that BOIs were permitted (but not mandated) under the RMA for national policy setting until 2024. However, this mechanism was not used often. We also note that these bills do not preclude a Minister from using an advisory group to support developing national instruments.

Ultimately, we do not consider it necessary to change the overall approach to national instruments in the bills. However, we recommend significant changes to how the NPD and national standards would work and how the Minister would set them.

The role of NPDs and national standards

PB clauses 44–45; NEB clauses 68–69

(DR3 recs 78–84, pp 135–139)

We do not consider that the bills are clear enough on the role of each national instrument. As introduced, there is substantial overlap between the role and purpose of the NPD and national standards. For example, in PB clause 44 and NEB clause 68, the role of the NPD and national standards are described in the same way. We propose amendments to distinguish and clarify the role of each instrument. As we are restructuring the role of each instrument, we recommend PB Part 2, Subpart 4 and NEB Part 2, Subpart 5 are restructured accordingly.

In relation to NPDs, we recommend inserting PB new clauses 46 to 48 and NEB new clauses 70 to 72 to:

- clarify that one NPD would be developed under each bill, but that NPDs can have content that applies to both bills.
- emphasise that an NPD's purpose is to set high-level policy direction that is intended to particularise the goals, identify key conflicts between them, and resolve (or direct how to resolve) these conflicts.
- specify that NPDs must particularise all goals in the bill to which it relates. By "particularise" we mean further elaborate and provide direction on how the goals are to be achieved, including how to implement their intent. Given that the bills set no hierarchy within or between each bill's goals, we consider it important that the NPD provide this direction.
- better reflect that resolving conflicts between the goals is about addressing tension. We acknowledge that setting an NPD could have the effect of "a goal

being prioritised over another" in certain places and circumstances (PB clause 58 and NEB clause 85).

- specify that NPDs cannot directly include contents of regional spatial plans, land use plans, and natural environment plans (only national standards can).

We also discussed whether and how these clauses could better support NPDs to resolve conflicts between goals across the two bills (for example, if a goal under the PB conflicts with a goal under the NEB). Our proposed re-drafting is currently focused on setting out how to resolve conflicts within each bill. We encourage the House to continue discussing this matter at later stages of the legislative process, and consider whether further changes are needed.

In relation to national standards, we recommend inserting PB new clauses 49 to 56 and NEB new clauses 73 to 83. These should emphasise that the purpose of national standards is to provide procedural or regulatory consistency across the country.

PB new clauses 57 to 62B and NEB new clauses 84 to 90A provide the process for how national instruments would be created and amended. They set out matters that the Minister must have regard to when preparing national instruments. Our proposed amendments to these clauses are intended to reflect the separated purposes of NPDs and national standards mentioned above.

Role of the Minister

PB clauses 44–62; NEB clauses 68–90

(DR3 recs 85–89, pp 138–139)

We recommend several amendments to these clauses which are intended to define more clearly the Minister's role in setting national instruments and address concerns about the level of ministerial discretion in the bills.

Consolidate provisions

PB clauses 44–62; NEB clauses 68–90

(DR3 recs 85, 87, p 138)

We recommend consolidating the various provisions that set out how the Minister creates national instruments.

For example, PB clauses 45 and 46 would require the Minister to consider certain matters, or follow certain processes when making or notifying a national instrument. PB clauses 56 and 57 then contain specific tests for making an NPD. This structure makes it difficult to understand the full extent of ministerial obligations in relation to making national instruments.

The list below sets out various matters, already in the bills, that we propose consolidating:

- The Minister is to give notice summarising how national instruments are consistent with their statutory purpose.

- The Minister must have regard to achieving compatibility between the goals in the NPD.
- The NPD must particularise the goals by identifying conflicts and determining how they should be addressed.
- The Minister must consider the extent to which national instruments need to be consistent with other national instruments.
- Other ministerial obligations are addressed, including following procedural principles and establishing human health limits.

These changes are reflected in PB new clauses 58 and 59 and NEB new clauses 85 and 86.

How the Minister must treat goals

PB clause 45; NEB clause 78

(DR3 rec 86, p 138)

In our view, the legislation could be clearer about how the Minister must treat the goals when making an NPD. We recommend specifying that, when considering whether to promote certain goals over others, the Minister must consider "any severe and irreversible adverse effects" and "the current and long-term impacts" of the different goals. This is reflected in PB new clause 58(3) and NEB new clause 85(3).

Remove unnecessary ministerial considerations to reflect new role of NPD

PB clauses 56–57; NEB clauses 80–81

(DR3 rec 88, p 138)

As introduced, PB clause 56(2)(a) and NEB clause 80(2)(a) would require the Minister to be satisfied that the NPD does "not unreasonably restrict the ability of territorial authorities to undertake their functions and responsibilities to manage land use". Our earlier recommendation that NPDs should not be used for this level of detail makes this consideration irrelevant. We recommend removing it.

For similar reasons, we recommend deleting PB clause 57(1)(b)(i) and NEB clause 81(1)(b)(i). These would require the Minister to consider whether a proposed NPD "enables development to occur within environmental limits". We note the PCE's view that these provisions ensure a "basic, but critical baseline" for environmental limits and his recommendation that they be retained. However, our majority view is that they are not required for the NPD.

Setting out timing of various considerations

PB clause 45; NEB clause 69

(DR3 recs 89, p 139)

The bills do not specify the order in which the Minister must meet various obligations. For example, PB clause 45 and NEB clause 69 detail matters the Minister must consider when setting national instruments, but not at what stage they apply. In our

view, the bills should specify this. We recommend PB new clause 58(2)(a)(iii) and NEB new clause 85(2)(a)(iii) include that consideration requirements must be satisfied at the time of public consultation.

Other proposed amendments

As introduced	Description of proposed amendment
PB cl 45 NEB cl 69 (DR3 recs 91–92, p 142)	These clauses outline matters the Minister would have to consider when making a national instrument. We recommend clarifying the relationship between national instruments and clauses 14 and 15 of both bills (which list effects and adverse effects that the Minister must or must not consider). Our changes would: • require the Minister to consider adverse effects (subject to clauses 14 and 15) for national standards, but not NPDs • permit the Minister to include direction in the NPD about which effects management approach (avoid, remedy, mitigate, offset, or compensate) should be applied in national standards to resolve conflicts between goals. We also recommend removing the requirement for the Minister to consider all submissions received. Instead, we recommend specifying that submissions be considered in the report required under PB new clause 57 and NEB new clause 84.
PB cl 46 NEB cl 70 (DR3 recs 93–95, p 146)	These clauses set out the procedural requirements for making national instruments. In PB new clause 57 and NEB new clause 84, we recommend: • specifying that the Minister must provide a draft proposed national instrument to other groups or sectors that the Minister considers appropriate (such as relevant industry groups) and have regard to their comments, alongside the existing requirement to do so for iwi authorities. We do not recommend a prescriptive list, and instead expect Ministers to use good judgement to pre-notify relevant persons. • when the proposed national instrument is notified under subclause (2), requiring the Minister to issue a summary of the reasons for the proposal, why it is consistent with the purpose of the national instrument, and how the matters for consideration have been addressed. • removing the requirement for the chief executive to consider "whether the proposal provides for 1 or more goals" in subclause 5(a) as this is sufficiently addressed by subclause 5(b).
PB cl 47 NEB cl 71 (DR3 recs 96–98, p 147)	These clauses would require plans under each bill to implement national instruments. We recommend amending these provisions (moved to PB new clause 45 and NEB new clause 69) to better focus on the requirement to implement national instruments, and consequential amendments to give effect to our earlier recommendations about the purpose of NPDs and national standards.
PB cl 48 NEB cl 73 (DR3 rec 99, p 149)	These clauses allow national instruments to direct plan provisions in land use plans and natural environment plans respectively. We recommend PB new clause 54 ensures a national standard may also contain plan provisions that must be included in regional spatial plans.
PB cl 50 NEB cl 74	These clauses outline the process by which the Governor-General, by Order in Council, could approve a national instrument on recommendation of the Minister.

(DR3 rec 101, p 150)	We recommend amendments to NEB clause 88 to acknowledge that the process to approve national instruments interacts with the limits framework when limits are set in national standards.
PB cl 53–57 NEB cl 77–81 (DR3 recs 103–108, p 157)	These clauses relate to the content of national policy direction. They are consolidated into PB new clause 48 and NEB new clause 72. We recommend: • amendments to specify that the requirement to have an NPD does not apply until the first NPD is made • adding that an NPD must include directives to achieve its purpose, may provide for other approaches relevant to the purpose of the NPD, and may include monitoring and review provisions • removing the ability for an NPD to include objectives and policies • making amendments to the definition of "directive" in clause 3 of both bills to include "the content of national policy direction" • removing the requirement for an additional report under PB clause 56 and NEB clause 80.
PB cl 58 NEB cl 82 (DR3 recs 109–110, p 159)	NEB clause 82 states that there must always be national standards. PB clause 58 states that there must always be national standards providing direction on the evidence base that supports combined plans, and on the establishment of standardised plan provisions. We see no need for the elaboration in the PB, and recommend deleting the subclauses. We also recommend amending the transitional provisions so that this requirement only takes effect after the first national standards are made.
PB cl 59 NEB cl 83 (DR3 rec 111, p 160)	These clauses set out the purpose of national standards. We recommend deleting PB clause 59(1)(d) and NEB clause 83(1)(d). They provide that a purpose of national standards is to specify direction on how a goal is to be achieved in relation to a matter that is not covered by an NPD. This is no longer needed.
PB cl 60 NEB cl 84 (DR3 recs 112–113, p 163)	These clauses set out what national standards could direct or require. We recommend minor amendments, for consistency with amendments discussed earlier (for example, national standards may provide direction to regional spatial plans). We also recommend: • stating in NEB new clause 77, for the avoidance of doubt, that national standards may contain content and directions relating to the allocation of resources • aligning PB clause 52 with PB clause 20 (so that new national rules override existing-use protections in relation to natural hazards, as provided for in clauses 20 to 22).
PB cl 62 NEB cl 90 (DR3 rec 116, p 164)	These clauses set out the circumstances in which the usual process would not be required for amending a national instrument. We recommend removing references to national adaptation plans in PB new clause 62A and NEB new clause 90.
PB cl 39 NEB cl 40 (DR3 rec 117, p 167)	These clauses set out what would be meant by instruments that are either more or less restrictive than a national rule. We recommend updating the meaning of PB clause 39(3) and NEB clause 40(3) to be clear that an instrument could be more enabling than a national rule in certain circumstances. For example, if it classifies an activity less restrictively than the national rule.

PB cl 41 NEB cl 42 (DR3 rec 119, p 169)	These clauses would establish the interaction between national rules and planning consents for the PB, and between national rules and natural resource permits for the NEB. We recommend better aligning these provisions and providing that a planning consent that is granted before the date on which a national rule is published prevails over the rule unless the rule expressly states otherwise.
PB cl 42 (DR3 rec 120, p 170)	This clause sets out when designation or construction project plans may prevail over national rules. We recommend amending PB clause 42 to specify that an existing designation would prevail over a national rule unless a national rule says it cannot, including for national rules that relate to contaminated land.

Regional spatial plans

PB clauses 64–74, Schedule 2

(DR3 recommendations 207–239)

All councils in a region would jointly prepare a regional spatial plan (RSP). RSPs are intended to set the strategic direction for growth and change in a region for a period of no less than 30 years. RSPs are one of the primary places where the two bills come together. The RSPs are designed to bring the national instruments from both bills into one coherent spatial plan for each region.

Land use plans (LUPs) and natural environment plans (NEPs) would be required to implement their relevant RSP. RSPs would provide direction to regional land transport plans and long-term plans. They would also interact with national infrastructure plans and policies.

To develop an RSP, councils would appoint a spatial plan committee. This committee would recommend the draft plan to the council or councils in the region. The councils would approve public notification and the opening for submissions. An independent hearings panel (IHP) would hear submissions and make recommendations to the councils. In some cases, they might make recommendations to the Minister or a designating authority. Clauses related to other plan making provisions and IHPs are dealt with in the next two sections of this commentary.

Our discussion below covers the following themes:

- defining regional spatial plans
- creating regional spatial plans
- transition to the new system
- committees and appeals
- adopting and reviewing regional spatial plans.

We are recommending restructuring to all provisions related to plans, so all types of plans across the bills work in broadly the same way. Therefore, some provisions for RSPs have moved between PB Part 3 and PB Schedule 2.

Defining regional spatial plans

PB clauses 64–74, Schedule 2, clauses 1–4

(DR3 recs 207–218, pp 254–269)

The mechanisms of how RSPs would work are set out in PB clauses 64 to 74. These clauses state that every region must have an RSP, the RSP's purpose, and the role of the spatial plan committee. Schedule 2 is dedicated to the preparation, review, and implementation of RSPs.

Purpose of regional spatial plans

PB clause 67

(DR3 rec 209, p 256)

PB clause 67 states the purpose of RSPs, including setting strategic direction for a region for no less than 30 years and coordinating decision making under the PB, NEB, and other relevant legislation.

The style of this purpose clause is at odds with other purpose clauses in the bills. We recommend making it more descriptive by only referring to subclause (a) as the key purpose of RSPs. We recommend moving the matters referred to in subclauses (b) to (e) to new clause 63C.

Form, contents, and general requirements of regional spatial plans

PB Schedule 2, clauses 1–4

(DR3 rec 217, p 269)

The first four clauses of Schedule 2 set out the form, contents, mandatory matters, and general requirements for the use and presentation of information in RSPs. First, we consider clause 1 redundant because there is an empowering provision for national standards to provide direction on the form of RSPs. We recommend deleting this clause.

Clauses 2 and 3 relate to the content of RSPs. We received feedback on how the clauses could be made clearer. Some submitters requested clarification of terms and the implications of different matters. Others sought additions to the list of mandatory content for spatial plans. Further, we note that the bills as introduced do not set out the core obligations of RSPs. It would be useful to address both matters. We recommend inserting new clause 67B setting out core obligations for the preparation of RSPs. This would be consistent with the approach taken for land use plans. These obligations should include that a RSP must:

- map, or otherwise record, the broad spatial layout of the region over the next 30 years or longer
- identify priority locations for growth and change
- identify drivers of change over time
- identify significant existing and future infrastructure

- identify significant constraints on using or developing the land or coastal marine area
- identify priority locations for climate change adaptation planning
- implement relevant national instruments under both the PB and the NEB in a way that helps to resolve any conflict between them.

We recommend moving how information should be used in an RSP into new clause 67C (as introduced in PB Schedule 2, clause 4). The level of detail should promote alignment between planning under the PB and the NEB, infrastructure planning, and investment decision making.

In addition, we recommend PB new clause 67B requires RSPs to record any of the following that apply in the region:

- statutory acknowledgements
- sites of significance to Māori
- customary marine title areas
- protected customary rights areas
- aquaculture settlement areas.

Spatial plan committee membership

PB clauses 71–73

(DR3 rec 214, p 264)

PB clauses 71 to 73 would require councils in each region to form a spatial plan committee. They also set out the membership and role of the committees, including that the Minister may appoint members. Each committee would appoint a chairperson and secretariat in accordance with any regulations.

We heard a range of views on the ability of the Minister to appoint members to spatial plan committees. Most who submitted were supportive of having an element of mandatory central government participation. They argued that it would be beneficial to share knowledge of national strategy, spending, and infrastructure planning.

We note that the PB would empower secondary legislation to mandate central government membership participation in the secretariats that would support spatial plan committees. However, as this would establish a new role and function, we agree with submitters that this matter is more appropriate for primary legislation. We recommend PB new clause 73A requires central government participation in each spatial plan committee's secretariat. Other detailed direction for secretariats could be set out in regulations, as provided for in new clause 67B(3)(c).

Other proposed amendments

As introduced	Description of proposed amendment
PB cl 64	This clause would require each region to have an RSP at all times.

(DR3 recs 207–208, p 254)	We recommend amending clause 64 so that the requirement for RSPs to align with regional boundaries does not prevent RSPs from focusing in greater detail on particular geographical areas. We recommend new clause 74D provides that territorial authorities of districts located in two or more regions must fully participate in the spatial planning process for one of the regions. They may, but are not required to, fully participate in the spatial planning process for other regions of which they are part.
PB cl 68 (DR3 rec 210, p 258)	This clause summarises the legal effect that RSPs would have on other plans, including on relevant operational provisions in the PB and the NEB. We recommend that consequential amendments be made to the Local Government (Water Services) Act 2025 to reflect the role water services strategies could play in implementing RSPs.
PB cl 69 (DR3 rec 212, p 264)	This clause would require local authorities in each region to create a "process agreement" setting out how they will prepare an RSP. We recommend amendments to this clause to: • require local authorities to agree their respective responsibilities for making decisions about recommendations from the IHP • require local authorities to agree how they will work with others to prepare an RSP (including who they will engage with and how) • clarify that local authorities must engage with central government, other local authorities, iwi authorities, infrastructure providers, development and sector groups, and communities when preparing a draft RSP before it is publicly notified • require the process for preparing an RSP to be in accordance with any applicable iwi participation legislation • require process agreements to set out how the spatial plan secretariat will be established and managed • allow local authorities to decide on amendments to the process agreement. We also recommend relocating these matters to PB Schedule 2.
PB cl 71–73 (DR3 rec 213, p 264)	These clauses relate to spatial plan committees. We recommend new clause 71 clarify the policy intent for spatial plan committees and secretariats by: • ensuring that all local authorities in a region are entitled to appoint at least one member of the spatial plan committee but may choose not to • specifying that clauses 30 and 30A of Schedule 7 of the Local Government Act 2002 apply to the establishment of new spatial plan committees • specifying that where local authorities choose to use an existing statutory committee (for example, one established under the Local Government Act), it must be a committee that has a regional planning function, and its existing arrangements and procedures continue to apply but must be modified to comply with the requirements in the PB.
PB cl 64–74 (DR3 rec 215, p 264)	Regulation-making powers for RSPs are set out with alongside their relevant provisions. We recommend amending these provisions to ensure that regulations may specify: • procedures and processes for spatial plan committees (beyond the appointment of a chairperson and secretariat)

	• the role, procedures, and processes for secretariats • procedures and processes for the process agreement, including time frames • relevant government policy statements and other statutory documents that will inform RSPs • the manner and procedure of dispute resolution • the content of, and procedures and processes associated with, an implementation plan (introduced as "co-ordination documents", see recommendation below).

Creating regional spatial plans

PB Schedule 2, clauses 5–14

(DR3 recs 219–224, pp 271–278)

The spatial plan committee would recommend the draft RSP to the local authorities in the region, who would then approve the draft plan for public notification. All local authorities would need to agree before a draft RSP is notified (unless a process agreement states otherwise), and regulations are expected to set out a dispute resolution process.

The Minister would have the ability to audit draft RSPs. This would ensure that the Minister can check the plan complies with the PB's requirements, or with national instruments made under the PB and the NEB.

We have no major changes to propose.

Proposed amendments

As introduced	Description of proposed amendment
PB Sch 2, cl 5 (DR3 rec 219, p 271)	This clause would require spatial plan committees to have regard to listed documents when preparing the draft RSP. It would become Schedule 2, new clause 6. We recommend amendments to the list of documents that the committee must have regard to, to improve their workability. We also recommend an amendment to clarify that this list does not prevent spatial plan committees from considering other documents and matters that they consider relevant.
PB Sch 2, cl 7 (DR3 rec 221, p 274)	This clause would require a spatial plan committee to invite designating authorities to seek a proposed designation or an indicative location for a future designation through an RSP. It would become Schedule 2, new clauses 12 and 13. We recommend amending this clause to: • state that the time frame for designating authorities to respond to an invitation is 20 working days or "any later deadline specified in the invitation" • clarify which designating authorities the spatial plan committee must invite to apply.
PB Sch 2, cl 9–14 (DR3 rec 223, p 278)	These clauses set out the process for preparing RSPs. These would be moved to Schedule 2, new clauses 15 to 18. We recommend:

	• removing the requirement for a spatial plan committee to prepare a draft RSP in accordance with consultation requirements applicable to joint committees under the Local Government Act 2002 • removing the requirement to prepare scenarios for the purpose of testing options • adding a requirement for spatial plan committees to identify the key drivers of demand or pressure likely to face the region, and their level of certainty, to inform the scope of an RSP. We also recommend: • amending the obligation on spatial plan committees related to "identified Māori land" so it would only apply when the potential location of the infrastructure, infrastructure corridor, or site may affect identified Māori land • enabling the councils to set a public notification and submission period for a draft RSP that is longer than the 20-working day minimum.

Transition to the new system

This section of our commentary covers transitional matters related to RSPs. We have set out broader transitional considerations in other sections.

The first iterations of key instruments in the new system would be in the following order:

- national policy direction (NPD)
- national standards
- RSPs
- LUPs and NEPs.

We discussed the sequencing of the first instruments in some depth. When the first RSPs are developed, NEPs and LUPs would not have been created. Various submitters were concerned that the first RSPs would be decided before ecosystem health limits are set through NEPs. They cautioned that RSPs could lock in development patterns before environmental constraints are known. The PCE provided similar advice. He advocated that environmental capacity should be understood and provided for before the first RSPs are made. The PCE expressed concern that making decisions on RSPs may restrict limit-setting, or create uncertainty and risk, if activities become non-compliant with limits that are set after those activities have begun. He advised that this risk would be exacerbated for designations, if they are proposed through the RSP process, before biophysical constraints are properly understood.

We acknowledge and share these concerns. We understand that the first RSPs may have gaps related to environmental limits. On the other hand, we consider it important that the transition to the new system is timely and reasonably simple for users.

Although we do not propose changing the sequencing of these various documents, we recommend several amendments to allay some of these concerns.

Incorporating information from land use plans and natural environment plans

PB Schedule 2, clause 6

(DR3 rec 220, p 272)

PB Schedule 2, clause 6 states that an RSP may incorporate information from the region's NEP and LUP about the state or characteristics of the environment. This would be moved to Schedule 2, clause 7. However, the first RSP will not have these lower-order instruments to draw from. As introduced, PB Schedule 1 did not include an equivalent transitional provision allowing the incorporation of information from RMA instruments.

We recommend that the first RSPs should be able to incorporate information from existing sources. We recommend adding a new transitional provision in Schedule 1 to allow the use of information about the state and characteristics of the environment contained in national direction, policy statements, and plans developed under the RMA. This could include information about constraints and environmental limits, where the information is consistent with the PB, the NEB, and national instruments. To streamline the process for this information, we recommend not requiring decision makers to consider any comment or submission on that information. They would still need to consider any comment or submission on whether the information in RMA instruments is consistent with the PB, the NEB, and national instruments.

Some submitters sought clarification that existing designations would be automatically included in RSPs. They argued that not including them would result in unnecessary duplication and litigation risk, given that those designations have been subject to scrutiny under the RMA. We agree and recommend providing that RSPs can show existing designations that are of strategic importance to the district, region, or country in PB new clause 67B.

Committees and appeals

PB Schedule 2, clauses 18–28

(DR3 recs 225–232, pp 282–286)

PB Schedule 2, clauses 18 to 21 set out how recommendations from independent hearings panels (IHPs) would be treated. Recommendations would have to be considered by local authorities and, where relevant, the Minister and designating authorities. With the restructure of Schedule 2, they become new clauses 24 to 28.

Minister may make decisions on recommendations relating to certain matters

PB Schedule 2, clause 19

(DR3 rec 226, p 283)

PB Schedule 2, clause 19 (new clause 27) would allow the Minister to make decisions on any IHP recommendations that relate to matters of national interest. Several submitters suggested this power be removed. They argued that it could potentially create adverse impacts such as disputes or delays. The PCE considers that if national instruments are appropriately directive, there should be no need for ministerial intervention at lower levels of the system.

We consider it appropriate for the Minister to have discretion regarding some elements of RSPs. We note that the power in clause 19 was included so that the central government could have input throughout the spatial planning process. However, we acknowledge that there is risk that the criteria for ministerial decision making in clause 19(1) could be interpreted more broadly than intended. We consider it appropriate to specify the areas in which the Minister's decision would prevail over the local authority's. We recommend amending the criteria in subclause (1) so that the Minister may only make decisions on IHP recommendations that relate to:

- the delivery, use, or renewal of nationally significant infrastructure and other assets that are or will be owned, or funded, by the Crown (in whole or part)
- nationally significant matters in the coastal marine area identified in a national instrument.

Other proposed amendments

As introduced	**Description of proposed amendment**
PB Sch 2, cl 18, 21 (DR3 rec 225, p 282)	These clauses would require a spatial plan committee to provide advice to the relevant local authorities on the IHP's recommendations on the draft RSP. Clause 18 moves to new clause 24, and clause 21 moves to new clause 25. We recommend amending these clauses to reduce the potential for delays in the decision-making process by: • requiring a spatial plan committee to provide advice on an IHP recommendation or recommendations only if, and to the extent that, advice is requested by one or more of the region's local authorities • clarifying that this function does not apply to IHP recommendations on proposed designations sought through the spatial planning process • requiring the spatial plan committee to provide its advice to the Minister and all local authorities in the region within the time frame set by the local authority that requested the advice • removing the requirement in clause 21(1) for local authorities to have received advice from the spatial plan committee before making decisions.
PB Sch 2, cl 19–21 (DR3 rec 227, p 283)	Clauses 19(5), 20(3), and 21(2) require decision makers to consider whether their decisions would be consistent with relevant PB requirements. Clause 19 would become new clause 27, clause 20 would become new clause 28, and clause 21 would become new clause 25. We recommend amending these clauses to better align with the equivalent provisions for LUPs, including by requiring the Minister and local authorities to make decisions in accordance with the relevant requirements of the PB, or to be satisfied that their decision would be in accordance with the PB. For better alignment we also recommend deleting the requirement for designating authorities to consider whether their decision is consistent with requirements of the PB.
PB Sch 2, cl 21 (DR3 recs 228–229, p 283)	This clause would require local authorities in the region to make decisions about IHP recommendations. Clause 21 moves to new clause 25. We recommend: • removing the requirement in clause 21(4) that local authorities must publicly notify their decisions within 40 working days of receiving the IHP report

	• enabling local authorities to apply to the Minister for an extension to the 12-month time frame for publishing their decisions about IHP recommendations for draft RSPs. This is provided for in new clause 26 of Schedule 2.
PB Sch 2, cl 24–28 (DR3 rec 231, p 286)	These clauses relate to the ability to appeal to the Environment Court. They would become new clauses 29 to 33. We recommend inserting wording into new clauses 29 and 30 to clarify that appeal rights apply to ministerial decisions on IHP recommendations (as well as to decisions of a local authority or local authorities).

Adopting and reviewing regional spatial plans

Schedule 2, clauses 29–35

(DR3 recs 233–238, pp 287–290)

PB Schedule 2, clauses 29 and 30 would require each local authority to adopt an RSP once all decisions have been notified and any appeals on decisions have been determined. These would be merged into Schedule 2, new clause 34. Clauses 31 to 35 relate to the review and amendment process for RSPs. They would be moved from Schedule 2 to clauses 74 and 74A. We propose one major amendment in this area.

Reviewing first RSPs in response to setting environmental limits

PB Schedule 2, clause 33

(DR3 rec 236, p 289)

PB Schedule 2, clauses 33 to 35 set out when RSPs may be reviewed and amended, and when this would be required. Clause 33 would require a spatial plan committee to give public notice at the start and completion of a review, and publish their review report.

As discussed above, we heard concerns that the first RSPs would be prepared before ecosystem health limits are set. Some submitters suggested that, rather than amending the sequencing, we could consider requiring the first RSPs to be reviewed once environmental limits are set. We like this suggestion. We recommend new clause 74(3) require spatial plan committees to consider new information from time to time, including information about the natural environment (such as environmental limits). Committees should consider new information and identify whether and when to initiate a review of an RSP. We tested this approach with our advisers. The PCE considered this an improvement but still recommended that a better approach would be to amend the sequence of plan making to "avoid [an] almost immediate review".

Other proposed amendments

As introduced	Description of proposed amendment
PB Sch 2, cl 31 (DR3 rec 234, p 289)	This clause sets out when a spatial plan committee may review an RSP. Matters related to reviewing RSPs are moved from Schedule 2 to PB clause 74. We recommend adding a new customary marine title planning documents as a mandatory review trigger for RSPs in PB new clause 74(1).

PB Sch 2, cl 34 (DR3 rec 237, p 289)	This clause sets out the process for amending an RSP following the recommendation from a review. We recommend adding a high-level explanation of a review report in new clause 74(7). This should include that a review report should summarise the reasons for undertaking the review and whether amendments to the RSP are proposed as a result.
PB Sch 2, cl 36–38 (DR3 rec 239, p 290)	These clauses relate to the implementation of RSPs. They move from Schedule 2 to PB new clauses 73B to 73D. We recommend renaming "coordination documents" as "implementation plans". We recommend providing in new clause 73B that the role of a implementation plan is to support the implementation of an RSP. This would be through: • listing the actions required to implement the RSP • setting out details about the relative priority, responsible actor, timing and funding of each action.

Plans and plan making

PB clauses 63–85, 93–104, 292–293, Schedule 3, Parts 1–3; NEB clauses 91–98, 101–104, 112, 117–121, 332

(DR1 recommendations 15–58)

Types of plans

Plans are a key part of the proposed system. National standards would set out rules and standardised zoning provisions that councils would insert directly into plans. All regions would be required to have a regional combined plan. These would consist of:

- a regional spatial plan (RSP)—jointly prepared by councils and provided for in the PB. They would set the strategic direction for urban development and infrastructure over the next 30 years or more.
- a natural environment plan (NEP)—prepared by regional councils and provided for in the NEB only. They are intended to implement national instruments, the RSP, and nationally set environmental limits relating to human health. These plans would enable regions to develop environmental limits for ecosystem health.
- land use plans (LUPs)—prepared by territorial authorities and provided for in the PB only. These local-level plans would be used to implement the RSP, through the application of zones standardised across the country.

Standardised and bespoke plan provisions

Plans would contain provisions about zoning, district-wide rules, and overlays. Councils may use nationally standardised provisions or develop their own bespoke provisions. Nationally standardised provisions would be simpler for councils, as these provisions would require less evaluation and have limited submission and appeal processes (because these would have been consulted on higher in the "funnel").

If councils decide to create bespoke provisions, they would need to prepare a justification report outlining why they are deviating from the national approach. Proposed

bespoke provisions would be evaluated through submissions, further submissions, and merits appeals.

Developing plans

PB Schedule 2 (RSPs) and PB Schedule 3 (LUPs and NEPs) set out the process for developing each type of plan. The approach is broadly based on the RMA, although more details would be established through regulations.

When developing plans, a council would be required to undertake targeted pre-notification consultation with specified groups. These groups include the Minister, any other affected Ministers, nearby local authorities, tangata whenua, and customary marine title groups. After this, councils would be able to notify the proposed plan, the evaluation report, and any justification reports.

Changing plans

Councils would be able to update an LUP or NEP to reflect any changes in an RSP or to give effect to national instruments. Plan changes follow the same process as developing a plan.

There are four types of plan changes:

- Council-initiated plan changes—used when a council needs to change a plan to reflect national instruments or local changes.
- Private plan changes—used when a person requests a plan change.
- Future plan provisions—these would enable land or land-use changes to occur in the future without a formal plan change.
- Plan change with planning consent—this would allow an applicant to seek the application of standardised plan provisions through a consent application.

Proposed amendments

In addition to our changes set out below, we are recommending moving certain clauses between the main body of the bills and the Schedules. As introduced, the provisions for each plan were drafted separately and are not always consistent. Our changes aim to make the provisions easier to follow and to have each plan take a similar approach, without changing the overall effect of these clauses.

Submissions on proposed plans

PB Schedule 3, clauses 18–22

(DR1 Rec 44(b), p 64)

Certain notified proposed plans would be open to public submissions. PB Schedule 3, clauses 20 and 21 relate to who can make further submissions on proposed plans and their content. We recommend an additional requirement—that a further submission in support or opposition to a primary submission can only be made on bespoke provisions. This would respond to submitters' concerns about the cost and limited value of

further submissions. We think this change in clause 21(1) would make further submissions more targeted.

Grounds for rejecting requested plan change

PB Schedule 3, clauses 51–52

(DR1 Rec 56, p 74)

PB Schedule 3, clause 51 sets out the requirements and process for a local authority to decide how a requested plan change for an LUP will proceed. Clause 52 lists the grounds on which a local authority may reject some, or all, of a plan change request. It is important to note that clause 52 relates only to lodging and processing plan change requests, rather than the substantive decision-making process itself.

Many submitters proposed changes to the list of grounds for rejecting a plan change request. Most of their reasons were based on existing practices under the RMA. However, we note that many of these proposals do not align with the bill's intent to make private plan changes responsive to development capacity and changing environments.

Further, we consider that private plan change requests should be able to be evaluated on their merits once they have been lodged. Our view is that councils should have minimal grounds for rejecting and not processing a plan change request. We recommend deleting all the grounds for rejecting a plan change request in PB Schedule 3, clause 52, apart from paragraphs (b) and (e) which relate to timing of lodgement.

We note that paragraphs (b) and (e) would mean that change requests for provisions in plans set over the preceding two years would be rejected. This was carried over from RMA Schedule 1, clause 25. The proposed new plan-making process would require plans to be completed within one year from notification to decisions. We recommend that time frames for plan change rejections be shortened to 12 months to reflect this. We have also moved these provisions to clause 51(1)(c) as they no longer require their own clause.

Other proposed amendments

As introduced	**Description of proposed amendment**
PB cl 80 NEB cl 97 (DR1 rec 21, p 39)	PB clause 80 sets out the core obligations for territorial authorities when making decisions on their LUPs. NEB clause 97 does the same for regional councils for NEPs. We recommend: • excluding the effects of trade competition and trade competitors from consideration in the NEB • specifying that plans implement national direction to the extent permitted by clause 12 (PB and NEB) • replacing the reference to the Climate Change Response Act 2002 with a more general reference to adapting to the effects of climate change.
PB new clause NEB new clause (DR1 rec 24, p 42)	We recommend specifically enabling the PB and the NEB to have higher performance standards to manage the effects of surface water than provided for in the Building Act 2004. We recommend inserting PB new clause 83C and NEB new clause 103B.

PB cl 87 NEB cl 106 (DR1 rec 26, p 44)	These clauses specify what must be in evaluation reports before councils notify a proposed plan. We recommend an amendment to require that any deviation from the relevant RSP is required to be addressed in an evaluation report. We recommend moving this provision to PB Schedule 3, and removing it from the NEB (as PB Schedule 3 applies to both bills).
PB cl 97–98 (DR1 rec 30, p 50)	These clauses relate to the process for authorising changes to plan provisions. We recommend including a requirement in clause 98(2A) that the proposed changes cannot be inconsistent with an RSP.
NEB cl 121 (DR1 rec 35, p 54)	This clause provides for how an NEP would be treated if the boundaries of a region were changed. We recommend amending NEB clause 121 to use "natural resources" instead of "land" when referring to what is managed in NEPs following a boundary adjustment.
PB cl 292–293 (DR1 rec 36, p 55)	These clauses relate to joint regional and district planning documents and how they must be prepared and implemented. This mechanism might be used by smaller districts, such as Nelson and Tasman. We recommend moving these provisions to PB clauses 74E and 99A and NEB clause 116A, and allowing: • local authorities of two or more regions to prepare a joint RSP for their combined regions • two or more territorial authorities to prepare, implement, and administer a joint LUP for the whole of their combined districts • two or more regional councils to prepare, implement, and administer a joint NEP for the whole of their respective regions.
PB Sch 3, cl 17–22 (DR1 rec 44(a), (c), p 64)	These clauses relate to making submissions on plans. We recommend: • inserting a requirement into clause 18 that a submission or further submission cannot seek the withdrawal of the whole plan • specifying in clause 22 that councils have flexibility to strike out submissions, rather than being required to do so.
PB Sch 3, cl 23–25 (DR1 rec 44(e), p 64)	These clauses relate to the consideration of proposed plans by independent hearings panels (IHPs). We recommend inserting clause 23A to require a local authority to provide specific information to the IHP, no later than 20 working days after the closing date for further submissions.
PB Sch 3, cl 36 (DR1 rec 49, p 68)	This clause would prevent the complete withdrawal of a proposed plan being requested on appeal. We recommend amending clause 36 to specify that private plan changes are not subject to this restriction.
PB Sch 3, cl 48 (DR1 rec 54, p 71)	This clause sets out the circumstances in which a local authority may amend an operative plan without using the formal plan change process. We recommend amendments to clause 48 to clarify how information may be used to amend plans without a formal plan change.
PB Sch 3, cl 49 (DR1 rec 55, p 72)	This clause would allow any person, other than a local authority, to request a plan change in a prescribed manner.

	We recommend allowing applications on the joint matters of a plan change and an exchange of recreation reserve land. We recommend adding clauses 49A and 56(6A) to this effect.
PB Sch 3, cl 56 (DR1 rec 57, p 78)	This clause sets out the process that would apply where a local authority decides to process all or part of a requested plan change as a private plan change. We recommend inserting PB Schedule 3, clause 56(7A) to include that a rule in a private plan change has legal effect when the private plan change becomes operative.
PB Sch 3, cl 58 (DR1 rec 58, p 78)	PB Schedule 3, Part 3 provides for the legal effect of rules in proposed plans. Within this, clause 58 would enable most rules in a proposed plan to have legal effect on the date that the local authority notifies its decisions on the plan. We want to make it clear that, when a rule relates to significant historic heritage in the coastal marine area, it also has immediate legal effect. The changes we have made to PB clause 76, and elsewhere, clarify that LUPs would apply to the coastal marine area. This would ensure that the reference to significant historic heritage in Schedule 3, clause 58 would apply to the coastal marine area.

Independent hearings panels

PB clauses 294–295 and related clauses in Schedules 2–4; NEB clause 337

(DR2 recommendations 25–35)

An independent hearings panel (IHP) would be set up for each region to hear submissions about draft regional spatial plans and make recommendations. They would not have decision-making powers. IHPs would also be responsible for considering submissions and making recommendations on proposed land use plans and natural environment plans. Clauses in PB Schedules 2, 3, and 4 provide for the establishment and membership of the panels, and their roles in each of the plans. They are split as follows:

- Schedule 2–IHPs for regional spatial plans
- Schedule 3–IHPs for land use plans and natural environment plans
- Schedule 4–general provisions on IHPs.

Establishing IHPs

PB Sch 2, clause 15 and Sch 3, clause 23

(DR2 rec 26(b), p 51)

The PB would require local authorities to assign an IHP for draft regional spatial plans and proposed land use plans and natural environment plans. They provide for the IHP's functions, powers, and duties to be set by regulations.

Some submitters suggested that powers and duties of panels should be inserted into these clauses, rather than being set by secondary legislation. In our view, specifying these matters in primary legislation would be overly prescriptive. However, we consider that the primary legislation should more clearly indicate the matters that any regulations should cover.

Consequently, we recommend specifying in PB new clause 282A that regulation-making powers could cover:

- the appointment and powers of the chairperson
- the indemnity of panel members
- the term of the panel and individual panel members
- time frames
- processes that are relevant to the conduct of hearings.

We also note that Schedule 3 specifies that an IHP's functions are to conduct hearings and make recommendations. In the bills as introduced, this was not specified in the corresponding provision in Schedule 2. We recommend a minor amendment to Schedule 2, new clause 20 to align these provisions.

IHP may hold hearings

Schedule 3, clause 24

(DR2 rec 27, p 52)

Many submitters expressed concern that this clause, which allows (but does not require) IHPs to hold hearings on proposed plans, could undermine community participation and confidence in these important processes. They suggested that hearings should be mandatory if requested by submitters.

Ultimately, we are not proposing changes to this clause. However, we wish to note that we discussed this extensively with our advisers. Our overarching view is that IHPs, as independent experts, can decide for themselves whether hearings are appropriate for any proposed plan change process. We trust that they would exercise this discretion in a principled way. For example, we strongly expect IHPs to hold hearings for a full plan review, specifically focused on complex or controversial matters, without requiring the primary legislation to mandate this.

Other proposed amendments

As introduced	Description of proposed amendment
PB Sch 3, cl 25 (DR2 rec 28, p 53)	Schedule 3 would require a local authority representative to attend IHP hearings for land use and natural environment plans. There is no equivalent provision in Schedule 2 for hearings on draft regional spatial plans. In PB Schedule 2, new clause 22, we recommend requiring a representative of the spatial plan committee (or if delegated, the secretariat) to attend IHP hearings on the draft regional spatial plan.
PB Sch 2, cl 17; Sch 3, cl 26 (DR2 rec 29, p 55)	These clauses would require IHPs to make recommendations on a draft regional spatial plan within 40 days of hearings ending. Recommendations for land use and natural environment plans would have to be made 5 months after a summary of submissions is published. The clauses set out the matters that IHPs must consider. Schedule 2, clause 17 would move to Schedule 2, new clause 23. We recommend amendments that would: • remove time frames for making recommendations and allow local authorities to set deadlines on a case-by-case basis (noting that local authorities must still make final decisions within 9 months for the first regional spatial plans and 12 months for land use plans and natural environment plans, so will apportion time to IHPs accordingly)

	• require IHPs to make recommendations in accordance with the core obligations, use of information, and level of detail for regional spatial plans set out in PB new clauses 67B and 67C (moved from PB Schedule 2, clauses 2 to 4) • require that where the IHP makes recommendations on a proposed designation, it must comply with PB Schedule 5, clauses 24(1) to (3) as if it were the recommending authority for the purposes of that section.
PB Sch 4, cl 5 (DR2 rec 33, p 58)	This clause would allow the Minister to appoint one or more central government members to an IHP that is considering a proposed plan or private plan change. We recommend an amendment so that the Minister may appoint central government members to a panel assigned to a draft RSP as well.
PB Sch 4, cl 6–7 (DR2 rec 34, p 58)	These clauses set out the matters that would need to be decided and agreed when IHPs are appointed by local authorities. We recommend amending these clauses to clarify that elected members of a local authority cannot be appointed to an IHP. This supports independence of IHPs and better reflects the policy intent.

Transition

PB Schedule 1

(DR2 recommendations 104–125; DR3 recommendations 316–318)

Transitioning from one system to another is complex. A transition period would enable parts of the system to be gradually switched on, while retaining some elements of the RMA system for a period. PB Schedule 1 sets out the transitional provisions for both bills.

Commencement clauses provide that the "transition period" would begin one month following Royal assent of the bills. During this period all RMA national direction, policy statements, plans, and regulations would remain in effect.

Other areas of the RMA would be amended to create a "transitional consenting framework". It would include new "transitional national rules" being able to be made, some effects being out of scope, and new compliance and enforcement tools being available under the RMA. This is intended to begin implementing some aspects of the new system with minimal disruption, while national instruments and plans are developed.

We debated the merits and drawbacks of implementing a new system region-by-region or all at once. We note that the Natural and Built Environment Act 2023 intended to take the former approach. These bills set a preference for the latter. We consider this appropriate for how this system would work. It is simpler to plan for and beneficial for companies that operate in more than one area.

Creation of first key instruments

PB Schedule 1, clause 5

(DR3 recs 316–318, pp 382–383)

Key instruments would be developed during the transition period. National instruments and regional spatial plans would be able to come into force during the transi-

tion period. Once all land use plans and natural environment plans are notified, a date could be set for the end of the transition period.

As introduced, the sequence of events for key instruments would be:

- within 9 months after enactment—national policy directions (NPDs) finalised
- within 9 months after enactment—national standards set evidence base to support combined plans
- within 9 months after enactment—national standards set most human health limits
- within 9 months after enactment—national standards set methodologies for ecosystem health limits
- within 18 months after enactment—national standards set standardised provisions
- within 18 months after enactment—national standards set human health limits for land and soil
- within 15 months after enactment or 6 months after the first NPDs—councils notify draft regional spatial plans
- within 6 months after notification of draft regional spatial plans—regional spatial plans decided
- within 9 months after regional spatial plan decisions—draft natural environment and land use plans notified
- within 12 months after notification—natural environment and land use plans decided.

Submitters were primarily concerned that time frames for the first instruments to be notified and decided were too short. Local government entities and practitioners submitted that tight time frames would lead to low quality documents that would influence decisions at each level of the system for years to come. They also expressed uncertainty about how they would manage this at the same time as other local government reforms. PSGEs requested that the development of regional spatial plans not commence until Treaty settlements and related arrangements have been transitioned under clause 9. Others argued that the sequencing of instruments (particularly regional spatial plans being set before environmental limits in natural environment plans) could mean that decisions are made based on assumptions that may later have to be unwound.

We agree with submitters that the time frames are ambitious and would place particular pressure on local authorities. We also note that time frames for developing the first instruments are shorter than those for updating or replacing instruments once the system is up and running. In our view, this is inappropriate as it is likely that developing the first instruments would take more time, not less.

We propose extending the time frames for most of the first instruments, to more closely reflect those that would apply once the system is in place. Our proposal would

extend the overall transition period by 9 months. This should ease the pressure on councils, and experts who would be advising them, as regions are more likely to decide their plans at different times. We acknowledge that there is a high likelihood that spatial planning would still begin before Treaty arrangements are fully agreed. However, it would allow more time for equivalency agreements to be set.

We recommend that the timings for the creation of the first key instruments be extended to:

- within 12 months (not 9) after enactment—Minister finalises national policy direction (NPD)
- within 12 months after enactment and not before NPD—national standards provide direction on structure and form of regional spatial plans (rather than standards setting the evidence base to support combined plans, that would have been within 9 months)
- within 18 months (not 9) after enactment—national standards set human health limits
- within 18 months (not 9) after enactment—national standards set methodologies for ecosystem health limits
- within 21 months (not 18) after enactment—national standards set standardised provisions for land use and natural environment plans
- within 21 months (not 15) after enactment or 9 months (not 6) after first NPD—councils notify draft regional spatial plans
- within 9 months (not 6) after notification of draft regional spatial plans—regional spatial plans decided
- within 9 months after regional spatial plan decisions (no change)—councils notify draft natural environment and land use plans
- within 12 months of notification (no change)—natural environment and land use plans decided.

PB Schedule 1, clause 7 sets out the transitional process for developing the first national instruments (as distinct from the transitional process for subsequent national instruments). Given that we are aligning the time frames, PB Schedule 1, clause 7 is no longer required and we recommend deleting it. We discuss other changes specific to the first regional spatial plans in our section on that plan type.

The Ministry for the Environment provided diagrams setting out what the amended timeline might look like if the PB and the NEB were passed in mid-2026. This indicated that the transition period could end in late 2029. It can be found on the Parliament website, alongside all the advice we received.

We also recommend amendments to insert a contingency mechanism in clause 4 that would enable the transition to proceed even if some regions have not developed their plans on time. This would ensure that the national transition is not affected by delays in one region or district.

Transitional consenting framework

PB Schedule 11, Part 2

(DR2 rec 123(b), p 154)

Under PB Schedule 11, Part 2, a new transitional consenting framework would be introduced through amendments to the RMA. It would come into effect one month after Royal assent and work by:

- applying new procedural principles
- providing that some effects would be out of scope
- providing that "transitional national rules" can have effect on RMA consenting during the transition period (similar to national environmental standards under the RMA)
- requiring consent decision makers to consider regional spatial plans that have been made under the PB
- removing the special circumstances test for notification.

Amendments would be made to RMA section 104 to set out that when considering an application for a resource consent, a decision maker must not have regard to certain effects—those that would be out of scope in the new system. We recommend inserting a provision into the RMA that enables district councils, during the transition period, to make targeted updates to RMA district plans to remove plan provisions relating to effects that are out of scope without having to use the standard plan change process. This would enable those effects to be removed from the system before reaching the consent decision-making stage, and may prevent unnecessary consent applications.

Transitional and savings regulation-making powers

The Regulations Review Committee wrote to us about Henry VIII powers—provisions that would enable secondary legislation to amend or repeal provisions in the primary Act. Regulations made under the bills related to transition and savings would expire 5 years after the relevant Act's commencement date. Given the complexity of moving from the RMA to a new system, the Regulations Review Committee considered such powers appropriate in the circumstances. However, it suggested inserting further safeguards, such as the requirement for a statement of reasons.

We recommend inserting PB new clause 283A that provides for regulation-making powers related to the transition. In subclause (3), we propose including a safeguard for the Minister to be satisfied that the regulations are necessary or desirable for the orderly implementation of the PB, and are consistent with the purposes of the PB and the NEB.

Other proposed amendments

As introduced	Description of proposed amendment
PB Sch 1, cl 1–10	These clauses describe the overall approach to transition.

(DR2 rec 104, p 139)	We recommend: • clarifying the legal status of notified plans on and after the specified transition date • setting out the expectations as to when a region-by-region transition may apply • stating provisions where a territorial authority is located in more than one region, including the requirements for joint IHPs • providing that the spatial planning provisions in the Local Government (Auckland Council) Act 2009 cease to apply once a new regional spatial plan for Auckland has been adopted, rather than notified.
PB Sch 1, cl 5 (DR3 rec 317, p 382)	In addition to the time frame changes set out above, we recommend: • providing that later instruments cannot be issued before the earlier instruments in the system hierarchy, and clarifying that where two deadlines are given for the same instrument the later deadline applies • providing that reasonable efforts must be made to achieve the time frames for each.
Sch 1, cl 6 (DR2 rec 105, p 139)	This clause would allow an Order in Council to extend the time frame of the first key instruments under both bills. We recommend that this provision is consolidated in PB new clause 238A, along with the regulation-making powers in PB clause 281(1)(n) and NEB clause 307(1)(l). We also recommend adding in PB Schedule 1, clause 33 a regulation-making power to prescribe matters in relation to transitioning out of the RMA and the ability to amend national direction instruments made under the RMA.
PB Sch 1, new clause (DR2 rec 106, p 139)	We recommend providing in Schedule 1, new clause 17A targeted transitional provisions to confirm the continuation of existing use rights where RMA plan rules fall away.
PB Sch 1, cl 11–16 (DR2 recs 107–108, p 141)	These clauses set out transitional provisions for existing applications and approvals under the RMA and how they are to be treated during and after the transition period. We recommend: • setting out how each kind of application or approval is to be transitioned • ensuring consistency of terms where the policy intent is the same • setting out how applications and approval processes commenced under the RMA are to be continued on and from the specified transition date • making other changes to improve application of the transitional provisions. We also recommend including additional targeted transitional provisions to ensure continued operation of instruments and matters not currently provided for. These should be: • outline plans of works • consent reviews and changes to consent conditions • certificates of compliance • existing use certificates • existing privileges that are not required to comply with the RMA • permitted activities under the RMA, that would continue to be permitted.
PB Sch 1, cl 13	This clause would continue enforcement processes that exist under the RMA.

(DR2 rec 109, p 142)	We recommend ensuring in clause 13 and new clauses 13A to 13H: • that enforcement and compliance action can continue after the specified transition date for actions, events, contraventions, and offences that occurred while the RMA applied • that compliance instruments in force at the specified transition date continue to have effect, and that failure to comply with those instruments remains enforceable under the new system • that compliance instruments may be issued or made under the new system in relation to actions, events, contraventions, and offences that occurred under the RMA • that liability for offences committed under the RMA continues after the specified transition date, including where enforcement action is taken after the specified transition date • that compliance and enforcement functions, duties, and powers in the new system may be exercised in relation to actions, events, contraventions, and offences that occurred under the RMA • that the transitional provisions are flexible enough to support ongoing enforcement and remediation matters, including in relation to contaminated land.
PB Sch 1, cl 17 (DR2 rec 110, p 144)	This clause would extend the duration of consents that would expire during, or 24 months beyond, the transition period. We recommend providing that regulations may set consent durations between 24 and 48 months after the specified transition date. We recommend adding that, if an extension to a water consent under clause 17(2) would breach the 35-year limit, then the resource consent would be extended to the date 35 years from its commencement. We recommend excluding any resource consent for an activity associated with constructing or operating a wastewater network.
PB Sch 1, cl 18 (DR2 rec 111, p 146)	This clause would prevent councils from progressing replacement consent applications if processing has been suspended at the applicant's request. A new expiry date would still apply. We recommend providing that anyone operating under RMA section 124 immediately before the specified transition date can continue to operate from that point under PB clause 164 or that provision as it is applied by NEB clause 181. We recommend setting out in new clause 18A that while replacement consent applications may be placed on hold where the parent consent has been extended, they may be taken off suspension and processed at the applicant's request.
PB Sch 1, cl 23 (DR2 rec 112, p 147)	This clause relates to existing water conservation orders under the RMA and would provide for them to be continued into the new system with the same effect. We recommend inserting new clause 22A to provide for water conservation orders that are in progress through transitional provisions.
PB Sch 1, cl 25 (DR2 recs 113–114, p 147)	This clause would enable the continuation of specified regulations under the RMA. We note consequential amendments are needed to make regulations workable. We recommend that regulations continued by clause 25 be treated as if made under the relevant new Act, but with the following regulations revoked on the specified transition date (along with any other regulations that are appropriate to be revoked): • Resource Management (Forms, Fees, and Procedure) Regulations 2003

	• Resource Management (Discount on Administrative Charges) Regulations 2010. We also recommend adding a power in new clause 32 to make regulations to consequentially amend other regulations under other Acts.
PB Sch 1, new clause (DR2 rec 115, p 147)	Submitters commented that there were no transitional provisions for existing heritage orders. We recommend that transitional provisions for existing heritage orders be added in new clause 34.
PB Sch 1, new clause (DR2 rec 116, p 147)	We recommend adding savings provisions for coastal matters in new clauses 18E and 18F, similar to the Natural and Built Environment Act 2023 sections 77 and 78. This would ensure continuity of existing coastal authorisations and suspensions.
PB Sch 1, cl 26–28 (DR2 recs 117–118, p 148)	Clauses 26 and 27 would continue designations and requiring authority status from the RMA. Clause 28 would continue specific requiring authority approvals in Orders in Council. We recommend: • setting out that the previous terms and conditions continue to apply to designations transitioned through this clause • providing that clause 26(1) applies to an existing designation only until the relevant land use plan becomes operative • providing for how outline plans are to be treated under the new system • providing a transitional provision for applications to become a requiring authority. We note that there are inconsistencies in these clauses. We recommend deleting clause 28, and revising clause 27 as necessary to continue all requiring authority statuses.
PB Sch 1, cl 30–31 (DR2 recs 119–120, p 150)	Clause 30 would ensure the Environment Court continues. Clause 31 sets out that the Planning Tribunal would have a role in relation to RMA decisions during the transition period. We recommend deleting clause 30(2), and relying on section 33 of the Legislation Act 2019 to allow proceedings before the Environment Court to continue, even if they relate to legislation other than the RMA. We recommend amending the commencement of the Environment Court to be on Royal Assent of the PB. This would enable it to continue as the Act it is constituted under is updated. We recommend providing for objection processes underway at the time of the establishment of the Planning Tribunal, and objections to events that occurred prior to the establishment of the Planning Tribunal, to remain with the local authority.
PB Sch 11 (DR2 rec 121, p 150)	This schedule provides consequential amendments to the RMA, including providing for the role of the Planning Tribunal, which does not exist under that Act. We recommend amending Schedule 11 to give the tribunal the following functions from its establishment: • making declarations on the proper interpretation of the conditions of a consent • reviewing requests for further information or the commissioning of a report from a person applying for a resource consent or designation

	• reviewing extensions of statutory time frames based on special circumstances • reviewing decisions not to proceed with a resource consent because other consents are required • reviewing decisions to decline requests for permission to undertake work on designated land.
PB Sch 11 (DR2 rec 123, p 154)	In addition to the major change to Schedule 11 that we set out earlier, we recommend: • clarifying the provisions and terminology relating to "transitional national rules" • stating that the transitional amendments to RMA section 104 apply only to district land use activities during the transition period • including a deemed permitted activity pathway for district land use activities that would otherwise be permitted but for a trigger relating solely to an out-of-scope effect • making necessary changes to ensure that out-of-scope effects are not relevant in other parts of the consenting process, including for notification and information requests • refining the layout-related exclusions for the transition period to more clearly identify specific layout matters that are out of scope (for example, internal fitout and balconies) • amending RMA section 166 to add Health New Zealand and emergency services as new network utility operators, to align with the provisions for core infrastructure operators in the PB.
PB Sch 11 (DR2 rec 124, p 157	In relation to RMA planning requirements, we recommend: • extending the duration of the RMA regulation-making power to modify or remove plan provisions until the specified transition date • suspending the requirement for regional councils to map areas of highly productive land under the National Policy Statement for highly productive land until the specified transition date • removing the requirements under the RMA for councils to prepare a Housing and Business Development Capacity Assessment, or to prepare, review, implement, and update a Future Development Strategy • specifying that no new private plan change requests can be lodged or processed during the transition period unless an exemption is obtained from the Minister.
PB Sch 11 (DR2 rec 125, p 158)	Financial assurance provisions would commence one month after Royal assent, through amendments to the RMA during the transition period. We recommend removing the financial assurance provisions from consequential amendments to the RMA. However, we recommend ensuring that the financial assurance framework would commence for the purpose of developing national instruments and plans under the bills.

Regulatory relief

PB clauses 86, 92, Schedule 3, clauses 34, 62–75; NEB clauses 105, 111, 122

(DR3 recommendations 176–206)

The PB would introduce a new concept—regulatory relief. Regulatory relief is intended for landowners who are likely to have the reasonable use of their land signifi-

cantly impacted by specified rules in a plan. Each local council would prepare its own regulatory relief framework set out in its land use plan or natural environment plan. The council would set out how relief would be assessed and provided. For example, a regulatory relief framework could result in monetary payments to the landowner, reduced rates, or extra development rights on other parts of their land.

Only certain types of land use controls (rules on "specified topics") would give rise to regulatory relief considerations. Where a council intended to impose a rule about a specified topic, they would be required to consider whether that rule has a significant impact on a landowners' reasonable use of land. Relief would be granted by assessing the impact against the council's regulatory relief framework. Council actions regarding regulatory relief would be able to be challenged in the Environment Court.

There was a high level of interest in these provisions and hundreds of submitters shared their thoughts on the proposed regulatory relief system. Nearly all of these expressed opposition, with a few expressing mixed or supportive views. We discuss specific feedback from submitters below.

Specified topics

PB clauses 3, 86, 92; NEB clauses 3, 105, 111

(DR3 recs 176–180, pp 222–228)

PB clause 92 and NEB clause 111 signal the obligation relating to regulatory relief. However, the substantive provisions are set out in PB Schedule 3, Part 4. Obligations would be "where a rule in a plan or proposed plan relates to a specified topic" and relief entitlements "where that rule has a significant impact on the reasonable use of land." We recommend removing the detail from these clauses and to simply refer to the matters set out in PB Schedule 3, Part 4 for regulatory relief obligations.

Specified topics are set out in clause 3 of each bill. Relief could be available for rules under the PB about:

- sites or structures of significant historic heritage
- sites of significance to Māori
- outstanding natural landscapes or features
- areas of high natural character in the coastal environment, wetlands, lakes, rivers, or their margins.

Relief could be available under the NEB for rules relating to:

- significant natural areas
- sites of significance to Māori
- terrestrial indigenous biodiversity.

Submitters argued that regulatory relief would create tension between these specified topics and national instruments because councils must account for both in their plans. They noted the potential cost of this regime and expressed concern that councils would be disincentivised to implement environmental or cultural protections if they

may then be liable for regulatory relief. We received many requests to remove various topics from the specified topics.

We acknowledge the tensions and trade-offs for various specified topics, and appreciate the rationale for deleting individual specified topics. However, we consider that the existing list is needed to realise the purpose of the regime, and we recommend that specified topics remain largely as they are.

Terrestrial indigenous biodiversity and significant natural areas

NEB clause 3

(DR3 rec 179, p 227)

Many councils and Māori, community, and civil society groups were opposed to the inclusion of terrestrial indigenous biodiversity and significant natural areas as specified topics. These submitters argued that their inclusion for regulatory relief could deter recognition and protection of indigenous biodiversity. The PCE is concerned about a lack of good data on where important biodiversity is located. Therefore, he thinks that it would be difficult for councils to determine where restrictions should apply and what the cost of relief should be.

The majority of us do not wish to change the Government's intent behind the inclusion of these topics. However, we consider it confusing to include both these topics, as they overlap. For example, significant natural areas are currently described in the National Policy Statement for Indigenous Biodiversity, while terrestrial indigenous biodiversity is not defined in the bills. We think the two topics should be combined. We recommend new topic (c) is "terrestrial indigenous biodiversity to the extent it relates to an identified area".

Title clauses and key processes for councils

PB Schedule 3, clauses 62–67

(DR3 recs 182–193, pp 229–238)

Schedule 3, clauses 62 to 64 provide the context and first steps required under the regulatory relief regime. The next three clauses, 65 to 67, set out a duty to prepare a relief framework and what it must cover. We recommend some amendments in this area, set out below.

Proposed amendments

As introduced	Description of proposed amendment
PB Sch 3, cl 63 (DR3 rec 184, p 232)	This clause provides definitions for Part 4, regulatory relief. We recommend replicating the definition of "reasonable use" from PB clause 105 and NEB Schedule 3, clause 122, with minor changes to reflect the different context.
PB Sch 3 (DR3 rec 186, p 233)	We recommend specifying the word "adverse" in relevant provisions of Schedule 3 to provide that a person is eligible for relief where a specified rule has a significant adverse impact on the reasonable use of land.

PB Sch 3, cl 65–67 (DR3 recs 188–189, p 236)	We recommend that the heading and substance of clause 66 be amended so that "materiality" is deleted and replaced with the requirement to determine whether there are "significant" adverse impacts. We recommend that the heading and substance of clause 66 be amended so that references to materiality are removed and are replaced by the concept of assessing the significance of the impact. We propose amending clause 67 to clarify what constitutes significant impact. We recommend amending: • clause 67(a) to provide that both the types and levels of impacts are to be informed by the assessment in clause 66 • clause 67(a) and (b) to align and enable the levels of impact to be based on what the council considers is "reasonably likely to occur".
PB Sch 3, cl 66 (DR3 rec 190, p 237)	Clause 66(2)(a) would require a local authority to assess the materiality of impacts by considering the extent to which a specified rule "creates compliance costs or regulatory constraints that affects the reasonable use or enjoyment of land". We recommend removing the phrase "or enjoyment".
PB Sch 3, Part 4 (DR3 rec 193, p 238)	We consider that it would be useful to align the bill's use of "land", "site", and "property". We recommend amending PB Schedule 3, Part 4 so that these words are used appropriately in context and are consistent throughout the Part.

Transition and eligibility

PB Schedule 3, clause 68

(DR3 recs 194–197, pp 240–242)

PB Schedule 3, clause 68 sets out the eligibility criteria for regulatory relief. Clause 68(1) provides that a person would only be eligible if they own the land that is impacted by a specified rule in the plan, at the time that plan is made operative. Clauses 68(2) to (5) provide for exceptions to eligibility.

Clauses 68(6) to (8) relate to how regulatory relief would be introduced during the transition period. A person would be eligible for relief at the time the first plans are created if all the following apply:

- they owned the land when the most recent (district or regional) plan under the RMA was publicly notified
- that land was impacted by a similar provision in the most recent plan under the RMA
- the property has not changed ownership since the most recent plan under the RMA was notified.

Following the transition period, once the new system is fully in place, the duty to create a relief framework would only apply if a rule was substantially different to an earlier plan. A landowner is not intended to be eligible for relief if they received compensation relating to a substantially similar rule.

Submitters were generally opposed to the transitional provisions for regulatory relief. We heard from many councils that they considered the provisions to act retrospect-

ively—eligibility is established through RMA plans, the majority of which have not been able to be updated since August 2025. They were concerned that this could reopen long-settled planning outcomes and impose significant administrative and financial burdens. Determining eligibility would require the council to establish when each property was purchased and what regulatory restrictions applied at the time.

As well as the amount of potential relief, councils argued that many landowners have already been provided regulatory relief through voluntary mechanisms under the RMA.

We were concerned about the feedback we received from submitters. Guidelines from the Legislation Design and Advisory Committee provide that "legislation should be prospective, not retrospective in effect". To understand more about whether these provisions would act retrospectively, we sought further advice from the Ministry for the Environment and our independent adviser, Bronwyn Carruthers KC.

Ms Carruthers found the provisions to be "neither retrospective nor transitional". She explained that regulatory relief would only be available if existing restrictions on the specified topics were rolled into a new plan. For example, if an RMA plan contains specific environmental protections and a council continues to implement a similar protection under the new system, regulatory relief could apply when the new system takes effect. Therefore, the relief legally exists under the new plan. The advice we received from the Ministry for the Environment made similar arguments. The majority of us are satisfied that regulatory relief provisions are not retrospective.

We also received advice from the ministry about the potential cost of regulatory relief as set out in the bills. A ministry-commissioned report from advisory firm Martin Jenkins estimated this liability to be between $7 million and $1.99 billion nationwide. This large range, which accounted for the specified topics in the bills as introduced, reflects that local authorities may take a range of approaches to setting their relief frameworks. The report concluded that the bulk of costs would sit in the transition period. The PCE added that costs could apply unevenly. For example, some regions with valuable indigenous biodiversity and a small rate-paying population could face a large implementation cost for regulatory relief.

We acknowledge that councils may feel apprehensive about how regulatory relief would work. The regime has been designed to require councils to carefully consider the impact of specified planning controls on landowners' reasonable use of land. Relief would only need to be granted when impact is "significant", and we would expect councils to factor in any voluntary relief mechanisms that have already occurred under the RMA. We also note that regulatory relief does not need to be monetary; other arrangements may be appropriate and less burdensome.

Proposed amendments

We recommend no substantive amendments to the transitional provisions in clauses 68(6) to (8). However, we consider it suitable these are grouped with other transitional provisions in PB Schedule 1. We recommend they be moved to Schedule 1, clause 37.

We have small amendments to other eligibility provisions.

As introduced	Proposed amendment
PB Sch 3, cl 68(3) (DR3 rec 194, p 240)	We recommend inserting new subclause (3) and (3A) to enable a person to submit on a plan and remain eligible for regulatory relief, unless that submission requests the application of a specified rule to their land.
PB Sch 3, cl 68(4) (DR3 rec 195, p 240)	We recommend inserting new subclause (4) so it is clear that a landowner with land impacted by a specified rule is not excluded from eligibility in respect of that land due to voluntary incentives relating to other land.
PB Sch 3, cl 64 (DR3 rec 205, p 249)	This clause would impose a duty to consider the impact of specified rules proposed in a plan. We recommend amending PB clause 64(1) to make it clear that eligibility under a regulatory relief framework arises in response to each specified rule and the impact of each specified rule on specific land. We also recommend specifying in clause 65(1)(b) that eligibility may arise from the cumulative impact of multiple "specified rules" in a plan over the same land. New clause 66(aa) would clarify that national instruments or regulations set criteria that apply when assessing the extent to which two or more specified rules collectively have a significant adverse impact.

Making and reviewing decisions

Schedule 3, clauses 69–75

(DR3 recs 198–205, pp 243–249)

Schedule 3, clauses 69 to 75 cover matters related to the relief framework and reviewing decisions. We recommend restructuring Schedule 3, Part 4 so that it aligns with the steps of the plan-making process. We have one other recommendation to highlight.

Types of relief

Schedule 3, clause 69

(DR3 rec 200, p 245)

PB Schedule 3, clause 69 sets out the matters a local authority must consider when developing and implementing its relief framework. Clause 70 sets out the nature that relief might take. We note the list in this clause is not exhaustive, and councils may opt for other forms of relief.

In addition to general comments about potential costs, we received submissions on relief mechanisms in clause 70, and how they may draw on council resources. As previously mentioned, it is important that types and scales of relief are determined by councils. To make this clearer, we recommend amending the phrasing from "relief need not be granted on a like-for-like basis" to "is not required to provide relief on an equivalent basis nor fully address any significant adverse impact of any specified rule". This new wording is reflected in new clauses 66A(3) and 73(3)(b). Clause 69 would be removed from the PB completely as part of restructuring these provisions. We are proposing some restructuring to regulatory relief provisions to make clearer what is required when making and implementing plans.

Other proposed amendments

As introduced	Description of proposed amendment
PB Sch 3, cl 71 (DR3 recs 201–202, p 246)	This clause describes the process for implementing a relief framework once a plan has become operative. In new clause 71A, we recommend enabling an eligible landowner to decline to receive regulatory relief in accordance with requirements prescribed in regulations. This approach would enable a person to "opt out" of receiving regulatory relief and ensures that a council can rely on a landowner's decision to decline relief. We recommend amending references to "affected person" in clause 71 to make it clearer that it aligns with "eligible person" and entitlement due to a relief framework in a plan.

Coastal matters

PB clauses 183–184; NEB clauses 88, 106, 113–116, 123, 220–222, 310–312, 321, Schedule 3

(DR3 recommendations 260–298)

The coastal marine area (CMA) refers to the foreshore, seabed, coastal water, and air space above the water. Currently, it is managed under the RMA, with interactions with other relevant legislation such as the Fisheries Act 1996. Matters related to the Marine and Coastal Area (Takutai Moana) Act 2011 are covered in our section on Māori interests and Treaty provisions.

In the new system, regional councils would primarily manage the CMA through natural environment plans under the NEB. Regional councils would also manage any relevant PB matters where activities take place wholly in the CMA. NEB Schedule 3 would carry over RMA and Natural Built Environment Act 2023 provisions for coastal tendering and occupation of space.

We received extensive submissions about the CMA from businesses, Māori organisations, and community groups. We heard concerns about the potential reallocation of resources held under existing permits, and how public access and the natural character and landscape of the coastal environment would be managed. We have discussed submitter comments about goals, allocation, and environmental limits in other sections of this commentary.

Interface with the Fisheries Act 1996

NEB clauses 88, 106, 113–114, Schedule 3, clauses 12, 18, 58

(DR3 recs 267–268, p 330)

Currently, the RMA and the Fisheries Act allow the effects of fishing on biodiversity to be controlled. The Fisheries Act provides for the utilisation of fisheries resources while ensuring sustainability. The RMA has a broader focus on managing and protecting the coastal environment generally. Recent amendments to the RMA have clarified and constrained the extent to which regional councils can control fishing to protect biodiversity and other related values.

We recommend that, rather than regulations setting out the details of how rules to control fishing can be made, the NEB and the PB be amended to include all these details. This would include the process requirements and constraints in the RMA, as amended by the Resource Management (Consenting and Other System Changes) Amendment Act 2025.

We also recommend inserting new clauses 84A and 84B to make clear that rules to control fishing may also be made under the PB. Any proposed rules would be subject to the same requirements and constraints as proposed rules to control fishing under the NEB.

Functions of regional councils

NEB clause 222

(DR3 rec 281, p 339)

NEB clause 222 lists the functions of regional councils in relation to the CMA. Within clause 222, subclauses (3), (4), and (5) are specifically about regional councils' functions relating to fisheries. We wish to make these clearer. We recommend stating that a regional council must not control the taking, allocating, or enhancement of fisheries resources in the CMA for the purpose of managing fishing or fisheries resources under the Fisheries Act. However, a regional council may control aquaculture activities in the CMA to avoid, minimise, or remedy the effects of aquaculture activities on fishing and fisheries resources. This would align with the RMA, including the 2025 amendments.

We note that the list of functions in subclause (4) is included elsewhere in the bill. We therefore recommend that the list be removed to avoid duplication.

NEB clause 222(3)–(5) contains references to the Minister of Conservation. We understand that the Minister of Conservation's current role in relation to these matters is limited to approving regional coastal plans. The new system does not include regional coastal plans, so we recommend that references to the Minister of Conservation be removed. Ministerial input to the "funnel" is provided for at the level of national instruments. This includes a requirement for the responsible Minister to consult the Minister of Conservation on any proposals that relate to the CMA.

Coastal occupation charges

NEB clause 321

(DR3 recs 282–283, p 340)

NEB clause 321 would require a regional council to consider whether a natural environment plan should include a coastal occupation charging regime (similar to RMA section 64A). Some submitters questioned how these charges would interact or overlap with natural resource levies. We consider natural resource levies to be a more effective tool (and discuss levies elsewhere in the commentary). Further, coastal occupation charging has been used very infrequently under the RMA. We recommend removing coastal occupation charging from the NEB.

Marlborough District Council has the only notified coastal charging regime currently in existence. We recommend adding existing coastal occupation charges to the RMA savings provisions in NEB Schedule 1 so they continue to apply until replaced by a natural resource levy.

Other proposed amendments

As introduced	Description of proposed amendment
NEB cl 3 (DR3 recs 260–264, p 326)	We recommend amending: • the definition of "aquaculture area" to state that it is an area established in a management plan for aquaculture activities • the references to the Minister of Conservation in the definition of "mouth" in NEB clause 3 to the responsible Minister for the NEB. We also propose inserting definitions of "open coastal water" and "space", using language from the RMA.
PB cl 17 NEB cl 18 (DR3 recs 265–266, p 327)	These clauses set out restrictions on activities in the CMA. We recommend including a provision like NEB clause 18(4)(a) in PB clause 275 and new clause 275A. This would allow the regulation of activities in, under, or over the CMA for PB matters. We recommend inserting PB new clause 17A and amending NEB new clause 18(7) to state that the carve-out for overflying aircraft applies to land use as well as use of the CMA.
NEB cl 113 (DR3 rec 269, p 332)	This clause would provide that a regional council plan may only include a rule to control fishing in the CMA if the rule was in the proposed plan when it was notified. We recommend that it be amended to state that, despite local authorities having the general power to make rules for classes of activities, the requirements for rules to control fishing would still apply to them.
PB Sch 3, cl 12, 58(3) NEB cl 106(3) (DR3 recs 270–272, p 334)	These clauses set out what regional councils must do when proposing a rule to control fishing in the CMA in a plan. Schedule 3, clause 12 would move to Schedule 3, new clause 10A. We recommend amending it to: • better align these clauses with the existing provisions in the RMA. This would include adding the specific requirements relating to pre-notification and evaluation reports for proposed rules that control fishing. • clarify that the Director-General of the Ministry for Primary Industries must not agree with a proposed rule to control fishing if it would adversely affect specified matters (which would be the same as RMA section 32(2A)(a)). • clarify that a submission must not seek to enlarge the area to which the rule applies or add any other area to which the rule would apply.
PB cl 183 NEB cl 220 (DR3 recs 274–276, p 336)	These clauses set out powers that the Minister of Conservation, rather than local authorities, would hold for specific islands. We recommend amending PB clause 183(1) and NEB clause 220(1) to state that the Minister has the responsibilities, functions, and powers that a regional council would have under the Act if the CMAs of the islands were within its region. We also recommend allowing the Minister to exercise the responsibilities, functions, and powers that a territorial authority (PB) or a regional council (NEB) would have if the islands were within that district.

	We recommend amending the PB, by adding new clause 104A, to provide that land use plans are optional for islands administered by the Minister for Local Government under section 22 of the Local Government Act 2002.
PB cl 184 (DR3 recs 277–280, p 338)	This clause describes territorial authorities' responsibilities. We recommend amendments to this clause and adding provisions that would: • provide that a regional council has all the responsibilities, functions, and powers that a territorial authority has under the PB in respect of matters wholly within the CMA (PB new clause 184A) • state that a territorial authority may regulate matters that are partly within its district and partly within the CMA (PB clause 184) • allow public access to be considered as part of an NEB coastal permit application (NEB new clause 158A) • remove the exclusion of clause 184(2)(h) from clause 184(4) (now PB new clause 184A(2)).
NEB cl 116 (DR3 rec 284, p 342)	This clause would place a restriction on classifying aquaculture as a permitted activity in the CMA. We recommend specifying that a permitted activity rule for aquaculture activities can only apply to a space that has a coastal permit which authorises aquaculture activities at the time the permitted activity is undertaken.
NEB cl 123 (DR3 rec 286, p 344)	This clause states that the provisions in Schedule 3 relating to coastal matters have effect according to their terms. We recommend amending PB Schedule 2, clause 35 to require regional spatial plans, land use plans in the CMA, and natural environment plans to be updated when new aquaculture settlement areas are gazetted or when the location or size of an existing aquaculture settlement area changes. Further, we recommend that PB Schedule 3, clause 48 provide that these updates can be made without using the full plan change process.
NEB Sch 3, cl 14 (DR3 rec 289, p 347)	This clause would enable the Minister to approve a method to allocate authorisations to occupy space in the common marine and coastal area, when requested by a regional council. We recommend requiring that the time period to which an allocation approval applies be specified in secondary legislation.
NEB Sch 3, cl 38–41 (DR3 rec 292, p 351)	These clauses relate to how regional councils may process and hear together applications for aquaculture activity permits. We recommend that these clauses be simplified, through merging clauses 40 and 41 into clause 39. We recommend enabling regulations to set out how councils must process and hear together any applications as required under a rule or *Gazette* notice.
NEB Sch 3, cl 63–71 (DR3 recs 296–297, p 356)	These clauses relate to reviewing extensions for marine farm coastal permits and port company coastal permits. We recommend they be removed as the relevant RMA provisions would continue to apply. These clauses were intended to carry over a bespoke review process for consents extended under the RMA. We recommend consequential amendments to RMA sections 165ZFHHA and 165ZFHI to provide that reviews of conditions for extended marine farm coastal permits would be required to start no later than the specified transition date.
NEB Sch 3, cl 72–80 (DR3 rec 298, p 358)	These clauses relate to reviewing the conditions of extended permits for coastal permits issued to port companies. We recommend they be removed. The clauses are not necessary because equivalent provisions of the RMA would continue to apply during the transition

	period, and after the transition date for any review processes that are yet to be completed.

Freshwater farm plans

NEB clause 125, Schedule 5

(DR3 recommendations 299–311)

The NEB would enable the use of freshwater farm plans. These were established in RMA Part 9A in 2020 and amended in August 2025. The NEB would mostly carry over the existing regime. Freshwater farm plans are used to control adverse effects from farming on freshwater and freshwater ecosystems within specified districts, regions, or parts of New Zealand.

Schedule 5, clauses 1 to 4 set out preliminary provisions for freshwater farm plans. Clauses 5 to 9 set out operational matters, including:

- the land use threshold for when a farm would be required to have a freshwater farm plan
- the main duties of farm operators
- the contents of a freshwater farm plan
- certification and audit requirements.

The final clauses, 10 to 15, of Schedule 5 provide functions of local and central government. Regional councils would conduct compliance and enforcement functions. The Minister would approve an industry organisation to provide certification and audit services.

Submitters expressed concern that these provisions could create unnecessary duplication with other regulatory mechanisms (including activity classes, consenting processes, or resource caps for environmental limits). They also asked how freshwater farm plans would recognise the potential role of grassroot approaches, such as catchment groups.

The PCE gave us detailed advice on freshwater farm plans. He recommended that freshwater farm plans, which he considers to be operational management tools, should be set in secondary legislation rather than primary legislation. He also told us that the relationship is unclear between freshwater farm plans and action plans for environmental limits. The PCE strongly suggested that we use the bills as an opportunity to place more emphasis on community-led action. He spoke to us about how catchment-scale plans could fill the gap between action plans for environmental limits and property-scale farm plans.

Overall, we support the flexibility that freshwater farm plans give farmers to manage their own risks. In our view, a freshwater farm plan would manage effects of lower-risk activities on farms, and natural resource permits would manage higher-risk activities. The use of natural resource permits and freshwater farm plans would also depend on the extent of improvements needed, or of overallocation in a catchment area (as identified through limit setting).

Proposed amendment

NEB Schedule 5, clauses 6–11, 15

(DR3 rec 307, p 370)

NEB Schedule 5, clause 8 describes the basic requirements of certification of freshwater farm plans. Regulations would prescribe which farms would require certification. Clause 9 would require a farm operator to arrange an audit of their compliance with their freshwater farm plan, whether certified or not.

Some submissions called for targeted auditing for higher-risk farms, or for making auditing random. We support the suggestion of making auditing more cost effective and risk based. We recommend amendments to Schedule 5, clauses 6, 9, 11, and 15 to only require an audit where certification is already required. As freshwater farm plans would continue to operate under the RMA during the transition period, we recommend updating consequential amendments to the RMA accordingly. Councils would still be able to utilise other compliance and enforcement functions, but only farm plans that are certified would be able to be audited.

Consenting and permitting

PB clauses 107–130, 137–180, Schedule 6; NEB clauses 129–143, 154–202, Schedule 2

(DR1 recommendations 59–112)

Together, consenting and permitting refer to the processes of obtaining approval to undertake an activity. The PB would operate under the assumption that land use is permitted unless specifically restricted. Therefore, consent would be required where a land use activity contravenes a rule.

The NEB would operate under the assumption that use of natural resources is restricted unless allowed. A permit would be required unless the use of a natural resource is expressly allowed by a rule. Rules would be set in the relevant plans or as part of national standards.

We deal with notification, hearings, and submissions on consents and permits in the next section.

The bills would set statutory time frames for councils to process consent and permit applications. Regulations would be able to set shorter time frames. There are pathways for an applicant to ask the Planning Tribunal to review decisions made in the processing of consents and permits. An applicant may appeal decisions to the Environment Court.

Generally, consents under the PB would have an unlimited duration. Under the NEB the maximum duration is:

- unlimited for land use or coastal permits for reclamation
- 50 years for permits for structures in the beds of lakes and rivers or the coastal marine area
- 35 years for other activities.

Deferral pending application for additional consents or permits

PB clause 116; NEB clause 137

(DR1 rec 73, p 93)

PB clause 116 and NEB clause 137 would allow a council to defer the processing of a consent or permit if the broader proposal would also require additional consent or permit applications, and those additional applications would give a better understanding of the overall proposal.

As introduced, the clauses do not apply across the two bills. For example, a consent authority cannot defer a consent application that has pending additional permits applied for under the NEB. Many councils submitted that "cross-Act deferral" would be a helpful function and would ensure that proposals are assessed and notified as complete projects.

We are concerned that cross-Act deferral in this instance would undermine a system designed to treat land use and natural environment matters separately. Regulations would be empowered to prescribe procedural matters for consent and permit processing. We expect regulations would include the reasons for which an application could be suspended, including when an applicant requests it. This would allow an applicant to undertake their own due diligence and consider if additional approvals are required.

To make it clearer when in the process a deferral decision would be made, we recommend amending PB clause 116(2) and NEB clause 137(2). A deferral decision would need to be made before a notification decision or a hearing, but would not require an application to be notified or a hearing to be held.

Natural hazard risks

PB clause 146; NEB clause 163

(DR1 rec 84, p 109)

PB clause 146 and NEB clause 163 would enable a consent or permit authority to refuse a planning consent or land use permit on the basis of significant risk from natural hazards. Alternatively, the authority could grant a consent or permit with conditions, based on the natural hazard risk. These are similar to provisions introduced to the RMA in August 2025.

Certain exclusions would apply to these protections for natural hazard risks. PB clause 146 would not apply to land use consents for infrastructure or primary production activities. NEB clause 163 would not apply to land use permits for primary production activities. We note an omission in the NEB as introduced: the exclusion for infrastructure was designed to apply to both bills, as it is in the RMA. We recommend inserting this exemption into NEB clause 163(4).

We received submissions from local authorities, legal bodies, and technical organisations expressing concern about the exclusions for infrastructure and primary production activities. The PCE was similarly concerned about the exclusion of certain activities from natural hazard risk conditions. He noted the increase in effects in recent

years from natural hazards and was concerned that councils might not be able to prevent activities in the highest-risk areas. On the other hand, primary sector organisations and infrastructure providers were supportive of the exclusions.

We acknowledge these concerns about potentially allowing activities where they could be at significant risk from natural hazards. We consider it appropriate that broad exclusions are outlined in primary legislation, but we wish to add the ability to narrow these exclusions through national standards. We recommend amending PB clause 146(4) and NEB clause 163(4) to state that national standards prevail over exclusions for primary production and infrastructure. This would enable exclusions to be targeted and adaptable depending on the natural hazard risk profile and the infrastructure or primary production activities proposed.

PB clause 146(3) and NEB clause 163(3) would set requirements for assessments of the risk from natural hazards. We recommend replacing these subclauses with (1A), and providing for assessment methods prescribed in national standards to take precedence over those set out in primary legislation. This is to ensure the risk assessment process can be consistent with nationally prescribed methodologies as they evolve over time.

Precautionary principle in the NEB

NEB clause 166

(DR3 rec 312, p 374)

As introduced, NEB clause 166 would require a permit authority to favour caution and environmental protection when deciding whether to approve a permit application. This would only be if available information was uncertain or inadequate. Clause 166 also provides that, if that approach meant that the permit was likely to be refused, the permit authority must consider whether an adaptive management approach would address the concerns arising from the uncertainty or inadequacy of the information.

We received mixed feedback on this clause. Some submitters noted that the precautionary principle used under the RMA had been developed through case law and the focus on uncertainty of information may result in this principle being applied incorrectly.

We note that national instruments would be able to apply a precautionary principle for specific areas, or for specific activities or resource uses. Our view is that the national instrument setting process has the flexibility to consider and set precautionary principles as appropriate. The majority of us think there is no need to set a precautionary principle in primary legislation. We recommend deleting NEB clause 166.

Other proposed amendments

As introduced	Description of proposed amendment
PB new clause NEB new clause (DR1 rec 62, p 86)	Several submitters noted that there was no equivalent provision to RMA section 42A. This section allows councils to require the preparation of a report on information provided by an application or submitter on specified matters, including plans and applications for resource consents.

	We recommend inserting PB new clause 286C and NEB new clause 320C to act as equivalents to RMA section 42A.
PB cl 109 NEB cl 130 (DR1 rec 66, p 88)	These clauses set out how to apply for a planning consent or natural resource permit. We recommend linking the proportionality of information required in applications to the scale and significance of the "effects of the activity" proposed, rather than the "matter" to which the application relates.
PB cl 111 NEB new clause (DR1 rec 68, p 90)	PB clause 111 would enable a person to make a joint application for a consent and the exchange of recreation reserve land under the Reserves Act 1997. This would only be allowed when the consent authority also administers the reserve land and agrees to a joint process. We recommend inserting NEB clause 131A to include equivalent provisions for permits.
PB cl 115 NEB cl 135 (DR1 rec 72, p 92)	These clauses describe the circumstances when a consent or permit authority would be able to deem an application incomplete and could return it to the applicant. We recommend specifying that a consent authority could determine an application incomplete if it does not include information prescribed in regulations.
PB cl 117 NEB cl 138 (DR1 rec 74, p 95)	These clauses set out the maximum processing times for planning consents and natural resource permits. We recommend including a maximum processing time frame of 50 working days for a non-notified consent or a permit with a hearing.
PB cl 118 NEB cl 139 (DR1 rec 75, p 97)	These clauses would require consent or permit applications for specified energy activities or wood processing activities to be decided within one year of the application being lodged. We recommend inserting a definition of "wood processing activity", based on the current RMA definition, in clause 3 of both bills.
PB cl 119–122 NEB cl 140–143 (DR1 rec 76, p 99)	These clauses relate to consent or permit authorities requesting further information or reports in support of an application. We recommend three amendments to these clauses: • specifying that requests for further information or reports must be "sufficient and necessary" to understand the effects of the activity • adding provisions so that councils can request further information if this is necessary due to materially new information, or there is a change to the application, or the applicant agrees • specifying that, before a report can be commissioned, the authority considers the activity may have significant adverse effects.
PB cl 139 NEB cl 156 (DR1 rec 79, p 103)	These clauses set out matters that a permit authority must or may have regard to when considering an application. We recommend removing the requirement for a consent or permit authority to consider any relevant provisions of the regional spatial plan for discretionary activities.
PB cl 145 NEB cl 162 (DR1 rec 83, p 107)	These clauses would enable a consent or permit authority to have regard to an applicant's compliance history when considering their application. We recommend: • amending these clauses to allow a council, when considering a consent or permit, to have regard to any abatement notice, infringement notice,

	enforcement order, or conviction received by a person under the RMA or the other bill • adding pecuniary penalties to the list of compliance history matters.
PB cl 148 NEB cl 165 (DR1 rec 86, p 111)	These clauses set out how a consent or permit authority may determine the result of an application. We recommend inserting PB new clause 149A and NEB new clause 167A to enable a consent or permit authority to grant a consent or permit that does not comply with a water services standard where a provision in a plan, or proposed plan: • gives effect to Te Ture Whaimana o Te Awa o Waikato | the Vision and Strategy for the Waikato River • is more stringent than the water services standard.
PB cl 150 NEB cl 168 (DR1 rec 88, p 113)	These clauses set general requirements that councils must satisfy before including conditions in consents or permits. We recommend specifying that a consent or permit authority must not impose a condition unless it is one of the following: • agreed to by an applicant • to manage adverse effects • directly connected to provisions in a plan or national rule.
PB cl 152 NEB cl 170 (DR1 rec 90, p 115)	These clauses would enable an applicant to request a review of any draft conditions of a consent or permit. We recommend inserting a maximum time frame of 10 working days for an applicant or submitters to provide their comments on draft conditions, and removing the restriction that processing time frames can only be suspended once.
PB cl 157 NEB new clause (DR1 rec 94, p 117)	This clause would provide that a planning consent granted before a stormwater or wastewater environmental performance standard prevails over those instruments. We recommend inserting an equivalent provision into NEB new clause 174A.
PB cl 163 NEB cl 178–180 (DR1 rec 98, p 121)	These clauses relate to the duration of planning consents and natural resource permits. We recommend amending PB clause 163 to state that the default duration is unlimited, unless otherwise specified in the consent. We recommend amending NEB clauses 178 to 180 to: • provide that the default duration of a land use permit is unlimited, unless otherwise specified in the permit • extend the 50-year maximum duration for structures to long-lived infrastructure that occupies the beds and lakes of rivers, or the coastal marine area • specify that permits for activities that meet the requirements of a wastewater or stormwater environmental performance standard, or an infrastructure design solution, must be granted for a period of 35 years • include a definition that sets out that a "relevant group" means a group who may or must be involved in planning or permitting processes under the NEB because of Treaty settlements, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, or the Marine and Coastal Area (Takutai Moana) Act 2011.
PB cl 165	PB clause 165 sets out when a consent lapses. It is cross-referenced in the NEB.

NEB cl 181 (DR1 rec 99, p 123)	We recommend amending PB clause 165 to provide that an application to extend a lapse date must be lodged at least 20 working days before the consent is due to lapse.
PB cl 168–173 NEB cl 186–191 (DR1 rec 101, p 127)	These clauses relate to the reviewing of consent and permit conditions by the relevant authorities. We recommend enabling a council to review the conditions of a natural resource permit, for an activity that is regulated by a wastewater or stormwater environmental performance standard, when that standard is made or amended.
NEB cl 196 (DR1 rec 105, p 130)	NEB clause 196 would enable a discharge permit to be transferred by the holder to different owners or occupiers of the same site, or to another site if allowed by a plan. We recommend including that, if a transfer is not allowed by a rule, it must be authorised through a permit process.
PB cl 178 NEB cl 200 (DR1 rec 107, p 131)	These clauses would enable a person to apply to a consent or permit authority for a certificate of compliance for activity that may lawfully be carried out without a consent or permit. We recommend: • enabling consent or permit authorities to correct minor mistakes or defects in a certificate of compliance within 20 working days of the certificate being issued • specifying that a certificate of compliance must be issued within 20 working days from the date a certificate is requested, or from when further requested information is received.
PB cl 179 NEB cl 201 (DR1 rec 108, p 132)	These clauses would enable a person to request a consent or permit authority to issue an existing use certificate. We recommend specifying that an existing use certificate must be issued within 20 working days from the date a certificate is requested, or from when further requested information is received.
PB Sch 6, cl 1–4 NEB Sch 2, cl 1–4 (DR1 rec 111, p 135)	These clauses set out the information required in an application for a consent or a permit. We recommend removing PB Schedule 6, clause 1 and NEB Schedule 2, clause 1 as they are duplications. As introduced, there were omissions from the PB. We recommend: • including provisions from NEB Schedule 2, clause 3(c) in PB Schedule 6, clause 3(c) • including provisions from NEB Schedule 2, clause 4 in PB Schedule 6, new clause 4A.

Notification, submissions, and hearings

PB clauses 123–136; NEB clauses 144–153

(DR3 recommendations 248–259)

Notification, submissions, and hearings processes are used to assess consent and permit applications. Notifying people about a proposed activity allows affected persons to participate in decision making by making a submission or, in some cases, sharing their views at a hearing. Under the RMA, relatively few activities are required to be notified. For example, 1.3 percent of all projects were publicly notified in 2023/24.

The PB and NEB would require mandatory public notification where:

- an applicant requests it
- an applicant fails or refuses to respond to a request for further information
- a national rule or a rule in a plan requires it
- an application is made jointly with an application to exchange recreation reserve land under the Reserves Act 1977 (PB only).

Only a qualifying resident, or a person who is not a qualifying resident but is an affected person, would be able to make a submission on an application that is publicly notified.

If mandatory public notification does not apply, an application would be required to be notified to targeted groups:

- affected protected customary rights groups
- affected customary marine title groups
- persons to whom statutory acknowledgements area are made (if they are an affected person)
- affected persons (if they can be identified).

An affected person is defined as a person who will, or is likely to, experience more than minor adverse effects from an activity. If targeted notification does not happen because there are no affected persons or because none can be identified, public notification may be required. It would be required if:

- a consent application under the PB is likely to have adverse effects that are "more than minor"
- a permit application under the NEB is likely to have adverse effects that are "significant".

Most submitters were opposed to narrowing the situations for public notification, and limiting public submissions to qualifying residents. They suggested that this would risk undermining confidence in the proposed system. Local government, Māori groups, and environmental organisations were critical of the "significant" threshold for public notification of natural resource permit applications. They were concerned about reducing participation rights. Councils also told us that being required to verify "qualifying residents" would increase administration costs and litigation risks.

We consider it is appropriate to increase the thresholds for notification. The new system is designed for public participation to take place at higher levels of the "funnel", primarily in the development of national instruments. We have no major recommendations to make, but propose amendments to improve clarity and workability.

Proposed amendments

As introduced	Description of proposed amendment
PB cl 125 NEB cl 146	These clauses set out notification requirements that consent or permit authorities must follow if notification is not mandatory.

(DR3 rec 250, p 307)	We recommend requiring mandatory public notification of NEB permits for applications made jointly with an application to exchange recreation reserve land under the Reserves Act 1977.
PB cl 125 NEB cl 146 (DR3 rec 251, p 309)	These clauses set out notification requirements if public notification is not mandatory. We recommend allowing regulations to prescribe procedural matters for identifying affected persons, including process steps and circumstances when it is impractical to identify affected persons.
PB cl 126 NEB cl 147 (DR3 rec 252, p 310)	These clauses would require a consent or permit authority to publicly notify an application if it has requested further information from an applicant, and the applicant does not fulfil the request. We recommend deleting these provisions. The bills provide other mechanisms that encourage applicants to respond to requests for further information, such as providing that an application may be treated as incomplete and returned if an applicant fails to respond.
PB cl 127 (DR3 rec 253, p 311)	This clause sets out what must and may be considered when determining whether adverse effects are likely to be more than minor (and therefore meaning the application must be notified). We recommend removing the ability for a consent authority to consider whether adverse effects are consistent with those anticipated by a land use plan or a regional spatial plan in this process.
PB cl 128 NEB cl 149 (DR3 rec 255, p 315)	These clauses define "affected person" for the purpose of targeted notification. We recommend amending NEB clause 149 to specify that it is the effects of an activity on the persons within a management unit that are relevant, rather than effects on a management unit itself. We also recommend amending this clause so a person does not need to reside within a management unit to be considered an affected person.
PB cl 132 (DR3 rec 258, p 318)	This clause sets out that a submission must be in a prescribed form and make a case that is reasonable and relevant to the application. We recommend removing clause 132(2)(b), related to treatment of submissions that do not meet requirements. Treating a submission as invalid, regardless of whether it is struck out, may raise natural justice concerns as there is no right to review that decision. In practice, consent authorities are unlikely to give weight to submissions that do not disclose a relevant case.
PB cl 134–136 NEB cl 153 (DR3 rec 259, p 322)	These clauses relate to hearings. We recommend amendments that would: • enable a consent authority or commissioner to direct parties to attend a conference or mediation, and direct experts to attend a conference • specify that a consent authority or commissioner may decline to process an application or consider a submission if an applicant or submitter fails to attend a conference or mediation and does not give a reasonable excuse • provide further direction on a "joint hearing" and "combined hearing" • only require a decision by a commissioner if the applicant requests it or a hearing is required.

Allocation

NEB clauses 87, 99–100, 136, 182–184, 204–214, 223, 309, 316, 327

(DR3 recommendations 240–247)

The NEB would enable a framework for allocating the use of natural resources. Allocation methods could be set through national instruments and plans. Allocation clauses do not have a standalone area of the bill, and are located where relevant.

Existing allocation methods in the RMA would be retained. Two new methods are proposed, but as explained below we are recommending that both be removed.

Regulations may also establish a new process for reducing allocations in existing permits. The NEB includes a preservation clause confirming that it would not create, transfer, extinguish, or determine any proprietary or customary rights, or interests in freshwater or geothermal resources.

Allocation methods retained from the RMA

NEB clauses 99, 136, 182–184, 223, 327

(DR3 recs 242–247, pp 297–302)

Clauses in the NEB would retain existing allocation methods from the RMA. They could be used from enactment and include:

- allocation through rules (such as permitted activities) that can be to activity types (such as public drinking water)
- "first-in, first-served" for deciding permits
- priority for existing permit holders when permits are replaced.

Proposed amendment

NEB clause 223

(DR3 rec 245, p 300)

NEB clause 223 sets out the natural resource uses that regional council have responsibility for allocating. We recommend including the damming of water.

New allocation methods and processes

NEB clauses 87, 100, 204–214, 316

(DR3 recs 240–241, pp 294–295)

The NEB would introduce two new methods for the allocation of natural resources:

- market mechanisms (auctions and tenders)
- a process enabling comparative assessment of competing permit applications.

These methods could only be used if permitted by a national instrument. This would allow operational policy detail to be developed, enable consideration of impacts on existing users, and provide an opportunity to consider Crown assurances on Māori rights and interests in freshwater and geothermal resources.

Submitters expressed mixed views on the proposed new allocation methods. They were most concerned about market-based allocations, and told us the process would likely be unfair, inequitable, and inefficient. Although many acknowledged issues with the "first-in, first-served" method under the RMA, they were particularly con-

cerned about the lack of detail for the new methods and how they would be transitioned to. We also heard that reforming allocation methods before resolving Māori freshwater rights and interests could reinforce current inequalities, would be inconsistent with te Tiriti o Waitangi, and could prejudice the ability to resolve rights in the future.

We have considered these issues in detail. On balance, the majority of us recommend that the clauses that would enable market-mechanisms and comparative assessment of permit applications should be removed from the bills.

Regulation-making powers

NEB clause 309

(DR3 rec 246, p 301)

Clause 309 would enable the making of regulations to prescribe a process by which a permit authority may carry out a review of the conditions of a permit that relates to the allocation of a natural resource. We recommend amending clause 309(1) so that the regulations made can only be used by permit authorities if required by a national instrument or plan.

Central and local government functions

PB clauses 182–213; NEB clauses 215–235, 240, 317

(DR2 recommendations 1–24)

The bills set out the various functions of different actors. The Minister responsible for each bill has certain functions, some of which may be delegated to central government agencies. Local government also has specific functions.

In this section, we discuss our proposed changes to ministerial functions, ministerial powers, system performance, and the role of local government.

Ministerial functions

PB clause 182; NEB clause 215

(DR2 rec 1, p 20)

PB clause 182 and NEB clause 215 list various functions of the Minister under each bill. These are set out separately from the functions the Minister has under specific provisions of each bill. We have no major policy changes to recommend, but instead some improvements to the workability of the clauses. We recommend:

- amending NEB clause 215(b) to expressly refer to the making, revocation, or amendment of water conservation orders
- amending NEB clause 215(f) to refer to "any significant natural environment or natural resource matter"
- inserting PB clause 182(fa) to include the monitoring and investigating of any significant land use or planning matter

- inserting NEB new clause 215B to set out the function of the Minister responsible for aquaculture.

Ministerial powers

PB clauses 184–200, 208–209; NEB clauses 22, 227, 229–239

(DR2 recs 2–12, pp 22–30)

Together, these clauses establish the functions of the responsible Minister. They also enable the Minister to delegate some functions, powers, or duties to the chief executive, and powers to intervene if a local authority has failed to perform their relevant functions, powers, or duties under the Acts. Intervention powers are largely similar to those of the RMA, with a few additions.

Minister may direct local authority to achieve outcome

PB clause 204

(DR2 rec 6, p 26)

PB clause 204 would enable "the Minister to direct a local authority to take any action that the Minister considers necessary to achieve an outcome specified by the Minister in the direction." We understand that the clause was intended to apply broadly to functions of local authorities under the PB, but outside the plan-making processes. We agree with submitters that the meaning of "an outcome" is ambiguous. We recommend amending clause 204(1) by replacing "achieve an outcome" with "address any issue with the local authority's exercise or performance of its relevant functions, powers, or duties."

Minister may make grants and loans

NEB clause 317

(DR2 rec 12, p 30)

NEB clause 317 would allow the Minister to make grants and loans to any person to assist in achieving the purpose of the Act. We recommend deleting this power. It was carried over from the RMA, but we do not consider it useful in the NEB because:

- the bill has a broader purpose than the RMA, and the circumstances in which the power would be used are unclear
- there are no criteria for safeguarding the use of this power
- we are not aware of recent uses of this power under the RMA.

Other proposed amendments

As introduced	Description of proposed amendment
PB cl 203(4) NEB cl 217(4) (DR2 rec 5, p 25)	These clauses would allow a Minister to direct preparation of a plan, document change, or variation. We recommend amending the definition of "reasonable evidence" needed before exercising this power to include:

	• information collected from the ongoing monitoring of a local authority's performance or exercise of their functions, powers, and duties under the Act or a national instrument • failing to comply with time frames prescribed in a national instrument.
PB cl 206 (DR2 rec 8, p 27)	This clause would set the requirements for the Minister to follow when issuing direction under the bill. We recommend amending the clause to provide the Minister discretion to extend the 20-working day time frame for a local authority to respond to any direction issued under PB clause 204.
PB cl 208 NEB new clause (DR2 rec 10, p 29)	PB clause 208 would prevent the Minister from using section 103 of the Crown Entities Act 2004 to give direction relating to the functions of the Environmental Protection Authority (EPA). We recommend inserting NEB new clause 218A to place the same restriction on the Minister responsible for that bill.

System performance

PB clauses 210–214; NEB clause 240

(DR2 recs 13–18, pp 32–37)

The system performance function provided for in PB clauses 210 to 214 would establish a series of measures to track implementation and operation of the system, to support achievement of the bills' goals. The function is intended to streamline oversight and make reporting more regular than existing monitoring provisions in the RMA. The bills would:

- require the chief executive to prepare and maintain a system performance framework
- enable the chief executive to collect information in support of system performance
- enable regular reporting about the planning system through 3-year system performance reports, strategic reviews, and independent reviews.

We propose several changes to these clauses. Most are aimed at improving clarity or workability. We discuss the most significant changes below.

System performance framework

PB clause 210

(DR2 rec 13, p 32)

In the PB as introduced, clause 210 would come into effect on the specified transition date. However, we suggest bringing this forward to enable monitoring during the transition period. We recommend amending clause 210(1) to require the chief executive to prepare a system performance framework within 12 months of Royal assent.

We also recommend amendments in new clause 209B and clause 210 to:

- explicitly state that system performance *must* be monitored

- make it clear that the chief executive's function is to monitor and report on how the bills' goals are achieved, and to monitor the efficiency and effectiveness of the system
- remove specific consultation requirements from this clause, and instead require the system performance framework to identify who and how the chief executive will consult with relevant parties on system performance reports, strategic reviews, and amendments to the system performance framework.

Collection of data in support of system performance framework

PB clause 211

(DR2 rec 14, p 33)

PB clause 211 would empower the chief executive to gather information from people undertaking functions, duties, or powers under the bills. Subclause (2) specifies that information should be gathered to support the efficiency and effectiveness of system performance. We consider appropriate access to information vital for the success of the system, but we wish to see additional checks and balances on data collection powers.

We recommend amending clause 211 to enable the chief executive to require a local authority to provide data that it holds on record or, where data is not held on record, in accordance with regulations. When we discussed this recommendation, our advisers suggested placing a requirement on the local authority instead of the chief executive "asking" them. We consider it appropriate to strengthen the power in this way.

Chief executive may undertake strategic review

PB clause 213

(DR2 rec 16, p 36)

PB clause 213 would enable the chief executive to undertake a strategic review of a matter identified in a system performance report, requested by an entity, requested by the Minister, or on their own initiative.

We recommend one amendment, which was not detailed in the advice we received. Our view is that, by default, the results of any strategic review should be publicly available. We note that this information would be subject to the general provisions of the Official Information Act 1982. However, we recommend amending subclause (5)(b) to make clear Parliament's expectation that strategic reviews are published, while providing discretion for the chief executive to withhold material for specified reasons.

We also recommend:

- deleting the superfluous reference to giving effect to the purpose of the system performance framework in subclause (1)
- clarifying that a strategic review may be undertaken in relation to any matter that may:

  - affect whether the goals of the PB and the NEB are achieved
  - have a significant impact on the operational efficiency or effectiveness of the system
- removing clause 213(3) due to the proposal that consultation requirements must be set out in the system performance framework.

Other proposed amendments

As introduced	Description of proposed amendment
PB cl 212 (DR2 rec 15, p 34)	This clause would require the chief executive to produce system performance reports every 3 years. We recommend: • amending this clause to require producing and publishing the report at least every 3 years • deleting clause 212(2)(c) which would require reports to provide advice on environmental limits, since the intent is not to prescribe a specific monitoring area in the primary legislation • deleting clause 212(3), consistent with our proposal to set out consultation requirements in the system performance framework instead.
PB cl 214 (DR2 rec 17, p 37)	This clause would enable the Minister to initiate an independent review of the performance of the system. We recommend amending it to explicitly exclude the courts from the scope of independent reviews.

Role of local government

PB clauses 184–187, 191–196; NEB clauses 221–224, 227–235

(DR2 recs 19–24, pp 41–49)

These provisions specify local authorities' core functions and responsibilities in the new system.

Under the PB, territorial authorities have functions and responsibilities to enable and regulate the use and development of land within their districts. This includes subdivision, and activities on the surface of bodies of water.

Under the NEB, regional councils have functions and responsibilities to enable and regulate the use, protection, and enhancement of the natural environment within their regions.

Information-gathering, monitoring, and keeping records

PB clauses 186–187; NEB clause 227

(DR2 rec 21, p 45)

These clauses require local authorities to monitor their districts and regions, gather relevant information, and keep records.

Detailed monitoring requirements could be set through regulations and national instruments. Therefore, the majority of us consider it appropriate to simplify the

requirements in the bills. They should create consistent duties for territorial authorities and regional councils, but leave detailed requirements for secondary legislation. We recommend deleting PB clauses 186 and 187, and NEB clause 227 and replacing them with new provisions that:

- require every local authority to undertake monitoring, and report on the results in a manner and frequency required by regulations and national instruments
- specify that regional councils must:
  - monitor the state of the environment in relation to the whole or any part of the region
  - identify contaminated land and land associated with a hazardous activity or industry within their region and keep public records
  - monitor the implementation of water conservation orders
- require a local authority to take action where monitoring shows that action is needed, having regard to the functions, powers, and duties under the respective bill
- require a local authority to gather and keep information and data relevant to the exercise of its functions, powers, and duties.

Other proposed amendments

As introduced	Description of proposed amendment
PB cl 184 NEB cl 221 (DR2 rec 19, p 41)	These set out general and specific responsibilities of territorial authorities (PB cl 184) and regional councils (NEB cl 221). We recommend changing "responsibilities" to "duties" throughout both bills to align with standard drafting language. For territorial authorities' duties: clause 184(2)(d) refers to the "effects of natural hazards as they relate to land use". We recommend amending this to refer to "natural hazard risks associated with the use and development of land". For regional councils' duties: clause 221(2)(f) would require them to regulate and manage matters in relation to soil conservation. We recommend updating the definition of soil conservation in clause 221(3).
PB cl 185, NEB cl 222, 224 (DR2 rec 20, p 43)	These clauses set out functions of territorial authorities (PB cl 185), and regional councils (NEB cl 222). NEB cl 224 also sets out how a regional council would monitor compliance. In both bills, we recommend amendments that: • change "making and maintaining" plans to "making and reviewing" plans to accurately reflect councils' roles • better reflect that regional spatial plans are made jointly with other local authorities • clarify that monitoring, enforcement, and compliance functions in subclause (1)(b) are not limited to administering and implementing the relevant plans • emphasise that local authorities have separate functions to monitor implementation of the regulatory plan or state of the environment, outside the specific function of monitoring, compliance, and enforcement.

	• delete subclause (2) which is duplicative and unnecessary.
PB cl 191–192 NEB cl 229–230 (DR2 rec 22, p 46)	These establish a cost recovery framework for local authorities to charge for undertaking their functions prescribed in each bill. The intent of the bills is, broadly, to carry over the existing charging regime from the RMA. We recommend technical amendments to better reflect this intent.
PB cl 194–196 NEB cl 233–235 (DR2 rec 24, p 49)	These clauses enable local authorities to delegate some functions, powers, and duties, and restrict the extent of any delegations. We do not consider these clauses consistent enough across the two bills. We recommend amendments to enable: • territorial authorities to delegate functions, powers, or duties to community boards • unitary authorities to delegate to local boards • all local authorities to delegate to council committees. We note that NEB clause 235(2) was incorrectly carried into the bill from the RMA. We recommend deleting this subclause.

Designations

PB clause 106, Schedule 5

(DR1 recommendations 136–186)

A designation is a statutory mechanism used to secure land for public infrastructure or utility projects. A designation identifies and protects land needed for nationally, regionally, or locally significant infrastructure. Once a designation is in place, a project could proceed on that specified basis without the need for planning consents or compliance with rules in a land use plan.

Designations are generally valid for up to 10 years, unless an extension is given effect to, or agreed formally. Only Ministers, local authorities, and approved designating authorities can seek or hold designations. They do not need to own the land they are seeking a designation for.

The designation provisions in PB clause 106 and Schedule 5, would work largely the same way as under the RMA. However, compared to the RMA, the bill would:

- expand who can be a designating authority
- introduce new designation pathways linked to spatial planning
- modify the statutory tests and conditions that apply to designations
- require an assessment of "strategic need" for a project in a proposed location.

Designations could be proposed through a standalone notice, or by notification as part of a proposed land use plan or regional spatial plan. Regional spatial plans would also be able to identify the indicative location of future designations, to avoid having to reassess the project's "strategic need" at a later date.

Submitters were generally supportive of the designation provisions. Comments mostly focused on ways to improve drafting, including definitions of terms or processes. We have no major recommendations to make.

Proposed amendments

As introduced	Description of proposed amendment
PB Sch 5, cl 1 (DR1 rec 137, p 170)	This clause sets out definitions used in Schedule 5. We recommend reframing the definition of "infrastructure" in this clause as "other infrastructure" to not conflict with the definition of "infrastructure" that would apply to other parts of the bill. We also recommend amending paragraph (m) to cover registered schools and institutions as defined in the Education and Training Act 2020, and early childhood centres located on land or in buildings owned or leased to the Crown. Finally, we consider that this definition sits better in Schedule 5, clause 11(9) and have moved this provision accordingly.
PB Sch 5, cl 6 (DR1 rec 142, p 174)	Where two designating authorities hold designations over the same land, this clause would prevent the holder of the later designation from doing anything (even if authorised by their designation) without approval from the earlier designation holder. We recommend amending this clause so it is explicit that the holder of a later designation must not do anything that would prevent or hinder implementation of an earlier designation.
PB Sch 5, cl 8 (DR1 rec 144, p 175)	This clause identifies who would be designating authorities (Ministers of the Crown, local authorities, and those approved under clauses 10 and 11). We recommend amending clause 8 to include "a water service provider as defined in section 4 of the Local Government (Water Services) Act 2025" as a designating authority.
PB Sch 5, cl 9 (DR1 rec 145, p 177)	This clause defines "core infrastructure operator". We recommend amending this definition to cover other forms of land transport.
PB Sch 5, cl 10 (DR1 rec 146, p 178)	This clause would allow core infrastructure operators to apply to the Minister for approval as a designating authority for a particular project. We recommend amending the definition of core infrastructure to include water storage facilities associated with water distribution networks.
PB Sch 5, cl 19 (DR1 rec 152, p 186)	Clauses 16 to 20 relate to notification of proposed designations. Clause 19 sets out how the territorial authority must consider a project that is likely to have adverse effects on the built environment that are more than minor. We recommend amending this clause to require the territorial authority to disregard an adverse effect if a national rule, a rule in a plan, or a rule in a proposed plan that has legal effect, permits an activity with an adverse effect.
PB Sch 5, cl 20 (DR1 rec 152, p 186)	Clause 20 sets out a process to follow if a territorial authority decides not to notify a proposed designation for public submissions. The authority would be required to consider whether there are any affected persons in relation to that designation, and undertake targeted notification. We propose several amendments to improve the drafting of this provision. We also set out detail for how a territorial authority would: • decide whether a person is an affected person (new clause 20A) and, when making this decision, clarify that the authority must disregard an adverse effect if an activity is permitted by a national rule, a rule in a plan, or a rule in a proposed plan that has legal effect • account for protected customary rights groups and customary marine title groups (new clause 20B).

PB Sch 5, cl 24 (DR1 rec 156, p 192)	This clause sets out what the recommending authority must consider when assessing a proposed designation. We recommend amending this clause to: • clarify that the "strategic need" assessment is focused on providing for the objectives of the designating authority to meet their future needs, and can assess this based on the "general location" proposed • remove the requirement for the recommending authority to consider the bill's goals • require the recommending authority to consider whether confirming the designation is consistent with the RSP • require the recommending authority to disregard any effect that is outside the scope of the PB, any effect on a person who has given their written approval for the project, and any adverse effect of the activity on the built environment if the land use plan or a national rule permits an activity with that effect • remove the requirement on a recommending authority who is the territorial authority to publish its recommendations and the reasons for them.
PB Sch 5, cl 35 (DR1 rec 167, p 197)	This clause would require designations to be incorporated into regional spatial plans and land use plans. We recommend amending clause 35 so that designations are "identified" in regional spatial plans, not "incorporated". They should still be "incorporated" in land use plans.
PB Sch 5, cl 37 (DR1 rec 169, p 199)	This clause states that the purpose of a construction project plan is to confirm the final design of the project. We recommend amending this clause to allow a construction project plan to relate to a particular stage of a project or to the project in its entirety, and for a construction project plan to be amended or reissued.
PB Sch 5, cl 38 (DR1 rec 170, p 201)	This clause would require a designating authority to submit a construction project plan to the relevant territorial authority. We recommend amending Schedule 5, clause 38 so that: • a territorial authority could not request a change to a construction project plan that is inconsistent with any infrastructure design solution • the Environment Court would be required to consider whether the changes requested by the territorial authority will give effect to any infrastructure design solution that the project relies on • a territorial authority that is a designating authority would be required to submit a construction project plan.
PB Sch 5, cl 42–43 (DR1 rec 174–175, p 203)	Clause 42 would allow a person to apply to a designating authority for approval to do something that would prevent or hinder a designation or proposed designation. Clause 43 sets out processes for where more than one designation applies to the same land. We recommend amendments to allow regulations to set out various process matters such as how an application should be made and how designating authorities must respond or may request further information.

Subdivision

PB clause 181, Schedule 7

(DR1 recommendations 113–135)

The PB would regulate the subdivision of land. Subdivision is the legal process of splitting land or buildings between separate owners. Under the bill, subdivision would require planning consent from territorial authorities where a subdivision does not meet permitted activity standards as set out in a national rule or a rule in a land use plan.

Provisions for subdivision were largely carried over from the RMA. We did not receive many submissions about this topic, and we have no major amendments or concerns to highlight.

Proposed amendments

As introduced	Description of proposed amendment
PB Sch 7, cl 35 (DR1 rec 127, p 158)	This clause would establish a formal mechanism for changing or removing obligations required by a consent notice and registered against a land title. We recommend amending PB Schedule 7, clause 35 to direct that an application to vary or cancel ongoing requirements in a consent notice should take the status of a discretionary activity (similar to RMA section 127).
PB Sch 7, Part 3 (DR1 rec 128, p 158)	Submitters recommended that provisions related to esplanades be consolidated. We agree this would be useful. We recommend merging clauses 20 and 21 and relocating these provisions to Schedule 7, new clause 42A.

Environment Court and Planning Tribunal

PB Schedules 9 and 10

(DR2 recommendations 36–103)

If passed, the bills would establish a new Planning Tribunal (PB Schedule 10). The Tribunal would be a division of the Environment Court, with its own chairperson and pool of adjudicators. It is intended to provide a faster and more cost-effective way to resolve lower-level disputes.

The Environment Court (PB Schedule 9) would continue to hear appeals on proposed plans and plan changes, and appeals on consents, permits, and designations. Appeals of Planning Tribunal decisions on points of law and the issue of abatement notices would also go to the Environment Court. The Environment Court's ability to consider direct referrals and nationally significant proposals would be removed.

Both the Environment Court and the Planning Tribunal would be empowered to consider disputes relating to consent or permit conditions, including conditions that are claimed to be out of the scope of the system.

We propose numerous amendments to these schedules. Most of our recommendations are technical in nature, to promote overall workability, rather than significant changes to the proposed system. We therefore do not discuss them in detail. We encourage interested parties to read the related advice we received for a comprehensive rationale underlying these amendments. These matters are set out in Departmental Report 2, pages 60–91 (Environment Court) and 92–135 (Planning Tribunal).

Practices and procedures to be set by Court Rules

(DR2 recs 67, 103, pp 91, 135)

There is one overarching matter that we would particularly like to draw attention to in relation to Schedules 9 and 10. As introduced, the bills would enable regulations to be made to "prescribe the practices and procedures of the Environment Court".

Our view is that practices and procedures of the Environment Court, and the proposed Planning Tribunal, should be set by Court Rules. Court Rules are made by the Governor-General through an Order in Council, in consultation with members of the Judiciary and the Rules Committee, rather than regulations developed by the Minister(s) responsible for these pieces of legislation.

We recommend various amendments to ensure that such matters are provided for by Court Rules, and require agreement from the Chief Environment Court Judge. These would be in PB Schedule 9, new clause 100 and PB Schedule 10, new clause 37. This approach better supports the separation of powers inherent in New Zealand's constitutional make-up.

We note that regulations would still set various administrative matters, such as fees and waivers, to reflect the shared role that the Executive and Judiciary play in supporting a well-resourced and efficient court system.

Proposed amendments to Schedule 9—Environment Court

We recommend the following amendments:

- Clause 6: enable an Environment Judge sitting alone to hear proceedings under PB Part 6, subpart 1 and under NEB Part 6, subpart 1.
- Clause 6: enable an Environment Commissioner sitting alone to exercise any power conferred under clauses 29 to 33 of Schedule 9.
- Clause 8: require the Attorney-General to publish information explaining the process for seeking expressions of interest for appointment, or nominating a person for appointment, as an Environment Judge or alternate Environment Judge (similar to section 250(5) of the RMA).
- Clause 70: enable alternate Environment Judges to take affidavits or statutory declarations for use in the Environment Court.
- Clause 72: clarify that Environment Court decisions are not final if appealed to the Court of Appeal.
- Clause 74: specify that restrictions in subclause (2) only apply to full merits proceedings, and not to proceedings that relate solely to a point of law.
- Clause 76: delete clause 76 and insert this into clause 4, which relates to the Seal of the Environment Court.
- Clause 77: specify that if the bills provide an appeal right to the Court of Appeal, the general right to appeal to the High Court would not apply.

- Clause 77: make clear that Schedule 10, clause 34(4) restricts certain appeals from the Environment Court.
- Clause 89: remove the presumptions and considerations that apply to awarding of costs, as these relate to direct referrals and nationally significant proposals under the RMA.

Proposed amendments to Schedule 10—Planning Tribunal

We recommend the following amendments:

- Clause 3: align drafting to make it clear that the Tribunal must use the Seal of the Environment Court.
- Clause 4: clarify that the Chairperson would be appointed by the Governor-General on the recommendation of the Attorney-General (who must consult the Minister), rather than on the recommendation of the Minister(s) responsible for these Acts. We note that, due to a minor error, this differs from the wording of recommendation 71(a) in the Ministry's advice but matches the substance of their analysis (with which we agree).
- Clause 4: permit the appointment of a temporary acting chairperson (for example, to account for a chairperson's illness).
- Clause 4: broaden the skill set that a person must have to be appointed chairperson.
- Clause 4: clarify that an incumbent chairperson must reapply to be reappointed, as part of a competitive process, at the end of their 5-year term.
- Clause 5: clarify that, before delegating functions, duties, or powers to an adjudicator, the chairperson must be satisfied that the adjudicator has the necessary capability, skills, and experience to perform or exercise them.
- Clause 5: require the Chief Environment Court Judge to handle any complaints about the chairperson.
- Clause 5: amend subclause (3)(e) to clarify that the chairperson's role is to assess complaints made about members of the tribunal (with additional minor amendments to other paragraphs of subclause (3)).
- Clause 7: allow Tribunal adjudicators to engage in other employment that does not interfere with their Tribunal functions.
- Clause 11: permit the Registrar, on behalf of the Tribunal, to waive fees and time frames, schedule sittings, and roster adjudicators at the direction of the chairperson.
- Clause 11: authorise the Registrar of the Environment Court to exercise their same powers if acting as the Registrar of the Tribunal.
- Clause 16: several amendments including shortening and simplifying drafting of subclause (1), removing time limits from the bill and providing that processes for filing and accepting applications be made in accordance with regulations, clarifying that decisions on notifications must align with specifications in

the national standard or plan, deleting unnecessary subclauses, and allowing local authorities to apply for an order correcting an error in a targeted notification decision.

- Clause 17: enable the Tribunal to hear and resolve disputes over the calculation of statutory time frames.
- Clause 27: provide a default time frame for filing an application with the Tribunal of 15 working days unless regulations specify a different timeframe and enable the Tribunal to accept late applications or extend time frames.
- Clause 28: make drafting improvements relating to Tribunal hearings and rehearings of Tribunal proceedings.
- Clause 29: permit legal representation at the Tribunal when a hearing is ordered by an adjudicator.
- Clause 32: enable an individual to be convicted and fined for contempt of the Tribunal, insert a general ability for the Tribunal to award costs as it sees fit (including addressing frivolous and vexatious proceedings), and ensure costs can be enforced by the District Court.
- Clause 33: enable the Environment Court to exercise the same power, duty, and discretion as the Tribunal on matters transferred to it from the Tribunal.

Compliance and enforcement

PB clauses 210–214, 217–272, Schedule 8, clause 32; NEB clauses 243–298

(DR1 recommendations 187–210)

The bills' compliance and enforcement provisions would give regulators powers to promote and enforce the legislation. These are broadly equivalent to the RMA, and include powers from the (repealed) Natural and Built Environment Act 2023. PB Schedule 8 provides for enforcement matters for both bills.

Submitters tended to see value in retaining the basic compliance regime from the RMA. This includes the role of the Environment Court, so it could maintain the relevant case law and existing jurisprudence.

Proposed amendments

Ability to enter a property for surveying purposes

PB clause 251; NEB clause 275

(Responses 20/05/2026 rec 1, p 1; DR1 rec 196(d), p 230)

These provisions would enable an enforcement officer to enter a property to conduct surveys, investigations, tests, or measurements. As introduced, these actions could be taken "for the purposes of this Act".

We do not consider this language clear enough. It does not explicitly define when entry onto a property would be allowed and instead requires interpretation of each bill's purpose statement. We recommend inserting clearer language that links to the

activities listed in subclause (1) of each provision. We also recommend specifying that the power of entry for surveying would allow enforcement officers to collect environmental information to support preparation, change, or reviews of plans (including specified topics that may trigger regulatory relief).

Other proposed amendments

As introduced	Description of proposed amendment
PB cl 217 NEB cl 243 (DR1 rec 188, p 214)	These clauses would enable warranted enforcement officers to require a person to provide personal details if they are suspected of a breach. We recommend amendments to enable an enforcement officer to require a person to provide verification of their identity.
PB cl 218 NEB cl 244 (DR1 rec 189, p 215)	These clauses relate to who may be authorised as enforcement officers, and what their responsibilities would be. We recommend amending them to incorporate the competency thresholds for enforcement officers appointed by the EPA (set out in PB clause 223(2)(a), and NEB 249(2)(a)).
PB cl 237 NEB cl 263 (DR1 rec 193, p 222)	These clauses would prevent the Environment Court from making enforcement orders to manage the effects of an activity if the activity is lawfully authorised, and the effects were anticipated when the lawful authority was made. We recommend adding complying with a national rule or a regulation to the list of instruments that give lawful authority.
PB cl 240–246 NEB cl 266–273 (DR1 rec 194, p 226)	These clauses relate to abatement notices. We recommend: • removing the 7-day minimum requirement for abatement notices, to better emphasise that abatement notices should include a "reasonable period" within which the action must be taken or must cease • extending the scope of an abatement notice under PB clause 240 to include requiring a person to take, or refrain from taking, any specified action to comply with a consent notice or covenant issued or entered into under a condition of a planning consent.
PB cl 250–253 NEB cl 274–277 (DR1 rec 196, p 230)	These clauses relate to powers of entry and search. We recommend amendments to: • insert a definition of "dwellinghouse" • replace "a constable generally" with "a constable" for simplification • clarify that power of entry applies to any enforcement officer appointed under each bill.
PB cl 247–249 (DR1 rec 197, p 232)	These clauses relate to excessive noise directions. We recommend inserting PB new clause 249A as the equivalent to RMA section 336—addressing the circumstances and requirements for the return of property seized following non-compliance with excessive noise directions.
PB cl 254 NEB cl 278 (DR1 rec 198, p 236)	These clauses set out the contraventions that would constitute offences under each bill. We recommend removing subclause (1)(c) of PB clause 254 and NEB clause 278 so that it would not be an offence to contravene a condition of a planning consent (PB) or natural resource permit (NEB).
PB cl 257–259 NEB cl 281–285	These clauses relate to liability and defences.

(DR1 rec 201, p 241)	We recommend amending PB clause 257 and NEB clause 281 so that principals are liable for the acts of agents or employees, unless they establish a statutory defence, consistent with the RMA's current approach to vicarious liability. We also recommend replacing the 7-day time frame under PB clause 258(3) and NEB clause 282(3) with a requirement to notify the prosecutor at any time before pleas are entered.
PB cl 272–274 NEB cl 298–300 (DR1 rec 204, p 245)	These clauses relate to enforcement strategies, publishing information, and guidance. We recommend amendments to: • remove the requirement for local authorities to consult iwi authorities and groups that represent hapū for this strategy document • clarify that the requirement to publicly report compliance information is subject to the requirements of any Court suppression orders.
NEB cl 330 (DR1 rec 205, p 245)	This clause prescribes that land in the coastal marine areas that has been unlawfully reclaimed must be treated as if it is still part of the coastal marine area for enforcement purposes. We recommend that this clause extend to reclamations of rivers and lake beds too.
PB Sch 8, cl 20 (DR1 rec 207, p 247)	This clause relates to adverse publicity orders made by the Environment Court or the District Court. We recommend amending it to: • specify that adverse publicity orders may only be imposed after a person has been convicted of an offence or has been ordered to pay a pecuniary penalty provision • delete clauses 20(3)–(6) as these appeal procedures are set out in Schedules 9 and 10 • amend clause 20(7) so that an appeal against a conviction or the imposition of a pecuniary penalty acts as a stay against any associated adverse publicity order.
PB Sch 8, cl 21–28 (DR1 rec 208, p 249)	These clauses relate to enforceable undertakings. Clause 22 sets out that an enforceable undertaking may include requirements for compensation or penalties. We recommend clarifying that an enforceable undertaking may extend beyond compensation (such as projects or activities related to the circumstances of the alleged contravention). Clause 26 would allow a local authority, or the EPA, to apply to the District Court to confirm or discharge the undertaking, or to order costs. We recommend amending this clause so that applications are instead made to the Environment Court. We also recommend amending clause 26(2) so that the Court can make either of the orders listed in paragraphs (a) and (b), but not both.
PB Sch 8, cl 29 (DR1 rec 209, p 251)	This clause relates to monetary benefit orders that would enable the recovery of monetary benefits arising from offending under the bills. We recommend amending clause 29 to specify that: • the Court should view a monetary benefit order as relinquishing benefits that were improperly obtained, and the making of a monetary benefit order must not be considered when deciding the value of a fine or a pecuniary penalty order • 90 percent of a monetary benefit order must be paid to the agency that commenced the prosecution, and the remaining 10 percent must be paid into a Crown bank account.

PB Sch 8, cl 30–34 (DR1 rec 210, p 253)	These clauses relate to pecuniary penalty orders. We recommend several minor amendments: • Clause 30—specify that 90 percent of a pecuniary penalty must be paid to the agency that commenced the prosecution, and the remaining 10 percent must be paid into a Crown bank account. • Clause 31—align the liability for principals and employers with the liability of principals for acts of agents in PB clause 257 and NEB clause 281. • Clause 32—remove "commercial gain" from the consideration of maximum pecuniary penalties, so that a pecuniary penalty must not exceed $1 million for a natural person and $10 million for a non-natural person.

Financial assurances

PB Schedule 8, clauses 2–19

(DR1 recommendations 211–222)

PB schedule 8, clauses 2 to 19 detail the "financial assurances" process. Broadly speaking, these provisions would allow local authorities, consent authorities, or the Environmental Protection Authority to require people undertaking certain activities to provide security for the cost of remediating or cleaning-up that activity. This could include a bond, a form of insurance, or any other form specified.

Financial assurances are not strictly an enforcement tool. However, they have been included in this schedule alongside other enforcement mechanisms because they apply to various matters across both the PB and the NEB.

Proposed amendments

Of the few comments we received about these provisions, most were from councils seeking technical clarification about how the provisions would function. We have no major changes to propose, but recommend amendments to improve workability.

These include changes that:

- better reflect the policy intent that the purpose of a financial assurance is to secure the performance of obligations connected with a particular activity, including remediation and clean-up, closure, and long-term management (clause 2(3))
- detail how, and by whom, financial assurances and conditions can be reviewed and amended (clauses 10 and 11).

We also make several consequential amendments throughout the NEB to ensure that it consistently refers to "financial assurances" not just "bonds".

Levies

PB clauses 283, 291; NEB clauses 313–314, 333–334)

(DR4 recommendations 1–7

The bills would enable levies to be created by regulation. Planning consent levies under the PB would be set by the Minister in regulations and could cover the cost of central government developing and reviewing national standards and system performance functions. Natural resource levies under the NEB could be set by the Minister in regulations, or by regional councils within parameters set out in regulations.

We recommend minor improvements to the planning consent levy, but our main changes below relate to natural resource levies. We also suggest some smaller changes to improve language, interactions between levy provisions, and overall drafting quality.

Natural resource levies

NEB clauses 313–314, 333–334

(DR4 recs 1–5, pp 12–20)

Natural resource levies are a new concept introduced by the NEB. They would be used for a wide range of natural resources to cover the costs of certain activities related to the use of that resource. The two types of natural resource levies would:

- address overallocation of natural resources, and provide for the efficient use of resources in a management unit
- cover the costs of specific activities involved in managing natural resources.

Proposed amendments

We have a series of improvements set out in detail in the table below. We propose:

- reducing the types of costs that could be covered
- enabling regulations that set out reporting obligations to apply to central government as well as regional councils
- requiring consideration of public benefit compared to levy-payer benefit when setting certain levies
- restricting revenue expenditure to management of the natural environment domain of the resource that the levy is charged on (for the levy to cover the costs of specific activities only).

NEB clauses 49 and 50 set out five domains: freshwater, coastal water, land and soil, air, and indigenous biodiversity. These domains would also be used when setting environmental limits. Under our proposed amendment, a levy collected for the management of freshwater must be spent on freshwater too.

The PCE told us that the domain structure may prove too restrictive to achieve the NEB's overall environmental outcomes. We propose the domain structure is refined to allow councils to determine the domain that the levy applies to, which still allows them some flexibility.

Further, the PCE suggested allowing levies to cover the costs of catchment group activities and raised concerns about narrowing what the levy could be spent on. For example, the PCE was concerned that levy funds may not be able to go towards cer-

tain activities, like education and catchment groups' administrative costs. We note that the costs of many actions likely to be suggested by catchment groups could be covered, including restoring ecosystems, enabling trade, and using direct measures to address overallocation. Councils could choose to spend ratepayer money on education. It is a difficult, but important, balance to ensure that the public are only paying for matters that are in the public interest.

Other proposed amendments

As introduced	Description of proposed amendment
NEB cl 313 (DR4 rec 2, p 15	This clause would enable regulations to establish the two types of natural resource levies. It states what the regulations may include. We recommend that clause 313 and new clause 314A: • ensure that these levies are limited to cover the costs of specified activities and do not provide general funding for central and local government to undertake their functions under the bill • clarify that future regulations prescribing a levy amount (or a method for calculating the amount) must set the levy amount (or the calculation method) based on covering the cost of the activities to be covered by the levy • allow regulations to set reporting obligations for central government (in addition to regional councils) • allow regulations to not only direct but also enable regional councils to carry out functions if they choose to (namely identifying the resource use activity the levy applies to, setting different levy rates for different natural resources and different locations, prescribing the amount of the levy or a method for calculating the amount, and specifying who is liable to pay the levy) • enable regulations to prescribe or provide for matters relating to the non-payment of levies, including interest charges, enforcement responsibilities, and refunds • ensure that unpaid levies and any interest are payable as a debt due to the entity owed the levy and enforceable in the District Court.
NEB cl 314 (DR4 rec 3, p 17)	This clause sets out that the Minister would need to follow the processes set out in NEB clause 70 (a national instrument proposal) before making regulations under clause 313. We recommend adding that regional councils can be explicitly required to ensure the rates are set so that the levy does not exceed the anticipated costs of eligible activities (the same requirement as the Minister). We recommend aligning the list of matters in clause 314(3) with the revised list of matters in clause 334(3) (which we discuss below).
NEB cl 333 (DR4 rec 4, p 17)	This clause states that any money collected to address overallocation, or provide for efficient use, can only be spent on eligible activities for this purpose within the same management unit. This clause would be moved to new clause 314A to be grouped with other levy provisions. We recommend specifying that expenditure of revenue from this levy should be limited to being for the benefit of the management unit in which the levy is collected. We also recommend that the levy would be able to cover the cost of activities that would increase the availability of the resource.

NEB clause 334 (DR4 rec 5, p 20)	This clause provides that money collected to cover the costs of specified activities related to resource use can only be spent for this purpose. It would be moved to new clauses 314A. We recommend restricting expenditure of revenue to the management of the natural environment domain of the resource that the levy is charged on. We also recommend removing the ability to use the levy to meet the costs of: • investigations whose costs are not covered by litigation costs • public information, education, and advice • any unspecified activity related to administering the Act to the extent that the costs of the activity are not recovered elsewhere • enabling new allocation methods. Conversely, we recommend enabling the levy to cover the costs of: • enabling the trade and transfer of natural resource permits to be operationalised • spatial and regulatory planning in the coastal marine area. Finally, we recommend requiring that, when determining the amount of the levy or a method for calculating the amount, the Minister or regional council must have regard to the extent that the benefit of the activities is obtained by those paying the levy compared to the wider community. This would be reflected in NEB clause 314.

Planning consent levy

PB clauses 283, 291

(DR4 rec 6, p 21)

The Regulations Review Committee wrote to us about the planning consent levy. It suggested that the bill does not have enough safeguards or public oversight over the Minister's ability to set levies. We agree, and recommend aligning safeguards in the PB with those used in NEB clauses 313 and 314. Aside from this, we have no major changes to propose.

Proposed amendments

As introduced	Description of proposed amendment
PB cl 283, 291 (DR4 rec 6, p 21)	We recommend: • revising the wording of funding the "system performance framework" to match the intent that the levy can fund system monitoring and reporting • removing clauses 283(4)(e) and (f), so there is no provision for a portion of the levy to be retained or transferred to other persons, while still allowing consent authorities to set charges to recover their costs of collecting the levy (through clause 191) • including additional safeguards and exemptions similar to NEB clauses 313(4) and 314(3), with necessary modifications, to ensure the levy rate does not exceed the costs of the functions it funds • including a provision enabling regulations to set out reporting obligations for central government, to align with the provision to be included in NEB clause 313 • improving alignment between NEB clause 283(2) and clause 314(3) setting out what the levy can be spent on

	• including empowering provisions to set out in regulations matters relating to the non-payment of levies, including the interest on unpaid levies, the ability to specify who is responsible for enforcement, and matters relating to refunds • including a requirement that unpaid levies and any interest are payable as a debt due to the Crown and enforceable in the District Court • replacing the references to national direction with appropriate references to national instruments • replacing references to the Ministry for the Environment as appropriate.

Emergency works

PB clauses 275–280; NEB clauses 301–306

(DR1 recommendations 223–228)

The bills include provisions that would enable urgent responses in emergency situations. This includes enabling early recovery actions to proceed immediately if time-critical measures are needed to prevent or remedy serious harm. The provisions are largely the same in both bills, but with differences to reflect each bill's scope and terminology. We have no major changes to propose on emergency works provisions.

Proposed amendments

As introduced	Description of proposed amendment
PB cl 275 NEB cl 301 (DR1 rec 223, p 264)	These clauses would enable persons with financial responsibility over any public work, local authorities, core infrastructure operators, and lifeline utilities to undertake immediate preventative or remedial measure in an emergency situation. We recommend amending PB clause 275 to specify that PB new clause 17A does not apply to any activity undertaken due to an emergency under this provision.
PB cl 276–277 NEB cl 302–303 (DR1 rec 224, p 265)	These clauses set time frames for notifying relevant consent or permit authorities that emergency works have been undertaken, including during a declared state of emergency or transition period under the Civil Defence Emergency Management Act 2002. We recommend clarifying that notification must be provided within 7 *working* days, rather than 7 days. This is consistent with how time frames are expressed elsewhere in the bills.
PB cl 279 NEB cl 305 (DR1 rec 227, p 269)	These clauses would allow regulations to be made by Order in Council for emergency responses. We recommend amending these clauses so that a mandatory obligation is not imposed on "the committee of the House of Representatives that is responsible for the review of secondary legislation" (currently the Regulations Review Committee). Instead, a copy should be provided to that committee to comment on (PB new clause 279A(2)(h) and NEB new clause 305A(2)(h)). The provision sets out that if the committee is providing comments, it needs to provide them within 5 working days, or longer if agreed by the Minister.

Regulations

PB clauses 281–282; NEB clauses 307–308

(DR2 recommendation 126)

Both bills contain a series of regulation-making powers. Some are carrying over existing regulation-making powers from the RMA. PB clause 281 and NEB clause 307 list the purposes for which secondary legislation could be made. These are generally intended to be matters relating to the mechanics of implementing the bills, such as setting procedural requirements, and prescribing fees and charges.

Infringement offences

The Regulations Review Committee wrote to us about powers to set infringement fees. PB clause 281(1)(j) and NEB clause 307(1)(g) set out that infringement fees must not exceed $2,000 for natural persons and $4,000 for non-natural persons. The committee noted that these are higher than the $1,000 guideline from the Legislation Design and Advisory Committee. However, we note that the amounts are the same as currently provided for in the RMA, which were amended in response to concerns that fees were not high enough to deter offending or potential commercial gain from non-compliance. There are other instances in New Zealand law that impose infringement fees over $1,000. We recommend no change to these fees.

Definitions of "harmful substance" and "long-lived infrastructure"

The Regulations Review Committee also drew our attention to two terms used in the NEB which could be defined or prescribed by regulations. NEB clause 307(1)(p) would enable regulations to be made prescribing any substance to be a "harmful substance" for the purpose of clause 3 (the interpretation clause). Similarly, clause 307(1)(z) would enable regulations to prescribe infrastructure as "long-lived infrastructure" for the purpose of clause 3. This provision would be moved to subclause (9).

The Regulations Review Committee views this as a type of Henry VIII power because regulations could change the effect of provisions in primary legislation that deal with harmful substances and long-lived infrastructure. It accepted that the risk of inappropriate use would be low. We consider that the powers should be retained with amendments to provide clear and appropriate safeguards.

The Regulations Review Committee also noted that PB clause 3 would allow the term "harmful substance" to be prescribed by regulations. However, this term is not used anywhere else in the PB. We recommend removing "harmful substance" as a defined term in clause 3 of the PB.

Proposed amendments

As well as changes to regulation-making powers that we have discussed under the relevant themes elsewhere in this commentary, we propose the following four amendments.

PB clause 281(1)(l) would enable regulations to deem rules to be included in land use plans. NEB clause 307(1)(n) would do the same for natural environment plans. Some submitters commented that this power to set rules by regulation would undermine the processes for making national instruments, which includes consultation. Submitters recommended limiting the ability to set rules in plans by regulation to emergency situations or transitional arrangements. We agree in part, and recommend amending PB clause 281(1)(l) and NEB clause 307(1)(n) to limit the scope to implementing New Zealand's international obligations.

PB clause 281(1)(o) would enable regulations to prescribe criteria for a hearing. To support consistent and efficient hearings processes, we recommend expanding this provision in new clause 282A to include any matter related to a hearing.

Some submitters proposed including powers to make regulations that specified a process for hearing commissioners to become accredited and maintain accreditation. We consider this sensible and recommend including it in new clause 282A; it would be consistent with the RMA, and accreditation would support robust and consistent decision making.

The RMA contains regulation-making powers relating to the coastal marine area. We consider it appropriate to carry two of these powers over into the NEB. They are RMA sections 360(1)(c) and (hh), which provide the ability to:

- prescribe the amount, methods for calculating the amount, and circumstances and manner in which holders of permits are liable to pay for certain activities, such as occupation of coastal marine area or the bed of any river or lake on Crown land, and extraction of sand, shingle, shell, and other natural materials from those areas
- prescribe any operations of a ship, aircraft, or offshore installation as a normal operation, that are excluded from marine dumping requirements.

We recommend including equivalent regulation-making powers as in NEB clauses 307(1)(da) and (sa).

The bills contain several references to doing things in a "prescribed manner". This includes regulation-making provisions that would be able to prescribe the manner of doing something. We recommend inserting a clause to define that the "manner" of doing something could include:

- by whom, when, where, and how the thing must be done
- by when the thing must be done
- the form that must be used for doing the thing
- the information, or other evidence that must be provided, and requirements with which information must comply
- any requirements for service in relation to the thing.

Data and digital

PB clause 281; NEB clause 307

(DR2 rec 126(e), p 162)

The bills stipulate various data and digital requirements for the making of electronic plans, records, and processes. Regulations or national standards could prescribe the form, content, and management of information. Submissions generally supported greater digital enablement.

We see benefits in councils collecting and managing information and data consistently. System reform provides an opportunity to develop national data and digital

infrastructure. We recommend inserting a further regulating-making power in both bills to prescribe digital and data standards, methods, and requirements.

Other proposed amendments

As introduced	Description of proposed amendment
PB cl 282 NEB cl 308 (DR2 rec 127, p 164)	These clauses would allow regulations to set consent and permit processing time frames and procedures. They act in the same way in both bills. We recommend amending these clauses so they also apply to certificates of compliance and existing-use certificates. This would ensure that all types of applications are covered. We also recommend amending the clauses to only enable processing time frames that do not exceed the maximum time frames set out for consent processing for each application type (PB clause 117 and NEB clause 138).

Wildlife approvals

NEB clause 128

(DR4 recommendations 8–22)

Activities that interact with protected wildlife often require two separate authorisations: a resource management authorisation (currently through RMA resource consents), and a wildlife authorisation under the Wildlife Act 1953 issued by the Department of Conservation (DOC).

Under the NEB, a wildlife approval would grant the holder lawful authority to conduct an activity that would otherwise be an offence under the Wildlife Act. NEB clause 128 would allow a permitting authority to issue a wildlife approval alongside a natural resource permit.

We received many submissions about this topic. Most submitters recommend removing this clause, while others noted that it would promote efficiency by only requiring one process. Submitters in both camps raised concerns about how the process would operate in practice. Key criticisms were that some offences listed are not relevant to resource management, and that activities that may be needed to manage potential effects on wildlife are not clearly enabled, such as capture, handling, and relocation.

Proposed new statutory framework

We propose creating a new framework for wildlife approvals. We recommend inserting NEB Schedule 2A. Our intent with this framework is to:

- provide a clear and self-contained decision framework
- clarify the role of permitting authorities and DOC
- appropriately recognise Treaty obligations and settlement redress
- refine the scope of offences and activities that may be authorised.

This framework would run alongside the Wildlife Act approvals process administered by DOC, and applicants would be able to decide which pathway they want to apply

under. Wildlife approvals under the NEB would be administered by permitting authorities and assessed and issued alongside natural resource permits.

The NEB pathway would be available where an activity requires a natural resource permit under the NEB and the activity involves consideration of effects on protected wildlife. This pathway aims to be more efficient for applicants who also require natural resource permits. However, permitting authorities would have to take into account any applicable guidance, protocols, and standards issued by DOC. Permitting authorities would be able to seek advice on specific applications directly from DOC, though DOC would not be obligated to provide advice.

The NEB pathway would not be available on public conservation land or marine reserves. Enabling permitting authorities to issue wildlife approvals in these areas would not deliver quicker or more cost-efficient outcomes because other approvals, such as under the Reserves Act 1977 or the National Parks Act 1980, would likely still be required.

Other elements of the proposed framework

Reference	**Description of proposed amendment**
NEB cl 128 (DR4 rec 9, p 28)	We recommend removing offences that are not relevant in a resource management context, including offences relating to trade in wildlife, homing pigeons, and wildlife sanctuaries. We recommend inserting clause 128(3) listing offences relating to the disturbance, capture, handling, movement, release, and incidental killing (but not deliberate killing) of protected wildlife.
NEB cl 128, Sch 2A, cl 2–7 (DR4 rec 11, p 30)	To integrate the pathway into the NEB's procedural framework we recommend: • applying the procedural principles of the NEB to wildlife approvals • requiring applicants to identify, as part of a natural resource permit application, whether they are seeking a wildlife approval under the NEB • enabling permitting authorities to place applications on hold, with the applicant's agreement, pending confirmation that a wildlife approval is sought • requiring applicants to provide information on effects on protected wildlife • enabling NEB permit authorities to request advice from DOC for wildlife approvals that have significant implications for threatened species • applying standard NEB mechanisms for other procedural matters, including but not limited to objections and the review and variation of conditions of wildlife approvals.
NEB Sch 2A, cl 6 (DR4 rec 12, p 31)	Regarding notification, we recommend providing that wildlife approvals: • are not subject to public notification • are not subject to targeted notification except where necessary to give effect to Treaty settlement obligations.
NEB Sch 2A, cl 6 (DR4 rec 13, p 32)	On hearings and appeals, we recommend: • applying requirements for hearings and merit appeals to wildlife approvals in the same manner as natural resource permits, including rights for submitters to be heard and to appeal, in a way that acknowledges that they are legally distinct

	• enabling the Minister of Conservation to join appeals relating to, or affecting, wildlife approvals.
NEB Sch 2A, cl 9 (DR4 rec 14, p 33)	On consideration of applications, we recommend: • requiring decision makers to assess the effects of activities on protected wildlife, including adverse, positive, and cumulative effects • requiring decision makers to take into account relevant guidance, protocols, or standards issued by DOC.
NEB Sch 2A, cl 10 (DR4 rec 15, p 33)	On protections for wildlife, we recommend: • retaining the Wildlife Act approach for individual protected wildlife, requiring avoidance, minimisation, and mitigation of adverse effects (in that order) • providing that an NEB permit authority must not approve a wildlife approval if this would reduce the viability of the species affected by the activities • providing that an NEB permit authority must not approve a wildlife approval if this would reduce the viability of a local population of threatened or at-risk wildlife affected by the activities.
NEB Sch 2A, cl 11 (DR4 rec 16, p 34)	On conditions for approvals, we recommend: • enabling permitting authorities to impose conditions on wildlife approvals to manage effects on protected wildlife • aligning the power to impose conditions with NEB clauses 168 to 170, excluding the ability to compensate for effects on protected wildlife but allowing for offsetting at the population or species level through conditions, and enabling conditions that address wildlife protection thresholds and any of the matters addressed in the wildlife information requirements.
NEB Sch 2A, cl 8 (DR4 rec 17, p 35	On the recognition of Māori interests, we recommend: • providing for targeted notification to iwi authorities or PSGEs where required to give effect to Treaty settlement obligations • requiring decision makers to have regard to the relationship of Māori with protected wildlife affected by the proposed activity, where necessary to give effect to those obligations • relying on NEB clause 9, once amended, to include redress relating to the Wildlife Act 1953. This would enable further, case-specific arrangements to be agreed with PSGEs where necessary to fully uphold Treaty settlement redress (and clause 10 would ensure that settlement arrangements will be given equivalent effect until then).
NEB Sch 2A, cl 13 (DR4 rec 18, p 35)	We recommend excluding the application of section 71 of the Wildlife Act where a wildlife approval is issued under the NEB.
NEB Sch 2A, cl 15 (DR4 rec 19, p 36)	We recommend including a regulation-making power to support the implementation and administration of wildlife approvals, with a requirement that the Minister responsible for the NEB consult the Minister of Conservation in relation to the development of any such regulations.
NEB Sch 2A, cl 14 (DR4 rec 20, p 37)	On compliance and enforcement, we recommend: • enabling regional councils to monitor compliance with wildlife approvals • enabling regional councils to issue abatement notices and seek enforcement orders for breaches of wildlife approval conditions

	• clarifying that breaching a condition of a wildlife approval issued under the NEB does not constitute a loss of lawful authority under the Wildlife Act • retaining the ability for DOC to enforce Wildlife Act offences where lawful authority does not exist • requiring permitting authorities to provide copies of wildlife approvals to DOC • requiring regional councils to notify DOC if they issue abatement notices or apply for enforcement orders to address non-compliance with a wildlife approval, or if they detect conduct that has caused harm to protected wildlife without lawful authority.
NEB Sch 2A, cl 25 (DR4 rec 21, p 35)	We recommend enabling reasonable cost recovery for wildlife approvals by permitting authorities and where specialist advice is provided by DOC.
NEB cl 2 (DR4 rec 22, p 35)	This clause contains the NEB's commencement provisions. We recommend providing for wildlife authorisation provisions to come into force on the specified transition date for the NEB natural resource permitting system.

Amendments to other legislation

PB clause 294, Schedule 11; NEB clause 336, Schedule 7

(DR2 recommendations 149–150)

PB clause 294 sets out that legislation listed in PB Schedule 11 would be amended. As introduced, NEB clause 336 would provide the same for legislation listed in NEB Schedule 7. Amendments to other legislation are also referred to as "consequential amendments".

When the bills were introduced, they only included consequential amendments to the RMA and a handful of other legislation. We have been advised that around 126 Acts and regulations would need amending to implement these bills (for example, changing references to the RMA to refer instead to the PB or the NEB).

For simplification, we recommend combining all amendments to other legislation into PB Schedule 11 and removing NEB Schedule 7. We propose splitting the Schedule into parts, where each part relates to a different commencement date. Because provisions would come into effect at different times, this structure would make it clear when each consequential amendment would apply.

We recommend the part structure is:

- Part 1—amendments to Acts that commence on the day after Royal assent
- Part 2—amendments to the RMA that commence one month after Royal assent
- Part 3—amendments to the RMA that relate to the Planning Tribunal that commence on the appointed date
- Part 4—amendments to Acts that commence on the specified transition date
- Part 5—amendments to secondary legislation that commence on the day after Royal assent.

We asked for and received detailed advice about consequential amendments to a few specific Acts, including the Climate Change Response Act 2002, Conservation Act 1987, Hauraki Gulf / Tīkapa Moana Marine Protection Act 2025, Hauraki Gulf Marine Park Act 2000, and Wildlife Act 1953. For further information, please see the relevant part of our advice documents *(DR3 pp 398–401)*.

Comment on the Waitakere Ranges Heritage Area Act 2008

We understand that there is strong public concern about the treatment of the Waitakere Ranges Heritage Area in the bills as introduced. This was likely not aided by relevant consequential amendments being omitted at introduction. Our understanding is that the area could have similar protections as currently, though we note that some forms of protections could give rise to regulatory relief considerations. Consequential amendments would require Auckland Council to give effect to the purpose and objectives of the Waitakere Ranges Act when preparing their land use and natural environment plans.

The PCE pointed out that the proposed regulatory relief regime could affect Auckland Council's decisions on how to zone the area. Some submitters called for the Wai-

takere Ranges Act to prevail over the PB and the NEB. The Act does not currently prevail over the RMA, and we do not propose to change the status quo.

Other matters

In this final section of our commentary, we cover topics that do not fall neatly into other themes, including those which relate to a few stand-alone provisions or no provisions in the bills.

Water conservation orders

NEB Schedule 4, clause 15

(DR2 rec 134, p 172)

Water conservation orders (WCOs) may be applied to a body of water, such as a river or lake, to preserve its natural state and characteristics. NEB Schedule 4 provides for existing water conservation orders to remain in force. New WCOs could also be made under a process that is largely the same as the RMA, although with a narrower scope. Water conservation orders could no longer be made for the purpose of protecting the scenic, spiritual, or cultural characteristics of water bodies.

The Minister would be responsible for issuing and amending water conservation orders. Regional councils would be responsible for monitoring their implementation and effectiveness.

NEB Schedule 4, clause 15 sets out the process for revoking or amending existing WCOs. In response to submitter comments, we propose introducing a review and reporting requirement for regional councils. Where possible, this review should be aligned with regional plan review cycles. We would like to be clear that the periodic review and reporting should not trigger an amendment or revocation process, nor alter the legal effect of the WCO. Their purpose would be to improve transparency, and inform whether existing amendment or revocation pathways may be appropriate. We recommend inserting NEB Schedule 4, clauses 3(3) and (4).

Other proposed amendments

As introduced	Description of proposed amendment
NEB cl 227 (DR2 rec 132, p 170)	This clause relates to general requirements for regional councils to gather, monitor, and retain information. It would move to new clause 224. We recommend including an explicit requirement for regional councils to monitor the implementation of WCOs.
NEB Sch 4, cl 4–14 (DR2 rec 133, p 172)	The rest of the schedule relates to the process of applying for, making, and revoking WCOs. We recommend removing clauses 8(4) and (5), and amending clause 12(4) to require a notice of appeal to be served within five working days of lodgement.

Contaminated land

Contaminated land refers to land that has a hazardous substance in or on it. As part of a territorial authority's land-use planning and consenting functions, they would be

responsible for regulating and managing contaminated land. Regional councils would be responsible for regulating the discharge of contaminants and soil conservation. We received feedback from submitters that the bills do not adequately provide for contaminated land.

The Regulations Review Committee made comments about related regulation-making powers. NEB clause 21 would restrict the discharge of contaminants. However, NEB clause 307(1)(m) would allow regulations to make exemptions from any of NEB clause 21. That committee suggested we add a framework around when an exemption would be appropriate, we discuss this below.

Definitions

PB clause 3, NEB clause 3

(DR2 rec 136, p 177)

We heard submitters concerns about inconsistencies between the bills' definitions of contaminated land. For example, the NEB does not include a definition of "contaminated land", while the PB does. To address such gaps, we recommend:

- amending the PB definition of "contaminated land" to reference the built environment and include effects on human health
- adding a definition of "contaminated land" to the NEB that is consistent with the PB but refers to natural resources and includes effects on human health
- inserting the definition of "hazardous substance" from the RMA into the PB and NEB
- adding a definition of "polluter" into the NEB, based on section 411 of the Natural and Built Environment Act 2023 but with an exception where a discharge of a contaminant was lawfully authorised.

Contaminated land framework

NEB new clauses

(DR2 rec 137, p 181)

We propose a clear framework for contaminated land that works across the two bills. It would be inserted at NEB new clauses 323A to 323C. The effect of our recommended changes would be to establish a framework that includes:

- a polluter-pays approach
- cost-recovery powers for local authorities or the Environmental Protection Authority to recover actual and reasonable costs
- landowner obligations to notify and provide support to regional council's public records
- regulation-making powers for financial assurances for high-risk activities and sites, including contaminated land.

We note that this approach has been informed by the contaminated-land provisions in the Natural and Built Environment Act 2023. It is intended to address gaps in how contaminated land is identified and managed, without creating a prescriptive regime. We would expect national instruments to set technical and procedural detail.

Topics on which we are not recommending amendments

Submitters commented on various other topics. Although we are ultimately not recommending amendments to the bills on these topics, we list them here along with our rationale for not making changes, to show that we considered these matters in detail.

- **Urban trees**: The bills intend to move away from individually listing urban trees for protection, in favour of only demarking trees with significant historic heritage value. The majority of us consider that there are sufficient protections for urban trees in the bills. (DR2 rec 139, p 187)
- **Dark skies**: We discussed protections for dark skies during our consideration of effects management. We have been advised that the provisions of the PB and our recommended changes to NEB clause 14(b) would not prevent national instruments, when particularising the goals, to include standards relating to light. We do not consider that any additional protections for dark skies are required in the primary legislation. (DR2 rec 141, p 192)
- **Reverse sensitivity**: Reverse sensitivity is when existing activities have an adverse effect on new activities nearby, such as a new residential development being affected by noise from an existing airport. This would generally be managed through zoning and effects management. Clause 20 of each bill protects existing land uses, and councils' coordinated planning systems would identify potential risks of reverse sensitivity and manage them accordingly. In our view, there is no need to add specific provisions about reverse sensitivity. (DR3 rec 320, p 391)
- **Green spaces**: Although we agree that green spaces are a vital part of the urban landscape and need to be protected, we consider that they are sufficiently provided for in the goals. PB clause 11(c) has the goal "to create well-functioning urban and rural areas". When particularising the goals, we expect national instruments to account for green spaces. We also consider that specifically referencing green spaces in the primary legislation could set a precedent for referencing many other matters. (DR3 rec 321, p 392)
- **Financial contributions**: Under the PB and the NEB, financial contributions could be imposed through a condition on a consent or permit. This is not explicitly spelt out but is provided for in PB Schedule 6, clause 2(d) and NEB Schedule 2, clause 5(2)(d). Councils can also charge development contributions under the Local Government Act 2002. The bills also do not prevent private agreements about a person's land and its effects. (DR3 rec 322, p. 394)

Further information about these topics can be found in the relevant advice document.

New Zealand Labour Party differing view

Introduction

The Resource Management Act 1991 (RMA) was a significant legislative step to improve environmental protections and reform town planning. It was developed under a Labour Government and passed by a National Government. Unfortunately, implementation of the RMA was slow and it took a long time to develop jurisprudence on how to interpret and implement its purpose. As a result, the environment has continued to degrade and the RMA is hugely inefficient. This is why the previous Labour Government repealed the RMA and replaced it with the Natural and Built Environment Act 2023 and the Spatial Planning Act 2023.

The current Government repealed Labour's laws and embarked on writing its own. Many of the drivers for change are the same – the system is inefficient and there is a need for clear environmental bottom lines. Some of the drivers are very different – this Government has a focus on private property rights and reducing the input of mana whenua. Despite these differences, Labour voted for the bills to progress to select committee in the hope that some improvements would be made. Unfortunately, almost all policy decisions made during the select committee process have made the bills even more unpalatable and unworkable. This is a great shame. Despite our disappointment, Labour members have worked hard throughout the select committee process to at least make some changes to improve the bills' workability.

Two bills

There has been no cogent explanation for the need for two separate bills. We heard that this was a Cabinet decision but the reasoning was absent. We suspect the reason is an attempt to end the "integrated management" approach of the RMA. This is both dangerous and foolish. Our environment exists everywhere; including urban environments.

We note that Labour had two bills. This separation was to enable the new spatial plans and was in no way going to diminish integrated management. Conversely, these two replacement bills will result in a lot of duplication and cause unnecessary uncertainty and inefficiency.

Funnel, purpose, and goals

One of the differences between these bills and the RMA is the "funnel" approach (whereby the Minister's decisions on a wide range of issues then flow down the funnel to lower order plans and decisions). We note that the rationale behind the funnel is similar to:

- The Supreme Court's *King Salmon* decision under the RMA which held that decision-makers need not go up the hierarchy of documents if the lower order plan implements the RMA's purpose; and

- Labour's reforms which focused more decision-making in the plans and national instruments rather than the status quo where time, money, and effort is focused on individual consent applications.

However, the funnel in these bills is different because it is the Minister making the decisions. Any deficiency in national direction, or even a change in Minister, could result in adverse flow-on effects throughout the entire system.

Users of the RMA are familiar with the hierarchy set up under Part 2 of that Act, which emphasises "sustainable management" at the top. By contrast, these bills specifically have no hierarchy in their purpose or goals. This means that when goals conflict with each other, the Minister will determine how the conflict is resolved – this is in effect the Minister establishing a hierarchy. This is a lot of power and leaves no wiggle room should a poor decision be made at the top of the funnel.

We note that the Minister does not have complete free rein and is somewhat constrained by the goals and purpose of each bill. However, although each bill has a purpose clause, they deliberately provide no substantive guidance and do little more than "establish the framework". The Planning Bill's purpose has also been amended to include "the enjoyment of land", which appears to privilege landowners.

The goals in the Planning Bill (clause 11) are development focused. A change is made to include the word "abundant" in relation to land availability for residential and business use. It is a shame that this focus on abundance does not roll over into productive soils and biodiversity. There is an absence of ambition to improve our environment. Cumulative effects will continue unchecked.

The goal to "create well-functioning urban and rural environments" is open to interpretation. Labour supports a focus on green infrastructure and green spaces for community use. With the new system's focus on property rights, we are concerned that new residential developments will engulf the entirety of a site and reduce any private green space. This means the country will need to provide more public green space, but the mechanisms for requiring and acquiring those spaces are limited.

Climate change is already increasing the frequency and severity of extreme weather. More resilient drainage will be needed to manage heavier storms, while trees and green spaces can help reduce heat, provide shade, and slow rainfall before it reaches the ground. This use of nature also helps with well-being and provides community recreational spaces. It requires planning but, under these bills, appears to rely on a Minister's interpretation and appetite for green spaces.

The Natural Environment Bill's goals also include a development focus "to enable the use and development of natural resources". The bill as introduced included a caveat to this goal of "within environmental limits" but that has now been deleted. This deletion is one of many examples that make a mockery of the Government's contention that this new system will provide for environmental bottom lines (limits). The Natural Environment Bill's goal of "no net loss" of indigenous biodiversity is unworkable and lacks ambition. There is no definition of or baseline for measuring "no net loss". Labour members agree with the Parliamentary Commissioner for the Environment

that this clause is unlikely to provide any practical protection for indigenous biodiversity at all.

Clause 13 introduces "procedural principles" that are not requirements. The bill now requires a person exercising functions to "act in a pragmatic way that supports practical solutions". This is highly subjective and is unnecessary, particularly given the existing duty to use "timely, efficient, consistent, and cost-effective processes". Finally, "pragmatic" is not a familiar legislative term and as such, may invite legal challenge which reduces efficiency and increases cost.

The funnel approach, along with the vague purpose statements and subjective goals, needs considerably more thought and work if these bills are to be effective.

Environmental limits

Environmental limits are either to protect human health or the natural environment. Human health limits are to be set nationally. Natural environmental limits are to be set in the region's plan and at first blush it appears that the Minister's involvement is minimal. However national standards set the methodology and a minimum acceptable standard (clause 50A) and minimum acceptable levels (clause 55(1)(e)) but "must not determine an ecosystem health limit itself" (clause 58A(3)). This does not make much sense and presumably comes from a desire to appease lobbyists who do not want nationally applied limits – yet they will likely get them through all the methodologies and minimum acceptable levels. It is one of many examples where this legislation is more complicated than it needs to be.

As well as this, the entire concept of "limits" is undermined by the bills. Economic considerations are part of the development of an ecosystem health limit (clauses 50B(1)(c) and 56(da)), and national standards can authorise activities that will breach a limit (clauses 79 and 164A).

Environmental limits need to be bottom lines that are not further degraded.

Te Tiriti o Waitangi and mana whenua

Section 8 of the RMA is a general Treaty clause to "take into account the principles". This is in addition to clause 6(e) that says, as a matter of national importance "the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga" is to be recognised and provided for. The RMA also requires decision-makers to have particular regard to kaitiakitanga, and includes other provisions such as Mana Whakahono ā Rohe.

Unfortunately, the bills degrade these participatory rights. The general Treaty clause has been removed (there is a specific actions clause at 8) and the section 6(e) equivalent is downgraded. There is an "equivalence" clause (Clause 10), but it is impossible to be equivalent when the language in the bills is so different from the RMA. Although existing Mana Whakahono ā Rohe agreements will continue in force there is no ability for new agreements (unless iwi have initiated the process and progress them before the "specified transition date", under clause 21). Feedback on Mana

Whakahono ā Rohe agreements is that they assist with the timeliness and efficiency of the resource management system, so it is not in anyone's interests to remove them.

It is beyond disappointing that these bills are regressive on mana whenua issues as compared with the RMA. Article 2 of the Treaty specifically relates to our environment, so this "downgrade" in our resource management laws is wrong.

There will be Treaty Settlement litigation around these changes that downgrade mana whenua participation because these settlements were reliant on the general settings of the RMA. That is not to say that the RMA can never change (it has been many times) but the change should be in the opposite direction – that is more involvement, not less, for mana whenua.

Regulatory Relief

An issue that garnered many submissions is the new regulatory relief industry. Labour has been opposed to the concept of these from the outset. Protections, including ones already in place (for biodiversity, heritage, landscape, and sites of significance for Māori) will be subject to new provisions that could result in a council being required to provide monetary compensation for that protection. That is, ratepayers would have to pay landowners for protecting something that is not their land–that is, biodiversity. Of course, submitters rightly pointed out these provisions will have a chilling effect on protections.

These regulatory relief provisions should be removed because they will undoubtedly result in biodiversity loss and the creation of a new very inefficient industry. The Government's own report estimates it could cost up to $1.99 billion dollars. Councils told us that the regulatory relief requirement will be expensive and they are unlikely to be able to afford the cost of compensation, particularly in light of other Government work that will further restrict councils' ability to raise funds. This context makes the provisions even worse for our environment.

Section 85 of the RMA is an existing mechanism for landowners who are unreasonably affected by a rule. This mechanism is carried over in the bills and could be further extended if the National members were serious about a bi-partisan approach.

Other issues

Climate change—while climate adaptation and hazards are part of these bills there has been a policy position to not address climate pollution. Although the Emissions Trading Scheme incentivises polluters to reduce or offset their emissions, New Zealand needs many other tools to decarbonise. This includes planning for public and active transport, better urban design, and enabling renewable electricity generation. It is good that a new clause 15A has been added to the NEB and the PB that enables positive effects associated with "avoiding, reducing, removing, or displacing greenhouse gas emissions" to be considered. It is unfortunate that consideration of climate pollution is otherwise banned from planning.

Definition of infrastructure—this is a critical definition because infrastructure is given precedence in various provisions. The definition now is either to perform a pub-

lic function or to support "the functioning of the economy". This means that any physical structure used for a private business can be considered as infrastructure. A shop should not be treated as infrastructure. Whereas a nature-based stormwater management system should be treated as infrastructure, and it is good that the definition of "infrastructure" has been amended to incorporate this.

Hazards—the provisions relating to hazards could be stronger, especially for stopping new activities in areas subject to hazards such as flooding and land slides.

Controlled activities—there is often a fixation from RMA users to have activities classified as a permitted activity. While there are benefits of not having to go through a process sometimes it can end up being more complicated when a due diligence report requires proof that the permitted status applies. This is why there is a certificate of compliance process that can take time and resource. Sometimes it is more efficient to require a consent that is constrained (restricted discretionary) or must be granted (controlled). It is sensible that the NEB now includes the controlled activity status.

Implementation—the time to implement these reforms is similar to when Labour's reform would have been fully implemented. The Government intends to "turn on" its reforms at the same time nationwide. This is despite widespread opinion that New Zealand has a limited number of resource management professionals and they struggled when both Auckland and Christchurch were undertaking large scale plan developments at the same time.

We note that there is budget allocation for implementation and a new digital system. Treasury has an amber alert on the digital system and this work will need to be carefully managed with tight governance.

Separating the system into two bills will also add to the difficulty of implementation. In addition to these two bills there is also the Fast-track Approvals Act that is causing planning chaos in places like Queenstown with multiple developments approved without the necessary infrastructure.

Wildlife approvals—The bills should retain DOC as decision maker for Wildlife Act approvals and specify appropriate time frames. If regional councils are allowed to issue wildlife approvals they should be required to consult DOC on the applications.

Labour agrees with changes made by the select committee to ensure that applications for a wildlife approval include information stating whether the applicant or anyone else involved with the application has been convicted of any offence under the Wildlife Act 1953 and whether the applicant or anyone involved with the application has any current criminal charges under the Wildlife Act 1953 pending before a court. However, we disagree with the decision not to require this information when the approval is transferred to a third party. Under the new legislation, someone could apply for a wildlife approval as long as they did not have any current criminal charges or conviction under the Wildlife Act and then transfer the approval to someone who does.

Planning—we are concerned that there is an overriding policy position that planning is somehow not needed. Difficult trade-offs will be made by the Minister and choices

on zones will merely be a choice of a standard zone by a council. This is an oversimplification and no system would work without planners doing some planning. This need for planning should be better recognised.

Labour is concerned that most of the community input is into the regional spatial plan and that input is then limited into the land use plans. Community input is needed in both.

We note that the contents of spatial plans will depend on what is required by national instruments and regulations. Labour supports conservation corridors being included. More detail on what a spatial plan must include should be specified in the bills.

Waitakere Ranges and Hauraki Gulf—there should be provisions to continue the protections and exclude regulatory relief from applying to protections that currently exist.

Soils—highly productive land is of strategic importance to New Zealand's food security and resilience. Fertile soils do not magically appear. They are the result of geological processes over long time frames, and a huge asset to the country. It is easy to ignore long term food production value in favour of shorter-term housing options when deciding whether to build outwards rather than intensify existing developed areas. We are disappointed that clause 36 of schedule 1 effectively cancels the RMA requirements of mapping highly productive land.

Areas of agreement—Labour agrees in the importance of long-term spatial planning, the reduction of plans, a plan based at the regional level with councils working together, and a more standardised and efficient approach. Improving data and the ability for decision makers to rely on standardised data sets is also supported.

Conclusion

It is immensely frustrating to go back and read National's differing views on Labour's reforms and see complaints about time frames and a rushed process. These Coalition Government bills did not have an exposure draft process with public submissions, and the time for submissions was shorter. There have been many changes through the departmental report and this view is being written before the committee has considered Parliamentary Counsel Office's final drafting changes (which is no reflection on officials who have done a brilliant job in very difficult time pressured circumstances). Many of our committee meeting times were significantly reduced because of the House sitting under urgency or extended hours. It is this process that has resulted in a huge departmental report and this process where "members had inadequate time to engage properly with the content".

What is even more frustrating is the final result. The Government has pushed on with bills that will create a new regulatory relief industry, will not work with the weak purposes and conflicting goals, be inefficient and much worse for our precious environment. In addition, the system moves costs from those benefiting from resource use to the public purse; this is the wrong way round.

The bills are an embarrassment–National could have worked with us to amend Labour's legislation but instead they chose to start again with something full of campaign slogans that will end up costing all New Zealanders and the environment.

Green Party of Aotearoa New Zealand differing view

A fit for purpose, functional resource management system that sets clear direction and provides certainty is critical for New Zealanders' wellbeing and Te Taiao/the environment. The system will have serious and lasting implications for our collective culture, economy, society, and our obligations under Te Tiriti o Waitangi. It influences not only the state of the environment and therefore our ability to sustain lives and livelihoods today, but also for all who come after us.

The significance of this is at the forefront of the Green Party's strong opposition to these bills.

We wish to acknowledge and thank the 3,204 submitters who expressed their views and shared their expertise. 74 percent of those submitters opposed the bills, 22 percent expressed mixed or unclear views, and less than 4 percent supported the bills.

To achieve enduring, functional legislation that would deliver on the intention of more, rather than less, certainty, the process required genuine cross-party collaboration and importantly having genuine regard for the expertise—the mātauranga of tangata whenua, experts, local government and planning practitioners, academics and community voices—that came through in submissions. The resulting recommendations of the Select Committee process demonstrate that this did not occur.

Many of the bills' flaws were pre-determined by Cabinet and ministerial decisions, which resulted in officials being severely limited in their ability to work effectively with the committee. This therefore required at the very least, the ability for the committee to be open and engaged with the advice that came from our independent advisors and the application of that advice in making recommendations that could amount to a functional system. Unfortunately, that opportunity was not taken up by the committee, and the resulting bills are now a reflection of that failure.

There are some aspects of the overall urban planning system architecture proposed in these bills that we support in principle. For instance, the move to more of a focus on public participation and clear decision making at the plan level, rather than litigation about specific proposals at the point of consenting is welcome. We support clear national direction and regional spatial plans, which then inform land use plans. We support greater simplification and standardisation of zoning rules, and better monitoring and enforcement of rules, particularly where environmental degradation takes place. We would like to see these changes contribute to better urban environments, such as improved mobility, accessibility, and community engagement and belonging. However, there is too much riding on the specifics of national direction that has not yet been published, and far too much left to ministerial discretion, for us to support the bills.

Our concerns with the bills are extensive and not limited to what is included here. Our primary concerns include:

The two bill approach is flawed, leading to a lack of integration

The formation of these two bills attempts an illogical split between "planning" and the natural environment in which planning and all activities exist. We agree with submitters that the two bill structure is a fundamental flaw that creates structural and coherence issues.

As the Parliamentary Commissioner for the Environment (PCE) pointed out, he could not find any stated rationale underpinning the two bills being split and explained "while the Bills pretend that [the domains] can be treated as distinct and separate matters, they cannot in the real world be managed without reference to one another". The Green Party cannot support the embedding of a new system that will cause even greater levels of uncertainty and unnecessary division than the current system.

This division results in unnecessary siloing and lack of integration between the two bills, with serious implications for the workability of permit processes further down the system. We heard strongly and clearly from Local Government that the integration and efficiencies councils are currently able to achieve, will take a backward step, and officials advised us that in some instances existing consents may need to be split across permits under the separate bills. This is the opposite of the efficiency and streamlining that the Government purports to be aiming for.

Weak purposes and goals unworkable and unambitious

As emphasised by both of our advisors, the purpose clauses are purposes that "have no purpose" and now further entrench the subjective and ideological concept of "enjoyment of land" where private property rights take precedence over environmental protection or impact on neighbours and community. The PCE's advice on how the committee might consider drafting changes to improve the purposes was ignored and attempts to amend the purpose clauses to include benefits to "current and future generations" were denied.

We agree with many submitters who expressed that at a minimum, the bills should provide that, where activities or priorities conflict, the protection and enhancement of environmental health and the natural environment—including safeguarding life-supporting capacity and maintaining ecological integrity—take precedence. Development and resource use should be permitted only where they occur within, and are subject to, environmental limits.

Similarly, we join with submitters who were extremely concerned that the goal for indigenous biodiversity is to achieve "no net loss" of indigenous biodiversity. This represents a significant change from the recommendation of the Expert Advisory Group which noted the need "to signal a step change in relation to indigenous biodiversity" and proposed that the goal should be indigenous biodiversity net gain. "No net loss" is as unworkable as it is unambitious, and is out of step with our international commitments under the Kunming-Montreal Global Biodiversity Framework (GBF) as well as the United Nations Convention on Biological Diversity (CBD).

Environmental protections dismantled

A functional resource management system must have actual environmental limits that are based on evidence, science and mātauranga Māori. As Choose Clean Water summed it up, "Although the Bills are being described as the largest 'economic' reforms in a generation, they are, at their heart, not about the economy. They are—or should be—about protecting the environment."

The fact that the ecosystem health limits are not in fact, environmental limits, but rather only arrived at once economic and social factors are taken into account make a mockery of this framework and expose its complete lack of credibility. As the PCE advised: "This advice gives weight to the conclusion that the Natural Environment Bill is actually an economic development Bill that provides for the possibility of environmental limits."

The Minister has discretion to decide if use and development need not occur within environmental limits and to make matters worse, the explicit clause that would embed the "precautionary principle" which would require a permitting authority to favour caution and environmental protection when deciding whether to approve a permit application, has been removed. To give further weight to how low the bar can be set for these so-called "environmental limits", the ecosystem health limits do not even have to be set at a level that would "prevent significant or irreversible harm", in the way that human health limits must be.

We are deeply concerned about the approach where an increased reliance on permitted activities risks the ongoing pollution and degradation of the environment and cumulative effects may or may not be managed. The time frame for aiming to achieve even "interim" environmental limits has been pushed back half a decade from five to ten years, meaning the goal posts become even more distant, with action on any environmental improvement increasingly delayed. Similarly, we do not support Freshwater Farm plans now being self-certified and audited by industry and are disappointed that market allocation mechanisms that could address overallocation of freshwater were scrapped after push back from industry.

Te Tiriti o Waitangi obligations and Māori rights and interests have been weakened and narrowed

Almost all Māori groups opposed the bills. We agree with the many voices of iwi and hapū who expressed their disappointment at the weakening and narrowing of mana whenua and Māori voice throughout the system that was succinctly captured by the Waikato River Authority who described the Government's actions in the bills as "eviscerating" Crown–Māori relationships. We agree that over-arching Te Tiriti o Waitangi obligations that provide for genuine engagement should be upheld through every stage of the planning and permitting processes from national direction to permits (for settled and non-settled iwi and hapū).

The proposed two year time frame for the Crown to enact the bills, and then undertake a process to seek agreement with post-settlement governance entities as to how their Treaty settlement redress could be given 'the same or equivalent effect to the

greatest extent possible' in the new system is a retrograde insult to iwi and hapū that the Green Party could never support.

The inappropriateness of the proposed system was well captured by Tina Porou submitting on behalf of Poipoia Ltd when she said, "Māori influence is forced to occur at the earliest, most technical and resource-intensive stages (national instruments and plan development), while the system then narrows opportunities to raise Treaty-consistent matters later, even when the on-the-ground effects on taonga, wāhi tapu, wai, and customary practice are clearer."

Ministerial direction is too broad

We agree with the PCE that the vast ministerial powers at the top of the system have, "potential for endless churn following every change of government and resulting in uncertainty for system users". An enduring system needs to have processes that allow for information from both experts and the people most affected by decisions.

We agree with the submission of Te Rūnanga o Toa Rangatira, which describes how the bills, "shift significant decision making power from local authorities to Ministers, creating a top heavy system in which national direction overrides local decision making and Māori participation is significantly curtailed. This centralisation departs from the partnership based relationships that underpin effective planning… Taken together with the Fast-track Approvals Act 2024, Ministerial decision making in the Bills opens the door to instances of political manipulation, progressing pet projects, lobbying and lack of transparency. The international environmental reputation of Aotearoa-New Zealand is at risk."

Ironically, independent hearings panels are required by the bills for determining spatial plans and other responsibilities of local authorities, but there is nothing similar proposed for setting national direction—which are arguably the most influential and powerful instruments in the proposed system. We believe there can and should be a more participatory process for determining national directions, noting the significance of these instruments for the overall planning and resource management frameworks.

Climate change mitigation and adaptation are major oversights

The omission of climate mitigation and adaptation in the goals in the Natural Environment Bill and the Planning Bill weaken the effectiveness of the entire system. As Hawke's Bay Regional Council outlined in their submission: "The current goals focus on safeguarding communities from natural hazards through proportionate, risk-based planning. But they do not make climate change mitigation and adaptation a core driver of decisions. Without a clear, proactive goal, there is a risk the system may stay focused on responding after events, rather than driving the major shift needed to build long-term regional resilience."

Greater Wellington Regional Council pointed out the resulting gaps which risk constraining councils' ability to manage environmental and development pressures: "Despite climate change being one of the most significant drivers of land use change, natural hazard escalation, infrastructure vulnerability, and regional planning complex-

ity, neither adaptation nor mitigation is articulated as a system goal. Without explicit recognition, councils may face reduced statutory authority to plan proactively for sea-level rise, managed retreat, flood risk, and emissions-reducing land use patterns. This omission signals a misalignment between the Bills and New Zealand's national climate commitments and adaptation frameworks."

Land use planning fundamentally impacts both the level of dangerous greenhouse gas emissions, and how communities are affected by increased frequency and severity of weather events. Numerous submitters made practical suggestions about how climate mitigation should be explicitly referenced in the bills. The committee settled on a nonsensical solution where only "positive" effects of emissions reduction can be taken into account. Our urban planning and environmental law frameworks should put climate mitigation and adaptation at the heart of their purpose to have any clear direction for New Zealand to significantly reduce emissions and cope with the results of climate disruption that are already affecting us. Greenhouse gas emissions must be a major consideration in determining spatial plans, land use consents and natural environment permits, as that will be far more effective and less costly for communities than locking in development patterns and activities then trying to affect behaviour via a carbon price.

Regulatory relief is immensely costly, unworkable, and inappropriate

We are strongly opposed to the regulatory relief regime in its entirety, which these bills would establish and implement via the land use plan and natural environment plan. We agree with the PCE that the regime "will confer a right to remove indigenous biodiversity on properties". As local councils made clear, these provisions create significant uncertainty with no clear justification for the regime. It is equally unclear how councils are to develop, implement and fund a relief framework. We were deeply concerned that despite the only report the committee received on the matter outlining the novelty, uncertainty and potential for crippling costs to local councils and ratepayers of up to two billion dollars, that the committee proceeded to retain regulatory relief.

It is of further insult to both the rich cultural history of Māori whakapapa and the natural heritage of this country that both "sites of significance for Māori" and "terrestrial biodiversity" are subjected to regulatory relief, despite both being established long before any concept of private property rights.

We also note the specific failure to protect the status of the Waitākere Ranges Heritage Area Act 2008 which risks a death by a thousand cuts to the regenerating native ecosystems of Waitākere through the unrelenting encroachment of inappropriate intensification.

Other matters

We would like to see regional spatial plans specifically enable nature-based solutions and green spaces. The failure to implement general tree protection or even maintain the existing status of scheduled trees denies the multiple community, ecological, and

resilience benefits of a healthy urban forest. Our cities will become less liveable and more unsustainable without protection of mature trees on public and private land.

We do not agree with a separate process for Wildlife Act approvals. We strongly support the retention of water conservation orders in the new system, however, land use plans should be consistent with water conservation orders and we disagree with the scope of newly proposed water conservation orders being narrowed.

We agree with the PCE that the sequencing of plan development where the setting of environmental limits in natural environment plans come after spatial plans have been developed "makes no sense at all". If any further evidence was required that the system is unworkable, one only needs to understand that Fast-track consent processes are still able to be granted, that can bulldoze their way through any of the new system planning.

We are increasingly concerned about the cumulative effect of current local government reforms and other legislative reform such as these bills. The Government continues to proceed with legislation with little to no understanding or regard for the impact on local government and the communities they serve. The rates cap is expected to severely reduce local government revenue, whilst expected to implement resource management reform, and engage in large-scale governance restructuring—all without clarity on funding, sequencing, or transition support. This pattern shifts cost, risk, and accountability to local communities by default and is completely unsustainable.

We are disappointed that all this new system amounts to is more delay, degradation, uncertainty, and upheaval for our environment and communities at a time when our environment is under severe and increasing pressure. New Zealanders are innovative, smart, and want a stable healthy environment to live and grow in and pass on to future generations. These bills are a disservice to those fundamental values.

Te Pāti Māori differing view

Introduction

Te Pāti Māori opposes these bills. Our position is premised on Mana Motuhake, Mana Ōrite and Mana Mokopuna. Taken together, these principles and metrics form the scope of our specific iwi/Māori rights and interests, and critique of legislation pertaining to our taiao.

Our starting position is that any new resource management (and planning) systems must:

- be grounded in Te Tiriti o Waitangi and the unique, historical relationship of hapū and iwi/Māori in Aotearoa with their taiao.
- ensure that the strategic inheritance of our mokopuna must be safeguarded and enhanced for all time.

Environmental protections

Te Pāti Māori stands with the significant number of submitters, and the Parliamentary Commissioner for the Environment (PCE), who expressed criticism and concern that the bills would weaken environmental protections compared to the existing RMA. Despite the committee's majority view and recommendations, we consider that the bills in their current form will lead to poorer environmental outcomes given fewer clear, enforceable and durable safeguards by watering-down environmental limits.

Te Pāti Māori also agrees with the PCE that any new resource management system must be premised on a coordinated, holistic and integrated approach. The holistic approach embedded in the RMA is foundational for protecting indigenous biodiversity and our broader taiao in Aotearoa.

This principle was, and still is fundamental for redressing and addressing historical degradation issues experienced and described by hapū and iwi in relation to their taiao. In some cases, Māori responses to environmental degradation set in motion what we understand to be Treaty claims and Treaty Settlement redress today. Returning to a pre-RMA situation, as described by the PCE, would mean returning to a situation where hapū and iwi rights to their taiao are severely undermined or non-existent.

We disagree with the committee's view that *"measures to protect the natural environment remain the same or similar to the RMA"*. Instead, the way the proposed system is configured, as two distinct bills, will affect levels of protection.

Te Pāti Māori rejects the idea that a new system will provide greater flexibility to the Minister and which relies on the Minister to set the appropriate amount of protection through national instruments.

Incorporating "green infrastructure"

We agree with the committee's recommendation to insert a definition of "infrastructure" that applies throughout both bills, including whether that definition also includes "green infrastructure".

We consider that the matter to be critical in implementing treaty settlement arrangements and other bespoke, place-based arrangements nationwide. Te Pāti Māori considers it will have far-reaching implications for hapū and iwi whose local places, rohe/takiwā and tāonga are affected by major infrastructure projects.

In addition, the recommended change is important to hapū and iwi who view their tūpuna and tāonga as metaphysical beings who are indivisible and who exist across whole-of-life cycles. Under the existing RMA, there continues to be complex challenges and debates about what is considered "infrastructure". For example, we note the ongoing challenges with accounting for the role and function of rivers, streams, tributaries, reserves, parks and other natural features used (compared to "hard infrastructure"), as part of stormwater and wastewater networks, to help protect against discharges to the environment.

Purpose

Te Pāti Māori agrees with concerns raised by submitters that the purposes of both the Planning Bill (PB) and the Natural Environment Bill (NEB) are *"conceptually different and it is difficult to understand how they would integrate with each other."*

We also agree with concerns raised the PEC regarding the "enjoyment of land" in the PB. Our concern is that the wording promotes aggressive development premised in ideological concepts of private property and extraction.

Te Pāti Māori supports the proposed amendment to the NEB's purpose to include a reference to "benefitting current and future generations" and any other serious measures that provide for intergenerational planning (whakapapa) and certainty of tāonga. We agree with those Committee members who have taken a long-term view to environmental management and we call on the Minister to include this reference in national instruments.

Goals

Te Pāti Māori supports the committee's recommendation that an additional goal be added to the NEB *"to support and enable enhancement of the natural environment"*, in line with submitters who consider that the bill *"does not sufficiently provide for restoration or enhancement of the natural environment"* and, in its current form, remains disjointed from the purpose of the NEB.

We wish to raise concerns over the fact that the goals are not ordered by hierarchy and where there is conflict in decision-making instruments, the Minister would be empowered to decide how to resolve these in secondary instruments.

Māori Rights & Interests (Treaty Provisions)

Te Pāti Māori remains emphatic in its overall position that the bills must not proceed given that they were opposed by a majority of Māori groups. The committee heard and acknowledged the core critique by Māori groups that the proposed decision-making framework is narrower than the existing RMA.

We agree with Māori submitters that the newly proposed resource management system does not *"adequately allow for recognition and protection of Māori relationships with ancestral land, water, and other taonga"*. This includes insufficient support and recognition for existing redress arrangements and planning arrangements established through existing Treaty settlements.

Interaction with Treaty settlements

The committee acknowledged that Treaty settlement arrangements are complex and bespoke; acknowledging that these arrangements interact with and were born out of the existing resource management system. The committee recognised that the Crown must work with Post-Settlement Governance Entities (PSGEs) to agree changes as part of transitioning to a new system.

Our position is that renegotiating Treaty Settlements, including the role and status of these in legislation is a serious matter that calls into the question the good-faith keep-

ing and undertakings by the Crown. It is a serious matter that requires care so as to avoid destroying the principle of Crown partnership with Māori. Interfering with complex arrangements before they have had the time and opportunity to embed will have detrimental impacts for future generations of Māori and non-Māori alike in relation to the taiao they will come to inherit.

We acknowledge that the bills set out provisions requiring the Crown to work alongside PSGEs within the first two years of enactment. However, Te Pāti Māori considers that achieving the purposes of the bills would have been best served by including hapū and iwi (including PSGEs) in co-designing the new system in the first place.

Consultation with Māori

The committee noted general support for consultation with Māori. Te Pāti Māori is clear about the fundamental difference between "consultation" and "engagement". Hapū and iwi Māori, as Te Tiriti partners, are not to be "consulted with" (informed, but distant from decision-making). Hapū and iwi Māori, as Te Tiriti partners, are to be engaged fully across design and decision-making from inception.

Representation & Spatial Plan Committees

Te Pāti Māori remains concerned about the prospect that councils would need to agree how to consult with iwi as a part of preparing draft regional plans or plan changes. The committee acknowledged that the plans require identification and provision for statutory acknowledgements and sites of significance to Māori.

Although the bills require consultation with iwi and Customary Marine Title (CMT) groups when preparing draft plans or changing plans, including "having regard to" iwi management plans, the success and efficacy of similar "have regard to" provisions under the existing RMA remains dubious and questionable. Perhaps even ineffective.

Te Pāti Māori considers that the recommendation by the committee to amend or create a new clause about the appointment of spatial plan committees is woefully inadequate.

The committee recommended a requirement that spatial plan committees *"have at least one member with expertise "knowledge, skill, and experience in Te Ao Māori and Māori development", to address Māori interests in an appropriate way."* The committees reasoning for this is that this approach *"would align with requirements for expert panels under the Fast-track Approvals Act 2024."*

Numerous hapū and iwi submitters opposed this provision within the Fast-Track Approvals Act 2024. Te Pāti Māori rejects the committee's justification of "just lifting and shifting" provisions from existing legislation, when that legislation was also opposed by tangata whenua previously.

Transitional Arrangements

Te Pāti Māori wishes to raise serious concerns over how bespoke arrangements will be honoured, protected and future-proofed within a new system. Both bills would be able to transfer powers or enter into joint-management agreements (JMAs) with pub-

lic authorities. This has occurred already between iwi & councils under the existing RMA.

The committee heard that hapū/iwi or any other representative Māori group would not be able to acquire a bespoke arrangement such as what has been achieved under the existing RMA, on the premise that hapū/iwi are not considered a "public authority".

The committee noted that; *"Once the RMA ceases to apply at the end of the transition period, there would be no ability for iwi authorities and local authorities to enter into new transfers of power or joint management agreements. There are no provisions for new Mana Whakahono ā Rohe agreements to be entered into either."*

The committee did not recommend amendments in this area and thought that existing mechanisms for iwi to work with councils are sufficient. Te Pāti Māori is of the view that the committee has not accounted for existing and future inequities that the changes within the two bills will deliver.

Failure to recommend changes to this proposal simply undermines the role of hapū and iwi in decision-making over their local areas. Te Pāti Māori rejects the committee's characterisation of the issue.

Allocation

Te Pāti Māori vehemently opposes the committees view that existing methods and approaches to allocation under the existing RMA be retained. We also note that the two new recommended methods proposed were removed by the committee. These were;

- market mechanisms (auctions and tenders)
- a process enabling comparative assessment of competing permit applications.

Our core critique of water allocation in Aotearoa relates to outstanding and unresolved iwi/Māori rights in freshwater (and geothermal) management, including ownership and allocation (and as canvassed in detail in the Waitangi Tribunal's Wai 2358 Stage 2 Report).

Allocation methods retained from the RMA

While the committee heard that the NEB includes a preservation clause *"confirming that it would not create, transfer, extinguish, or determine any proprietary or customary rights or interests in freshwater or geothermal resources"*; the committee then went on to concentrate and solidify existing pressures and challenges to resource management (of water) and the proposed new system will be setup to avoid the matter altogether (and without remedy).

The committee opted for arrangements that cement grand-parenting of rights by existing resource consent-holders, including through the broken "first-in, first-served" model that rewards provenance, scale and the historical context of raupatu. These are:

- Allocation through rules (such as permitted activities) that can be to activity types (such as public drinking water)
- "First-in, first-served" for deciding permits

- Priority for existing permit holders when permits are replaced.

In short, the committee (by way of its recommendations, or lack thereof) has failed to resolve the historic matters and questions of water ownership, choosing avoidance over leadership.

Future role of regional councils

The committee heard that regional councils would continue to retain responsibility for freshwater allocation. However, with the presumed disestablishment of regional councils this leaves hapū and iwi/Māori rights and interests to freshwater uncertain. This includes the primary of their existing relationships with their current regional councils on allocation matters.

The committee has also recommended that the damming of water be included in allocation under the NEB. This change has far-reaching implications for those hapū and iwi who have major dams across their rohe/takiwā. Again, the committee would have done well to understand the nature of iwi/Māori rights and interests in freshwater allocation and ownership as best described in the Waitangi Tribunal's *Wai 2358 Report*.

Conclusion

Te Pāti Māori opposes both bills. While some improvements have been recommended, our fundamental concerns remain unresolved.

The bills weaken environmental protections, diminish Māori rights and interests, create uncertainty for Treaty settlement arrangements, and entrench inequitable resource allocation frameworks.

Rather than advancing a resource management system grounded in Te Tiriti o Waitangi, kaitiakitanga, and intergenerational stewardship, these bills risk taking Aotearoa backwards.

For these reasons, Te Pāti Māori cannot support the bills in their current form.

Appendix A: Committee process

The Planning Bill and the Natural Environment Bill were referred to this committee on 16 December 2025. The House instructed us to report the bill back no later than 20 July 2026. We invited the Minister Responsible for RMA Reform to provide an oral submission on the bills. He did so on 9 February 2026.

We called for submissions on the bills jointly with a closing date of 13 February 2026. We considered any submissions received to be counted against both bills for the Parliamentary record. We received and considered submissions from 3,204 interested groups and individuals. We heard oral evidence from 178 submitters. We wish to acknowledge the efforts of all submitters and thank them for their engagement.

Advice on the bills was provided by:

- the Ministry for the Environment (now the Ministry for Cities, Environment, Regions and Transport)
- the Parliamentary Commissioner for the Environment
- Bronwyn Carruthers KC.

We list all the advice we received in Appendix C. All advice can be found on the Parliament website.

The Parliamentary Counsel Office assisted with legal drafting. The Regulations Review Committee wrote to us on a number of powers in the bills, we address these in relevant areas of our commentary.

Committee membership

Catherine Wedd (Chairperson)

Hon Rachel Brooking

Hon Julie Anne Genter

Ryan Hamilton

Cameron Luxton

David MacLeod

Grant McCallum

Lan Pham

Hon Priyanca Radhakrishnan

Appendix B: Glossary

Abbreviation	Definition
CMA	Coastal Marine Area
CMT	Customary Marine Title
DOC	Department of Conservation
EPA	Environmental Protection Authority
IHP	Independent Hearings Panel
LUP	Land Use Plan
MfE	Ministry for the Environment
NBEA	Natural and Built Environment Act 2023
NEB	Natural Environment Bill
NEP	Natural Environment Plan
NPD	National Policy Direction
PB	Planning Bill
PCR	Protected Customary Rights
PSGE	Post-Settlement Governance Entity
PCE	Parliamentary Commissioner for the Environment
RMA	Resource Management Act 1991
RSP	Regional spatial plan

Appendix C: Related resources

We received the following advice, which is available on the Parliament website.

Committee meeting date	Advice provided by	Advice document	Topics
18/12/2025	Office of the Clerk	Initial procedures	Submissions process
29/01/2026	Ministry for the Environment (MfE)	Initial briefing and cover note	Overview of bills
29/01/2026	MfE	Overview of new planning system	
29/01/2026	Parliamentary Commissioner for the Environment (PCE)	Preliminary questions	System, decision-making, environmental limits, regulatory relief, implementation, rural context, public participation
19/02/2026	Office of the Clerk	Hearings process	
19/02/2026	MfE	Upholding Treaty settlements and other arrangements	
19/02/2026	PCE	Comments on initial briefing	Regulatory relief, Planning Tribunal, notification, system certainty, implementation, cumulative effects, permitted activities, ministerial intervention
02/03/2026	MfE	Responses to committee questions (February)	Responding to PCE comments from 19/02/2026
09/03/2026	MfE	Māori rights and interests and Treaty settlement provisions	
16/03/2026	MfE	Emerging themes in submissions	
16/03/2026	MfE	Property rights	
16/03/2026	MfE	Urban trees	
18/03/2026	MfE	Approach to departmental reporting	
23/03/2026	MfE	Highly productive land	
02/04/2026	PCE	Biodiversity challenges	
02/04/2026	PCE	Legislative design and core components	
02/04/2026	PCE	Ministerial powers and constraints on participation	
16/04/2026	MfE	Departmental report 1 (DR1)	Duties and restrictions, plans and plan making, consenting and permitting, compliance and enforcement, emergency works,

Committee meeting date	Advice provided by	Advice document	Topics
			Marine and Coastal Area (Takutai Moana) Act, statutory acknowledgements, designations, subdivision, financial assurances
16/04/2026	MfE	Summary of DR1 recommendations	
16/04/2026	MfE	DR1 figures	Plan-making process, consenting and permitting process, designation pathways
16/04/2026	PCE	Suggested matters for independent advice	
23/04/2026	MfE	Departmental report 2 (DR2)	Central and local government, system performance, Planning Tribunal, Environment Court, regulations, transitions and savings, consequential amendments, Independent Hearings Panel, existing use protections and natural hazards, other matters and miscellaneous
23/04/2026	MfE	Summary of DR2 recommendations	
23/04/2026	PCE	Initial comments on DR1	
23/04/2026	PCE	Ministerial discretion and limits framework	
30/04/2026	PCE	Initial comments on DR2	
06/05/2026	MfE	Departmental report 3 (DR3)	Foundations, Māori interests and Treaty provisions, national instruments, regulatory relief, regional spatial plans, allocation, notification, coastal matters, freshwater farm plans, transition and implementation timing, other matters
06/05/2026	PCE	Summary of DR3 recommendations	
06/05/2026	PCE	Initial comments on DR3	
21/05/2026	MfE	Responses to additional information requests (Responses 20/05/2026)	Prohibited activities, notification, water conservation orders, Māori interests, environmental limits, consenting and permitting
21/05/2026	MfE	Transition and implementation timeline	
21/05/2026	PCE	Comments on DRs 1-3	

Committee meeting date	Advice provided by	Advice document	Topics
28/05/2026	MfE	Departmental report 4 (DR4)	Levies, wildlife approvals
28/05/2026	MfE	Summary of DR4 recommendations	
28/05/2026	MfE	Regulatory relief liability estimation	Work commissioned from Martin Jenkins
28/05/2026	MfE	Additional information request – regulatory relief	
28/05/2026	PCE	Advisers report	System design, environmental management, aspects of the planning system, transitional matters
28/05/2026	PCE	Initial comments on DR4	
04/06/2026	Bronwyn Carruthers KC	Advice on initial questions	Purpose statements, goals, regulatory relief transition
16/06/2026	PCE	Further comments on DR4	
25/06/2026	Bronwyn Carruthers KC	Review of RT excerpts from Sch 3, Part 4	Regulatory relief
25/06/2026	Bronwyn Carruthers KC	Treaty settlement redress and arrangements	
25/06/2026	MfE	Interim limits diagram	Environmental limits
25/06/2026	MfE	Limits diagram	Environmental limits
25/06/2026	MfE	Responses to wildlife approvals questions	
25/06/2026	Parliamentary Counsel Office (PCO)	PB record of selected changes	PB Parts 1–4 (Preliminary provisions, foundations, combined plan, planning consents)
25/06/2026	PCO	NEB record of selected changes	NEB Parts 1–4 (Preliminary provisions, foundations, combined plan and other matters, natural resource permits)
02/07/2026	PCO	PB record of selected changes (version 2)	PB Parts 1–6 (Preliminary provisions, foundations, combined plan, planning consents, key roles, enforcement and other matters), PB Schedules 2–6
02/07/2026	PCO	NEB record of selected changes (version 2)	NEB Parts 1–6 (Preliminary provisions, foundations, combined plan and other matters, natural resource permits, key roles, enforcement and other matters), NEB Schedules 1–6

Committee meeting date	Advice provided by	Advice document	Topics
09/07/2026	Ministry for Cities, Environment, Regions and Transport (MCERT)	Catchment groups memo	Freshwater farm plans
09/07/2026	MCERT	Regulatory relief recommendation	

Key to symbols used in reprinted bill

As reported from a select committee

text inserted by a majority

~~text deleted by a majority~~

Hon Chris Bishop

Planning Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Planning Act **2025**.

2 Commencement

~~(1) This Act comes into force on Royal assent except for—~~

~~(a) **Part 1 of Schedule 11** (amendments to the Resource Management Act 1991) which come into force 1 month after Royal assent; and~~

~~(b) the following provisions, which come into force on the specified transition date:~~

~~(i) **subpart 2 of Part 2** (duties and restrictions):~~

~~(ii) **Part 4** (planning consents):~~

~~(iii) sections 182(e), 184, 185, and 187 (key roles):~~

~~(iv) section 190 (provision of information to post-settlement governance entity):~~

~~(v) **sections 210, 212, and 213** (system performance):~~

~~(vi) **subpart 1 of Part 6** (enforcement):~~

~~(vii) **sections 275 to 278** (emergency works):~~

~~(viii) **sections 289 and 291** (miscellaneous):~~

~~(ix) **Part 3 of Schedule 3** (legal effect of rules in plans):~~

~~(x) **Schedules 5 to 9** (designations, information for consent applications, subdivisions and reclamation, enforcement matters, Environment Court):~~

~~(xi) **clauses 14 to 24 of Schedule 10**: (Planning Tribunal):~~

~~(xii) **Parts 3 and 4 of Schedule 11** (amendments to legislation).~~

~~(2) In this section, **specified transition date**, has the meaning given in **clause 4(5) of Schedule 1**.~~

(1) This Act comes into force on the day after Royal assent, with some exceptions.

(2) The following provisions come into force on a date or dates set by Order in Council:

(a) **sections 16 to 19 and 20 to 26** (provisions relating to duties and restrictions):

(b) **section 32** (consequences of certain activity classifications):

(c) **sections 97, 98, 102, 103, and 104(2)** (provisions relating to land use plans):

(d) **subparts 2 to 7 of Part 4** (provisions relating to planning consents, including **Schedule 6**):

(e) **sections 217 to 226 and 232 to 274** (provisions relating to enforcement, including **Schedule 8**):

(f) **sections 275 to 278** (provisions relating to emergency works):

(g) **section 77** as far as it relates to **Part 2 of Schedule 3** (provisions relating to legal effect of rules in plans):

(h) **section 106** as far as it relates to **clauses 4 to 6, 13, and 45 to 54 of Schedule 5** (provisions relating to designations):

(i) **section 181** as far as it relates to **clauses 5 to 77 of Schedule 7** (provisions relating to subdivision and reclamation):

(j) **section 294(4)** (amendments to Acts set out in **Part 4 of Schedule 11**).

(3) **Section 294(2)** comes into force 1 month after Royal assent (amendments to the Resource Management Act 1991 set out in **Part 2 of Schedule 11**).

(4) **Section 294(3)** comes into force on a date set by Order in Council (amendments to the Resource Management Act 1991 relating to the Planning Tribunal set out in **Part 3 of Schedule 11**).

(5) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Part 1
Preliminary provisions

3 Interpretation

In this Act, unless the context otherwise requires,—

abatement notice means a notice served under **section 240**

access strip means a strip of land created by the registration of an easement in accordance with **clause 52 of Schedule 7** for the purpose of allowing public access to or along any river, lake, or ~~the~~ coast, or to any esplanade reserve, esplanade strip, other reserve, or land owned by the local authority or by the Crown (but excluding all land held for a public work except land held, administered, or managed under the Conservation Act 1987 and the Acts named in Schedule 1 of that Act)

accommodated activity has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

aircraft means any machine that can derive support in the atmosphere from the reactions of the air otherwise than by reactions of the air against the surface of the earth

airport means any defined area of land or water intended or designed to be used, whether wholly or partly, for the landing, departure, movement, or servicing of aircraft

allotment has the meaning given in **clause 3 of Schedule 7**

aquaculture activity—

(a) means any activity described in **section 17A** carried out for the purpose of the breeding, hatching, cultivating, rearing, or ongrowing of fish, aquatic life, or seaweed for harvest if the breeding, hatching, cultivating, rearing, or ongrowing involves the occupation of a coastal marine area; and

(b) includes the taking of harvestable spat if the taking involves the occupation of a coastal marine area; but

(c) does not include an activity specified in **paragraph (a)** if the fish, aquatic life, or seaweed—

(i) are not in the exclusive and continuous possession or control of the person undertaking the activity; or

(ii) cannot be distinguished or kept separate from naturally occurring fish, aquatic life, or seaweed; and

(d) does not include an activity specified in **paragraph (a) or (b)** if the activity is carried out solely for the purpose of monitoring the environment

aquaculture settlement area has the meaning given in section 4 of the Maori Commercial Aquaculture Claims Settlement Act 2004

bed,—

~~(a) in relation to a river, means the space of land that the waters of the river cover at its annual fullest flow without overtopping its banks:~~

(a) in relation to a river,—

(i) means the space of land that the waters of the river cover at its fullest flow without overtopping its banks; and

(ii) in the case of a braided or wandering river, means a bed identified in accordance with methodologies set out in national standards, but, if no standards are set, has the meaning given in **subparagraph (i)**:

(b) in relation to a lake (other than a lake controlled by artificial means), means the space of land that the waters of the lake cover at its annual highest level without exceeding its margin:

(c) in relation to a lake controlled by artificial means, means the space of land that the waters of the lake cover at its maximum permitted operating level:

(d) in relation to the sea, means the submarine areas covered by the internal waters and the territorial sea

bespoke plan provision—

(a) means a plan provision that is not a standardised plan provision or a designation; and

(b) includes a plan provision authorised by ~~a national instrument in accordance with **section 48(1)(b)**~~ national standards under **section 54(2)(b)**

best practicable option, in relation to an emission of noise, means the best method for preventing or minimising ~~the~~ adverse effects on the built environment, having regard, among other things, to—

(a) the nature of the emission and the sensitivity of the receiving environment to adverse effects; and

(b) the financial implications, and the effects on the built environment, of that option when compared with other options; and

(c) the current state of technical knowledge and the likelihood that the option can be successfully applied

built environment includes—

(a) people and communities:

(b) land and the identified values and characteristics of land:

(c) structures:

(d) infrastructure:

(e) the surface of water

certificate of compliance means a certificate granted by a consent authority under **section 178**

change request means a request under **clause 49 of Schedule 3** by a person (other than the ~~territorial~~ local authority) for a change to a land use plan

chief executive means the chief executive of the department

coastal marine area means the foreshore, seabed, and coastal water, and the airspace above the water,—

(a) the seaward boundary of which is the outer limits of the territorial sea; and

(b) the landward boundary of which is the line of mean high-water springs, except that where the line crosses a river, the landward boundary at that point is whichever is the lesser of—

(i) 1 kilometre upstream from the mouth of the river; or

(ii) the point upstream that is calculated by multiplying the width of the mouth by 5

common marine and coastal area has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

company lease has the meaning given in **clause 1 of Schedule 7**

conditions, in relation to a land use plan or a ~~plans and~~ planning ~~consents~~ consent, includes terms, standards, restrictions, and prohibitions

consent authority means a territorial authority or a regional council whose permission is required to carry out an activity for which a planning consent is required under this Act

consent notice has the meaning given in **clause 1 of Schedule 7**

construction does not include maintenance or repair

contaminant includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms), energy (excluding noise), or heat that by itself or in combination with the same, similar, or other substances, energy, or heat,—

(a) when discharged into water or air, changes or is likely to change the physical, chemical, or biological condition of the water or air; or

(b) when discharged onto or into land, changes or is likely to change the physical, chemical, or biological condition of the land

contaminated land means land that has a hazardous substance in or on it that—

(a) has significant adverse effects on the built environment, including human health; or

(b) is reasonably likely to have significant adverse effects on the built environment, including human health

~~**co-ordination document** means a document adopted under section 36~~

core infrastructure operation and **core infrastructure operator** have the meanings given in ~~**section 9**~~ **clause 9 of Schedule 5**

cross lease has the meaning given in **clause 1 of Schedule 7**

Crown organisation has the meaning given in section 4 of the Crown Organisations (Criminal Liability) Act 2002

customary marine title area has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

customary marine title group has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

customary marine title order has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

customary marine title permitted activity rule means—

(a) a permitted activity rule that is—

(i) included in a land use plan or a proposed land use plan; and

(ii) identified in that plan or a proposed plan as a customary marine title permitted activity rule in accordance with **section 83A**; or

(b) a permitted activity rule that is—

(i) a national rule; and

(ii) identified in a land use plan or a proposed land use plan as a customary marine title permitted activity rule in accordance with **section 83B**

~~**designation** has the meaning given in **clause 3 of Schedule 5**~~

designating authority has the meaning given in **clause 8(1) of Schedule 5**

designation has the meaning given in **clause 3 of Schedule 5**

~~**discretionary activity** means an activity to which **section 32(4)** applies~~

~~**directive** means a provision of a national instrument that—~~

~~(a) relates to matters of policy in a plan; and~~

~~(b) specifies how a goal is to be achieved or the aspects of a goal that plan must prioritise~~

directive means a directive in national policy direction (*see* **section 48**)

discharge includes emit, deposit, and allow to escape

discretionary activity means an activity classified as a discretionary activity (*see* **section 32(4)**)

district, in relation to a territorial authority,—

(a) means the district of the territorial authority as defined in accordance with the Local Government Act 2002 but, except as provided in **paragraph (b)**, does not include any area in the coastal marine area:

(b) includes, for the purposes of **section 112**, any area in the coastal marine area

draft regional spatial plan means a plan prepared under ~~**section 9 of Schedule 1**~~ **clause 3 of Schedule 2** that has not been adopted under **clause ~~29~~ 34 of Schedule 2**~~, and includes—~~

~~(a) any associated scenarios and options assessment report; and~~

~~(b) any other associated information prescribed by a national instrument or regulations~~

dwellinghouse—

(a) means a building, whether permanent or temporary, that is occupied in whole or in part as a residence; and

(b) includes any structure or outdoor living area that is accessory to, and used wholly or principally for the purposes of, the residence; but

(c) does not include the land upon which the residence is sited

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

enforceable undertaking means an undertaking accepted by a local authority or the EPA under **clause 23 of Schedule 8**

enforcement officer, in relation to any provision of this Act, means a person appointed by a local authority, ~~permit~~ consent authority, or the EPA to exercise the functions, powers, or duties of an enforcement officer under that provision

enforcement order means an order made under **section 232**

Environment Court means the Environment Court referred to in **clause 3 of Schedule ~~7~~ 9**

environmental limit has the meaning given in **section 3 of the Natural Environment Act 2025**

Environmental Protection Authority or **EPA** means the Environmental Protection Authority established by section 7 of the Environmental Protection Authority Act 2011

esplanade reserve has the meaning given in **clause 1 of Schedule 7**

esplanade strip has the meaning given in **clause 1 of Schedule 7**

excessive noise has the meaning given in **section 247**

existing joint management agreement means a joint management agreement made under any provision of the Resource Management Act 1991 and in force on the day after the **Natural Environment Act 2025** receives Royal assent

~~**existing or initiated Mana Whakahono ā Rohe** means an arrangement in force or initiated under subpart 2 of Part 5 of the Resource Management Act 1991 on the day after the **Natural Environment Act 2025** receives Royal assent~~

existing use certificate means a certificate issued under **section 179**

fishing has the meaning given in section 2(1) of the Fisheries Act 1996

geothermal energy has the meaning given in **section 3 of the Natural Environment Act 2025**

goals means the goals set out in **section 11**

~~**harmful substance** means any substance prescribed by regulations as a harmful substance for the purposes of this definition~~

hazardous substance includes, but is not limited to, any substance that is a hazardous substance within the meaning given in section 2(1) of the Hazardous Substances and New Organisms Act 1996

historic heritage—

(a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:

~~(i) archeological:~~

(i) archaeological:

(ii) architectural:

(iii) cultural:

(iv) historic:

(v) scientific:

(vi) technological; and

(b) includes—

(i) historic sites, structures, places, and areas; and

(ii) archaeological sites; and

(iii) sites of significance to Māori, including wāhi tapu, water bodies, or sites in or on the coastal marine area; and

(iv) surroundings associated with those natural and physical resources

identified Māori land means any of the following:

(a) Maori customary land or Maori freehold land (as those terms are defined in section 4 of Te Ture Whenua Maori Act 1993):

(b) land set apart as a Maori reservation under Part 17 of Te Ture Whenua Maori Act 1993:

(c) land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land within the meaning of section 7 of the Te Urewera Act 2014):

(d) the maunga listed in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014:

(e) General land owned by Maori (as defined in section 4 of Te Ture Whenua Maori Act 1993) that—

(i) was previously Maori freehold land (as defined in section 4 of that Act), but ceased to have that status in accordance with—

(A) an order of the Māori Land Court made on or after 1 July 1993; or

(B) Part 1 of the Maori Affairs Amendment Act 1967; and

(ii) is owned by—

(A) the persons who beneficially owned that land immediately before it ceased to be ~~Māori~~ Maori freehold land; or

(B) any successor of 1 or more of those persons if the successor is within the preferred class of alienees (as defined in section 4 of Te Ture Whenua Maori Act 1993):

(f) land vested in the Māori Trustee (as defined in section 4 of Te Ture Whenua Maori Act 1993) that—

(i) is constituted as a Maori reserve ~~by or~~ under the Maori Reserved Land Act 1955; and

(ii) remains subject to that Act:

(g) land owned by a Treaty settlement entity (as defined in section 4 of the Fast-track Approvals Act 2024), if the land was acquired—

(i) as redress for the settlement of a claim within the meaning of section 6 of the Treaty of Waitangi Act 1975 (whether or not that claim was submitted to the Waitangi Tribunal); or

(ii) by the exercise of rights under a Treaty settlement:

(ga) land vested or registered in the name of an ancestor of a Treaty settlement group, if that land was acquired as redress for the settlement of a claim within the meaning of section 6 of the Treaty of Waitangi Act 1975 (whether or not that claim was submitted to the Waitangi Tribunal):

(h) other land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body (as defined in section 11(2) of the Infrastructure Funding and Financing Act 2020), or a local authority with the intention of returning the land to the holders of mana whenua over that land

implementation plan means a plan prepared under **section 73B**

independent hearings panel or **panel**,—

(a) in relation to a draft regional spatial plan, means the ~~independent hearings~~ panel ~~assigned to~~ appointed for that draft under **clause ~~15~~ 20 of Schedule 2**; and

(b) in relation to a proposed land use plan or private plan change, means the ~~independent hearings~~ panel ~~assigned to~~ appointed for that proposed plan or plan change under **clause ~~24~~ 23 of Schedule 3**

~~**infrastructure**, in relation to designations, has the meaning given in **clause 1 of Schedule 5**~~

infrastructure—

(a) means a physical structure, facility, or network that—

(i) performs a public function; or

(ii) is necessary to support any 1 or more of the following:

(A) the functioning of the economy:

(B) the functioning of communities:

(C) the health and safety of people:

(D) the protection of the environment; and

(b) includes a natural feature that is modified in order to—

(i) perform a public function; or

(ii) support a matter described in any of **paragraph (a)(ii)(A) to (D)**; and

(c) includes a physical facility that is necessary to support the provision of a physical structure, facility, or network described in **paragraph (a)** or a natural feature described in **paragraph (b)**

~~**infrastructure design solution** means an infrastructure design solution made under section 139C of the Water Services Act 2021~~

infrastructure design solution—

(a) means an infrastructure design solution made under section 139C of the Water Services Act 2021; and

(b) in relation to any reference in this Act, unless the context otherwise requires, refers only to an infrastructure design solution that the relevant person has decided to rely on

interim enforcement order means an order made under **section 238**

internal waters has the meaning given in section 4 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977

iwi authority means the authority that represents an iwi and that is recognised by that iwi as having authority to do so

iwi participation legislation—

(a) means legislation that provides a role for iwi or hapū in processes under this Act, the Resource Management Act 1991, or the **Natural Environment Act 2025**, including—

(i) a Treaty settlement Act; and

(ii) Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019; but

(b) does not include this Act, the **Natural Environment Act 2025**, or secondary legislation made under either Act

key instrument means—

(a) the national policy direction:

(b) a national standard:

(c) a regional spatial plan:

(d) a land use plan

lake means a body of fresh water that is entirely, or nearly, surrounded by land

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

land use consent has the meaning given in **section 107(a)**

land use plan or **plan**—

(a) means a land use plan prepared by a ~~territorial~~ local authority in accordance with **Schedule 3** that is operative; and

(b) includes any provision of a land use plan that is operative, even if other provisions of a relevant proposed plan or private plan change are not yet operative

legal effect, in relation to a rule in a proposed land use plan, means legal effect in accordance with **clause 58 of Schedule 3**

local authority—

(a) means a regional council or territorial authority; and

(b) includes a unitary authority

Mana Whakahono ā Rohe means—

(a) an arrangement in force under subpart 2 of Part 5 of the Resource Management Act 1991 on the day after this Act receives Royal assent; or

(b) an arrangement—

(i) initiated under subpart 2 of Part 5 of that Act before the date that this Act receives Royal assent; and

(ii) in force on the day after the specified transition date within the meaning given in **clause 1 of Schedule 1**

mana whenua means customary authority exercised by an iwi or a hapū in an identified area

Maritime New Zealand means the authority continued by section 429 of the Maritime Transport Act 1994

method, in relation to a key instrument, has the meaning given in **section 28(3)**

mineral has the meaning given in section 2(1) of the Crown Minerals Act 1991

mining has the meaning given in section 2(1) of the Crown Minerals Act 1991

mouth, for the purposes of defining the landward boundary of the coastal marine area, has the meaning given in **section 3 of the Natural Environment Act 2025**

national instrument means a national policy direction or a national standard

national policy direction means an instrument made under **section 61** for the purposes of **section 47**

national rule means a rule in a national standard that does not require inclusion in a land use plan to take effect

national standard means an instrument made under **section 61** for the purposes of **section 50**

natural and physical resources includes land, water, air, soil, minerals, ~~and~~ energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures

natural hazard—

(a) means any atmospheric ~~or~~, earth, or ~~water related~~ water-related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) ~~the action of which~~ that 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

natural resource permit means a natural resource permit under the **Natural Environment Act 2025**

noise includes vibration

objective, in relation to a key instrument, has the meaning given in **section 28(1)**

occupier means—

(a) the inhabitant occupier of any property; and

(b) for the purposes of **section 24**, in relation to any land (including any premises and any coastal marine area), includes any agent, employee, or other person acting or apparently acting in the general management or control of the land, or any plant or machinery on that land

operative, in relation to a land use plan or a provision in a land use plan, means that the plan or provision—

(a) has become operative in ~~terms of~~ accordance with **clause 45 of Schedule 3** or is treated as operative in accordance with **clause 61** of that schedule; and

(b) has not ceased to be operative

~~**options assessment report** means a draft options assessment report prepared under section 9 or a final options assessment report prepared under **section 30**~~

owner,—

(a) in relation to any land, means the person who is ~~for the time being~~ entitled to the ~~rack~~ rent of the land, or who would be ~~so~~ entitled if the land were let to a tenant ~~at a rack rent~~, and includes—

(i) the owner of the fee simple of the land; and

(ii) any person who has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, while the agreement remains in force; and

(b) in relation to any ship or offshore installation or oil transfer site, has the meaning given in section 222(2) of the Maritime Transport Act 1994

pecuniary penalty means a penalty imposed under **clause ~~32~~ 30 of Schedule 8**

permitted activity means an activity ~~to which~~ classified as a permitted activity (*see* **section 32(2)**) ~~applies~~

permitted activity rule means a rule that specifies conditions for carrying out a permitted activity (*see* **section ~~30(a)(ii)~~ 30(1)(b)**)

person includes the Crown, a corporation sole, and ~~also~~ a body of persons, whether corporate or unincorporate

plan change means either of the following instruments, if the instrument has been notified for submissions but has not become operative:

(a) a change to a land use plan proposed by a ~~territorial~~ local authority:

(b) a change request to a land use plan adopted by a ~~territorial~~ local authority under **clause 51(1)(a) of Schedule 3**

planning consent has the meaning given in **section 107**

Planning Tribunal means the tribunal established by **clause 2 of Schedule 10**

~~**plan provision—**~~

~~(a) means a provision of a land use plan or proposed land use plan; and~~

~~(b) includes a provision described in **section 28(1) or (2)**~~

policy, in relation to a key instrument, has the meaning given in **section 28(2)**

post-settlement governance entity—

(a) means a body corporate or the trustees of a trust established by a claimant group for the purposes of receiving redress or participating in arrangements established under a Treaty settlement Act; and

(b) includes an entity established to represent a collective or combination of claimant groups

prescribed form means a form prescribed by regulations made under this Act and containing and having attached such information and documents as those regulations may require

private plan change means a change request that a ~~territorial~~ local authority has decided (under **clause 51(1)(b) of Schedule 3**) to process as a private

plan change, if it has been notified for submissions but has not become operative

prohibited activity means an activity ~~to which~~ classified as a prohibited activity (*see* **section 33**) ~~applies~~

proposed designation has the meaning given in **clause 1 of Schedule 5**

proposed land use plan or **proposed plan**—

(a) means any of the following instruments, if the instrument has been notified for submissions but has not become operative:

(i) a land use plan proposed by a ~~territorial~~ local authority:

(ii) a change to an operative land use plan proposed by a ~~territorial~~ local authority:

(iii) a change request adopted by a ~~territorial~~ local authority under **clause 51(1)(a) of Schedule 3**; and

(b) includes a variation to an instrument described in **paragraph (a)**, if that variation has been notified for submissions until the point that it is incorporated into the instrument under **clause 42(3) of Schedule 3**; but

(c) excludes a private plan change

protected customary right has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

protected customary rights area has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

qualifying resident, in relation to a district, means any of the following:

(a) a person that is a ratepayer (within the meaning of section 10 of the Local Government (Rating) Act 2002) of the district:

(b) a person that provides infrastructure within the district:

(c) a natural person whose main place of residence is within the district:

(d) a person, other than a natural person, that has an office, or operates, in the district

recommending authority, in relation to a proposed designation, has the meaning given in **clause 1 of Schedule 5**

region, in relation to a regional council, means the region of the regional council as determined in accordance with the Local Government Act 2002

regional council—

(a) has the meaning given in section 5(1) of the Local Government Act 2002; and

(b) includes a unitary authority within the meaning of that Act

regional spatial plan means a regional spatial plan prepared and adopted under **Schedule 2**

regulations means regulations made under this Act

renewable energy activity ~~means~~ —

(a) means the establishment, operation, maintenance, or upgrade of an activity that produces energy from solar, wind, hydro, geothermal, biomass, tidal, wave, and ocean current sources; and

(b) includes a supporting and subsidiary activity in relation to an activity described in **paragraph (a)**.

restricted discretionary activity means an activity ~~to which~~ classified as a restricted discretionary activity (*see* **section 32(3)**) ~~applies~~

road—

(a) has the meaning given in section 315(1) of the Local Government Act 1974; and

(b) includes a motorway as defined in section 2(1) of the Government Roading Powers Act 1989

rule has the meaning given in **section 30**

rule that controls fishing, in relation to a national rule, a rule in a plan, or a rule in a proposed plan,—

(a) means a rule in that instrument that directly controls fishing other than aquaculture, for example, a rule that controls—

(i) the use of fishing gear or particular fishing methods; or

(ii) the taking of fish, aquatic life, or seaweed; or

(iii) areas where fishing may occur; but

(b) does not include a rule that affects fishing indirectly, for example,—

(i) a rule that restricts the release of noise, odours, or harmful substances; or

(ii) a rule that relates to anchoring, navigation, or vessels

significant non-compliance, in relation to non-compliance with an abatement notice, an enforcement order, an infringement notice, or a conviction under this Act, means that the non-compliance is substantial, not minor or technical, and has caused, or has the potential to cause, harm to the built environment that is serious enough to warrant attention and further action from regulatory bodies and relevant authorities

space, in relation to the coastal marine area, means any part of the foreshore, seabed, and coastal water, and the airspace above the water

spatial plan committee means a committee whose terms of reference—

(a) are provided by 1 or more local authorities; and

(b) include performing or exercising the functions, ~~power~~ powers, and duties of a spatial plan committee under this Act

specified energy activity means—

(a) the establishment, operation, maintenance, or upgrade of—

(i) an activity that produces energy from solar, wind, hydro, geothermal, or biomass sources:

(ii) any part of the electricity network:

(iii) the storage or discharge of electricity:

(iv) thermal electricity generation facilities~~:~~; and

(b) a supporting and subsidiary activity in relation to an activity described in **paragraph (a)**

specified natural hazard rule has the meaning given in **section 19A**

specified topic means any of the following topics:

(a) significant historic heritage sites or significant historic heritage structures:

(b) outstanding natural landscapes or outstanding natural features:

(c) ~~sites~~ a site of significance to Māori:

(d) areas of high natural character in the coastal environment, wetlands, lakes, rivers, or their margins

standardised plan provision means a plan provision described in **section 48(2)** that is contained in a national instrument

statutory acknowledgement means an acknowledgement made by the Crown in respect of a statutory area~~,~~ on the terms set out in the legislation listed in **Schedule 12**

statutory area means the area subject to a statutory acknowledgement, as defined in the relevant legislation listed in **Schedule 12**

stormwater environmental performance standard means a standard made under section 139A of the Water Services Act 2021

structure means any building, equipment, device, or other facility made by people and ~~which is~~ fixed to land~~;~~, and includes any raft

subdivide land and **subdivision of land** have the ~~meaning~~ meanings given in **clause 2 of Schedule 7**

subdivision consent has the meaning given in **section 107(b)**

successor includes, in the case of a person that is a body that is not incorporated, the successor ~~a~~ of the body of persons ~~which~~ that is incorporated and composed of substantially the same members

survey plan has the meaning given in **clause 4 of Schedule 7**

tangata whenua, in relation to a particular area, means the iwi~~,~~ or hapū~~,~~ that holds mana whenua over the area

targeted notification, in relation to an application for a planning consent, means notification given in accordance with **section 125(3) or (6)**

tender means any form of tender (whether public or otherwise)

territorial authority has the meaning given in section 5(1) of the Local Government Act 2002

territorial sea means the territorial sea of New Zealand as defined by section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977

the Treaty of Waitangi/te Tiriti o Waitangi has the same meaning as the word Treaty as defined in section 2 of the Treaty of Waitangi Act 1975

Treaty settlement means—

(a) a Treaty settlement; or

(b) a Treaty settlement deed

Treaty settlement Act means—

(a) an Act listed in Schedule 3 of the Treaty of Waitangi Act 1975; or

(b) any other Act that provides redress for Treaty of Waitangi/te Tiriti o Waitangi claims, including Acts that provide collective redress or participation arrangements for claimant groups whose claims are, or are to be, settled by another Act, including—

  (i) the Maori Commercial Aquaculture Claims Settlement Act 2004:

  (ii) the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014:

  (iii) the Nga Wai o Maniapoto (Waipa River) Act 2012:

  (iv) the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010:

  (v) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and secondary legislation that gives effect to section 10 of that Act and is made under Part 9 of the Fisheries Act 1996

Treaty settlement deed—

(a) means a deed or other agreement that—

  (i) has been signed by or on behalf of a Minister of the Crown and representatives of a group of Māori; and

  (ii) is in settlement of the claims of that group or in express anticipation, or on account, of that settlement; and

(b) to avoid doubt, includes a deed or other agreement of the kind described in **paragraph (a)** that relates to the claims of a collective or combination of Māori groups; but

(c) does not include an agreement in principle or any document that is preliminary to a signed and ratified deed

unitary authority has the meaning given in section 5(1) of the Local Government Act 2002

unit plan has the meaning given in section 5(1) of the Unit Titles Act 2010

use,—

(a) in **sections 17, 20, 21, 22, 22A, 23, 43A, 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

(b) in **sections 17, ~~20,~~ 21, ~~22,~~ 23, 43A, 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

variation means an amendment to a proposed land use plan by a ~~territorial~~ local authority under **clause 42 of Schedule 3**

wāhi tapu has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014

wastewater environmental performance standard means a standard made under section 138 of the Water Services Act 2021

water services standard means any of the following:

(a) an infrastructure design solution:

(b) a stormwater environmental performance standard:

(c) a wastewater environmental performance standard

wood-processing activity means the establishment, operation, or maintenance of a facility that—

(a) specialises in the production of long-lived wood products, products derived from wood fibre, or wood-derived bioenergy, for example, the production of—

(i) sawn timber:

(ii) panel products (for example, veneer, plywood, laminated veneer, lumber, particle board, or fibreboard):

(iii) pulp, paper, and paperboard:

(iv) wood chips:

(v) bioproducts, chemicals, and materials; or

(b) provides for the storage of logs, processed wood products, or hazardous materials used in or produced by the operation of the facility

working day means a day of the week other than—

(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and

(b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and

(c) a day in the period commencing on 20 December in any year and ending with 10 January in the following year.

~~(2) In this Act, unless the context otherwise requires, the following terms have the meanings given in **section 3 of the Natural Environment Act 2025**:~~

~~(a) coastal marine area:~~

~~(b) contaminant:~~

~~(c) discharge:~~

~~(d) dumping:~~

~~(e) geothermal energy:~~

~~(f) lake.~~

4 Purpose

~~The purpose of this Act is to establish a framework for planning and regulating the use, development, and enjoyment of land.~~

The purpose of this Act is to provide for the enjoyment of land by establishing a framework for planning and regulating the use and development of land.

5 Transitional, savings, and related provisions

The transitional, savings, and related provisions ~~(if any)~~ set out in **Schedule 1** have effect according to their terms.

6 Act binds the Crown

(1) This Act binds the Crown except as provided in this section.

(2) This Act does not apply to any work or activity of the Crown ~~which~~ that—

(a) is a use of land within the meaning ~~of~~ given in **section 3**; and

(b) the Minister of Defence certifies is necessary for reasons of national security.

(3) ~~**Section 17**~~ **Section 17(1)** does not apply to any work or activity of the Crown within the boundaries of any area of land held or managed under the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act (other than land held for administrative purposes) that—

(a) is consistent with a conservation management strategy, conservation management plan, or management plan established under the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act; and

(b) does not have a significant adverse effect beyond the boundary of the area of land.

(4) **Section 17** does not apply to the detention of prisoners in a court cell block that is declared by notice in the *Gazette* to be a part of a corrections prison.

(5) An abatement notice or excessive noise direction may be served or issued against an instrument of the Crown, in accordance with this Act, only if—

(a) ~~it~~ the instrument of the Crown is a Crown organisation; and

(b) the notice or direction is served or issued against the Crown organisation in its own name.

(6) An enforcement order may be made against an instrument of the Crown, in accordance with this Act, only if—

(a) ~~it~~ the instrument of the Crown is a Crown organisation; and

(b) a local authority or the EPA applies for the order; and

(c) the order is made against the Crown organisation in its own name.

(7) **Subsections (5) and (6)** apply despite section 17(1)(a) of the Crown Proceedings Act 1950.

(8) An instrument of the Crown may be served with an infringement notice, in accordance with this Act, only if—

(a) it is liable to be proceeded against for the alleged offence under **subsection (9)**; and

(b) the notice is served against the Crown organisation in its own name.

(9) An instrument of the Crown may be prosecuted for an offence against this Act only if—

(a) it is a Crown organisation; and

(b) the offence is alleged to have been committed by the Crown organisation; and

(c) the proceedings are commenced—

(i) by a local authority, the EPA, or an enforcement officer; and

(ii) against the Crown organisation in its own name and the proceedings do not cite the Crown as a defendant; and

(iii) in accordance with the Crown Organisations (Criminal Liability) Act 2002.

(10) However, **subsections (8) and (9)** are subject to section 8(4) of the Crown Organisations (Criminal Liability) Act 2002 (which provides that a court may not sentence a Crown organisation to pay a fine in respect of an offence against this Act).

(11) If a Crown organisation is not a body corporate, it is to be treated as if it were a separate legal personality for the purposes of—

(a) serving or issuing an abatement notice or excessive noise direction against it; and

(b) making an enforcement order against it; and

(c) serving an infringement notice on it; and

(d) enforcing an abatement notice, excessive noise direction, enforcement order, or infringement notice in relation to it.

(12) Except to the extent and in the manner provided for in **subsections (5) to (11)**, the Crown may not—

(a) be served or issued with an abatement notice or excessive noise direction; or

(b) have an enforcement order made against it; or

(c) be served with an infringement notice; or

(d) be prosecuted for an offence against this Act.

7 Application of this Act to ships and aircraft of foreign States

(1) This Act does not apply to any of the following:

(a) warships of any State other than New Zealand:

(b) aircraft of the defence forces of any State other than New Zealand:

(c) any ship owned or operated by any State other than New Zealand, if the ship is being used by that State for wholly governmental (but not ~~including~~ commercial) purposes:

(d) the master or crew of any warship, aircraft, or ship referred to in **paragraphs (a) to (c)**.

(2) However, **subsection (1)** does not apply if regulations expressly provide otherwise.

Compare: 1991 No 69 s 4A

8 Treaty of Waitangi/Tiriti o Waitangi

To recognise the Crown's responsibilities in relation to the Treaty of Waitangi/te Tiriti o Waitangi,—

Māori interests goal

(a) **section 11** provides for Māori interests through—

(i) Māori participation in the development of national instruments, ~~spatial planning~~ regional spatial plans, 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:

Process for making national instrument

(b) **~~section 46~~ section 57** requires the Minister to ~~consult with~~ seek comment from iwi authorities on a draft or summary of a proposed national instrument before deciding to publicly ~~notifying a~~ notify a proposed national instrument:

Regional spatial plans

(c) in relation to regional spatial plans,—

~~(i) **section 70** requires the Minister to consult with iwi authorities and relevant customary marine title groups throughout the preparation of a regional spatial plan:~~

~~(ii) **clause 10 of Schedule 2** imposes on the spatial planning committee duties relating to identified Māori land:~~

(i) **clause 2 of Schedule 2** requires the local authorities and spatial plan committee of a region to prepare and change their regional spatial plan in accordance with any applicable iwi participation legislation, any agreement under that legislation, and any Mana Whakahono ā Rohe:

(ii) **clause 6(1)(a)(ix) and (xi) of Schedule 2** requires a spatial plan committee to have regard to any statutory acknowledgement and any relevant planning document lodged by an iwi authority when preparing a draft regional spatial plan:

(iii) **clauses 8(1) and 11 of Schedule 2** require a spatial plan committee to do the following before a draft regional spatial plan is notified for submissions:

(A) consult tangata whenua (through iwi authorities) and relevant customary marine title groups:

(B) provide those groups with a draft:

(C) have regard to any advice that they provide:

(iv) **clause 10 of Schedule 2** imposes duties relating to identified Māori land on a spatial plan committee, the local authorities of a region, and the Minister:

(v) **clauses 25(4)(a)(i) and 27(1)(4)(a)(i) of Schedule 2** extend the obligations referred to in **subparagraph (ii)** to the local authorities of a region and the Minister when making decisions on independent hearings panel recommendations on a draft regional spatial plan:

Land use plans

(d) in relation to land use plans,—

(i) **section 80(4)(b)** requires ~~territorial~~ local authorities to have regard to any statutory acknowledgement, and any relevant planning document recognised by an iwi authority, when preparing and deciding a land use ~~plans~~ plan; and

(ii) **clause 3 of Schedule 3** ~~require territorial~~ requires local authorities to prepare and change their land use plans in accordance with any applicable iwi participation legislation, any agreement under that legislation, and any ~~existing or initiated~~ Mana Whakahono ā Rohe; and

(~~ii~~iii) **clauses 5(1) and 14 of Schedule 3** require ~~territorial~~ local authorities to do the following before notifying a proposed land use plan for submissions—:

(A) consult tangata whenua (through iwi authorities) and relevant customary marine title groups:

(B) provide those groups with a draft of the proposed plan:

(C) have regard to any advice that they provide:

Designations

(e) **clause 2 of Schedule 5** imposes duties on ~~persons~~ a person exercising ~~powers~~ a power or performing ~~functions~~ a function or duty relating to a designation~~,~~ or proposed designation that may affect ~~duties relating to~~ identified Māori land.

9 Crown to seek to enter agreements to uphold Treaty settlement redress or arrangements

(1) To assist in the transition from the Resource Management Act 1991 to this Act and the **Natural Environment Act 2025**, the Crown will work with any post-settlement governance entity and the ngā hapū o Ngāti Porou governance entity, if they wish to do so, to seek agreement on how their Treaty settlement redress or arrangements will operate with the same or equivalent effect to the greatest extent possible under this Act and the **Natural Environment Act 2025**.

(2) The Crown ~~will~~ must, when working with an entity under **subsection (1)**,—

(a) discuss, for the purpose of reaching agreement with the entity, how the Treaty settlement redress or arrangements could operate under this Act and the **Natural Environment Act 2025** in a way that would have the same or equivalent effect to the greatest extent possible; and

(b) following those discussions, and where agreement is reached, enter into the agreement with the entity to record ~~the~~ that agreement reached (which may include entering into a deed to amend the relevant Treaty settlement deed).

(3) ~~This section is~~ **Subsections (1) and (2)** are repealed on and from the ~~2nd~~ second anniversary of ~~the commencement of~~ the date of Royal assent of this Act.

(4) However, the repeal of ~~this section~~ **subsections (1) and (2)** does not, after the date referred to in **subsection (3)**, prevent the Crown from—

(a) continuing discussions or entering into an agreement started in accordance with **subsection (2)**; or

(b) entering into an agreement of the nature set out in **subsection (2)(b)** with an entity; or

(c) progressing any legislation necessary to give effect to any such agreement after the repeal of ~~this section~~ **subsections (1) and (2)**.

~~(5) For the purposes of this section and **section 10**,—~~

~~**Resource Management Act 1991** means that Act as it was immediately before this Act received Royal assent~~

~~**Treaty settlement redress or arrangements** means any of the following as they specifically relate to the Resource Management Act 1991:~~

~~(a) redress in a Treaty settlement Act; or~~

~~(b) redress in a signed deed of settlement:~~

~~(c) the arrangements under the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.~~

10 Treaty redress or arrangements to be given same or equivalent effect

(1) **Subsection (2)** applies to Treaty settlement redress or arrangements until an agreement of the nature set out in **section 9(2)(b)** is reached ~~under **section 9**~~.

(2) In relation to any particular Treaty settlement redress or arrangements, all persons exercising and performing functions, powers, and duties under this Act must, to the greatest extent possible under this Act, give an effect that is the same as, or equivalent to, ~~as~~ the effect that the redress or arrangement has in relation to the Resource Management Act 1991.

(3) This section does not apply in relation to statutory acknowledgements.

(4) For the purposes of this section and **section 9**,—

Resource Management Act 1991 means that Act as it was immediately before this Act received Royal assent

Treaty settlement redress or arrangements—

(a) means any of the following as they specifically relate to the Resource Management Act 1991:

(i) redress in a Treaty settlement Act:

(ii) redress in a signed deed of settlement:

(iii) the arrangements under the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019; but

(b) does not include any redress or arrangements under the—

(i) Maori Commercial Aquaculture Claims Settlement Act 2004; and

(ii) Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.

Part 2
Foundations

Subpart 1—Core provisions for ~~decision making~~ 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~~ 58**:

(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:~~

(d) to enable competitive urban land markets by making land available to create abundant development opportunities for residential and business use:

(e) to enable infrastructure to be provided to meet and respond to current and future 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:~~

(h) to safeguard against natural hazard risks that arise from or affect the use or development of land:

(i) to provide for Māori interests through—

(i) Māori participation in the development of national instruments, regional spatial ~~planning~~ plans, 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.

(1A) **Subsection (1)** does not require a person to seek to achieve all goals in all places at all times.

(1B) The order in which the goals appear in **subsection (1)** does not assign their order of importance.

(2) In **subsection (1)(g)**, **identified** means identified in a national instrument, regional spatial plan, land use plan, or proposed plan.

12 Relationship between key instruments in decision-making

(1) The hierarchy of the key instruments of this Act is as follows, listed from top to bottom:

(a) national policy direction:

(b) national standards:

(c) spatial plans:

(d) land use plans.

(2) Each key instrument (other than the national policy direction)—

(a) must implement the instrument listed directly above it; and

(b) must implement an instrument higher up the list if required by that instrument.

(3) A person exercising or performing a function, duty, or power under this Act in relation to a matter—

(a) must consider the relevant provisions of the key instrument that directly affects the matter (for example, a spatial plan in the case of a land use plan or a land use plan in the case of a consent); and

(b) must consider any relevant provisions of a higher order instrument~~:~~ if, and only to the extent that, the matter is not addressed by the instrument listed beneath it; and

(c) must not consider a goal directly unless and to the extent that they are satisfied that—

(i) the subject matter of the goal is not addressed in a higher order instrument or, if applicable, the goal is not particularised in a higher order instrument; or

(ii) there is uncertainty within a higher order instrument in relation to the goal; or

(iii) there is conflict between higher order instruments in relation to the goal.

~~(4) If a provision of this Act expressly allows or requires a person to consider the goals, the person—~~

~~(a) must, in complying with **subsection (3)(a) and (b)**, consider the goals as they have been addressed or particularised in higher order instruments; and~~

~~(b) is still required to comply with **subsection (3)(c)**.~~

(5) ~~**Subsections (3) and (4)** do~~ **Subsection (3)** does not apply to the making of national policy direction.

~~(6) This section is subject to any provision of this Act that expressly provides otherwise.~~

(7) In this section, a **higher order instrument** means any key instrument that is listed above the instrument that directly affects the matter.

13 Procedural principles

(1) A person exercising or performing a function, duty, or power under this Act must take all practicable steps to act in accordance with the following principles:—

(a) ensure all documents are succinct and use plain language that can be readily understood by the public:

~~(b) act in a timely and cost-effective manner:~~

(b) use timely, efficient, consistent, and cost-effective processes:

(c) act proportionately to the scale and significance of the matter to which the function, duty, or power relates:

(d) ensure they have ~~enough~~ sufficient and necessary information to understand the implications of their decision (if any), after considering—

(i) the cost and feasibility of obtaining the information; and

(ii) the scale and significance of the matter to which the decision relates:

~~(c) act in an enabling manner (for example, by being solution-focused) that is consistent with the principles in **paragraphs (a) to (d)** and **section 12**:~~

(e) act in a pragmatic way that supports practical solutions:

(ea) ensure that any condition they specify in a relevant instrument in relation to an activity is no more onerous than necessary to address the reason for which it is specified:

(eb) use appropriate technology, including digital tools and systems:

(f) avoid unnecessary repetition in key instruments.

(2) A failure by a person exercising or performing a function, duty, or power to take all reasonable steps to act in accordance with the principles in **subsection (1)(a), (eb), or (f)** does not invalidate the exercise or performance of that function, duty, or power.

(3) **Subsection (1)(ea)** applies to individual conditions and does not apply to conditions taken collectively.

(4) **Subsection (1)** does not apply to a court or person exercising a judicial power or performing a judicial function or duty.

(5) In **subsection (1)(ea)**, **relevant instrument** means a national rule, rule in a land use plan, rule in a proposed land use plan, designation, or a planning consent.

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—

~~(a) the internal and external layout of buildings on a site (for example, the provision of private open space):~~

(a) both—

(i) the internal layout of a building:

(ii) the external layout of any building on a site if the effects of the layout remain within the boundaries of the site:

(b) negative effects of development on trade competition ~~trade competitors~~, including on competing providers of input goods and services:

(c) retail distribution effects:

~~(d) the demand for or financial viability of a project unless it is a matter to which **section 11(1)(b) or (d)** relates:~~

~~(e) the visual amenity of a use, development, or building in relation to its character, appearance, aesthetic qualities, or other physical feature:~~

~~(f) the following matters:~~

~~(i) the type of residential use; and~~

~~(ii) the social and economic status of future residents of a new development:~~

(d) the following in relation to a project:

(i) any lack of demand for the project; or

(ii) the project is not financially viable:

(e) the character, appearance, and aesthetic qualities of a use, development, or building:

(f) the type of residents to be housed in a new development:

(g) views from private property:

~~(h) the effect on landscape:~~

(h) the effect on landscape if the landscape is—

(i) not outstanding; or

(ii) not an area of high natural character:

(i) the effect of setting a precedent:

(j) any matter where the land use effects of an activity are dealt with under other legislation unless the matter relates to natural hazards or contaminated land.

(2) This section does not restrict the consideration or management of—

(a) areas of high natural character within the coastal environment, wetlands, lakes, ~~rives~~ rivers, and their margins:

(b) outstanding natural landscapes and features:

(c) sites of significant historic heritage:

(d) sites of significance to Māori:

(e) the effects of natural hazards.

(3) **Subsection (1)(f)** does not exclude consideration of the type of housing or development.

(4) In this section, **input goods and services** means a raw material (including land) or service that is required to make a finished product.

15 Considering adverse effects of activities

(1) A person exercising or performing a function, duty, or power under this Act who is considering the effects of an activity—

(a) must consider how—

(i) adverse effects are to be avoided, ~~minimised~~ mitigated, or remedied, where practicable; or

(ii) adverse effects are to be offset or compensated for, where appropriate; and

(b) must not consider a less than minor adverse effect except where their cumulative effect results in a minor or more than minor adverse effect ~~unless the cumulative effect of 2 or more such effects create effects that are greater than less than minor~~.

~~(2) A national instrument may specify—~~

~~(a) how, and in what order, adverse effects are to be avoided, minimised, or remedied, offset, or compensated; and~~

~~(b) when it is practicable for adverse effects to be avoided, minimised, or remedied; and~~

~~(c) when it is appropriate for adverse effects to be offset or compensated; and~~

~~(d) where specific effects are managed under this Act and under the **Natural Environment Act 2025**.~~

(3) The order in which an approach to managing effects appears in this section does not assign an order of importance to how effects are managed.

(4) In this section, a **less than minor adverse effect** means an adverse effect that is objectively acceptable and reasonable in the receiving environment with any change being slight or barely noticeable in the receiving environment.

15A Considering climate change effects

A person exercising or performing a function, duty, or power under this Act who is considering the effects of an activity—

(a) must not, despite **section 15**, consider any adverse effect on climate change of any greenhouse gas emissions that will or may result from or be increased by the activity, whether directly or indirectly; and

(b) may consider any positive effects of the activity that are associated with avoiding, reducing, removing, or displacing greenhouse gas emissions.

Subpart 2—Duties and restrictions

Restrictions on land use and subdivision

16 Overview of references to rules

In this subpart, a reference to—

(a) a national rule means a national rule that has commenced (*see* section 26 of the Legislation Act 2019, which provides that secondary legislation comes into force on the date stated or provided for in the legislation):

(b) a rule in a land use plan means a rule in a land use plan that is operative (*see* the definitions of land use plan and operative in **section 3**):

(c) a rule in a proposed land use plan that has legal effect means a rule in a proposed land use plan that has legal effect in accordance with **clause 58 of Schedule 3** (*see* the definitions of proposed land use plan and legal effect in **section 3**).

~~(2) This section is only a guide.~~

17 Restrictions on land use

(1) A person must not use land in a manner that contravenes a national rule, a rule in a land use plan, or a rule in a proposed land use plan that has legal effect unless—

(a) the use is expressly allowed by a planning consent; or

(b) the use is expressly allowed by a water services standard; or

(c) the use is allowed by **section 20, 22, 22A, or 23**; or

(d) the use is allowed by **clause 4(1)(a) or (b) of Schedule 5** (which relates to uses authorised by a designation).

(2) A person must not use land in a manner that contravenes **clause 4(1)(c) or 5 of Schedule 5** (which relates to activities that would prevent or hinder a designation or proposed designation).

(3) This section applies to overflying by aircraft only to the extent ~~to~~ that a national rule or a rule in a land use plan prescribes noise emission controls for airports ~~are prescribed by a national rule or rule in a plan~~.

Compare: 1991 No 69 s 9(1), (3)–(5)

17A Restrictions on activities in coastal marine area

(1) A person must not carry out an activity in, on, under, or over any coastal marine area in a manner that contravenes a national rule, a rule in a land use plan, a rule in a proposed land use plan that has legal effect, or a water services standard unless—

(a) the activity is expressly allowed by a planning consent; or

(b) the activity is allowed by **section 23**.

(2) This section does not apply to use of land in the coastal marine area (*see* **section 17**).

(3) This section applies to overflying by aircraft only to the extent that—

(a) a national rule or a rule in a land use plan prescribes noise emission controls for airports; and

(b) those controls apply in the coastal marine area.

(4) This section does not prohibit a regional council from removing structures from the common marine and coastal area in accordance with section 19(3) to (3C) of the Marine and Coastal Area (Takutai Moana) Act 2011 unless those structures are permitted by a planning consent.

Compare: 1991 No 69 s 12(3), (5), (7)

18 Restrictions on subdivision

(1) A person may subdivide land only if—

(a) the subdivision is shown on an authorised survey plan; and

(b) either—

(i) the subdivision does not contravene a national rule, a rule in a land use plan, or a rule in a proposed land use plan that has legal effect; or

(ii) the subdivision is expressly allowed by a planning consent.

(2) In this section, an **authorised survey plan** means any of the following:

(a) a survey plan of a subdivision prepared in a form suitable to deposit under the Land Transfer Act 2017 and deposited by the Registrar-General under **clause 23 of Schedule 7**:

(b) a survey plan of a subdivision by or on behalf of a Minister of the Crown of land not subject to the Land Transfer Act 2017 and approved by the Surveyor-General in accordance with **clause 23 of Schedule 7**:

(c) a survey plan that includes a unit plan and a survey data set giving effect to the grant of a cross-lease or company lease.

(3) This section does not apply to Māori land unless Te Ture Whenua Maori Act 1993 provides otherwise.

Compare: 1991 No 69 s 11; 2017 No 15 s 127; 2023 No 46 s 22

19 Subdivision authorised by certain other Acts not restricted

Section 18 does not apply to a subdivision that is given effect to by—

(a) the acquisition, taking, transfer, or disposal of part of an allotment under the Public Works Act 1981 (except that each existing separate parcel of land disposed of under that Act must be disposed of without further division, unless otherwise provided for by that Act); or

(b) the establishment of, a change to, or a cancellation of a ~~reserve~~ Maori reservation under section 338 of Te Ture Whenua Maori Act 1993; or

(c) a transfer under section 23 or a resumption under section 27D of the State-Owned Enterprises Act 1986; or

(d) a vesting, transfer, or gift of land—

(i) in or to the Crown or any local authority or administering body (as defined in section 2(1) of the Reserves Act 1977) for the purposes (other than administrative purposes) of the Conservation Act 1987 or any Act specified in Schedule 1 of that Act; or

(ii) by the Crown in exchange for land received under **subparagraph (i)**; or

(e) an exemption under section 25A of the New Zealand Railways Corporation Restructuring Act 1990; or

(f) a transfer or gift of land to Heritage New Zealand Pouhere Taonga or the Queen Elizabeth the Second National Trust for the purposes of the Heritage New Zealand Pouhere Taonga Act 2014 or the Queen Elizabeth the Second National Trust Act 1977; or

(g) a transfer, exchange, or other disposition of land made by an order under subpart 3 of Part 6 of the Property Law Act 2007 (which relates to the granting of access to landlocked land); or

(h) an exemption for boundary adjustments under section 10 of the Canterbury Property Boundaries and Related Matters Act 2016.

Compare: 1991 No 69 s 11; 2023 No 46 s 22

Existing uses

19A Meaning of specified natural hazard rule

In this Act, **specified natural hazard rule** means a national rule, a rule in a land use plan, or a rule in a proposed land use plan that has legal effect that—

(a) is made for the purpose of managing the risk of natural hazards (including for the purpose of avoiding or mitigating any adverse effect of a natural hazard); and

(b) is identified as a specified natural hazard rule in the national standards, land use plan, or proposed land use plan that contains the rule.

20 Certain existing land uses allowed

(1) A person may, without a planning consent, use land in a manner that contravenes a national rule, a rule in a land use plan, or a rule in a proposed land use plan that has legal effect if,—

~~(a) before the rule came into force, the use—~~

~~(i) was a permitted activity or otherwise could have been lawfully carried out without a planning consent; and~~

~~(ii) was lawfully established; and~~

(a) the use was lawfully established before the rule came into force; and

(b) the effects of the use are the same or similar in character, intensity, and scale to those that existed before the rule came into force.

(2) A person may, without a planning consent, use land in a manner that contravenes a national rule, a rule in a land use plan, or a rule in a proposed land use plan that has legal effect if—

(a) the use was lawfully established by way of a designation; and

(b) the designation has since been removed; and

(c) the effects of the use are the same or similar in character, intensity, and scale to those that existed before the designation was removed.

(3) **Subsections (1) and (2)** do not apply to a use of land if—

(aaa) the rule that is contravened (being a national rule, a rule in a land use plan, or a rule in a proposed land use plan that has legal effect) is a specified natural hazard rule; or

(a) the use has been discontinued for a continuous period of more than 12 months (or any longer time specified in the rule that is contravened) at any time after ~~the~~ that rule came into force, unless an extension granted under **section 21** applies; or

(b) any reconstruction, alteration, or extension of or to any building increases the extent to which the ~~use~~ building contravenes ~~the rule~~ any rule in a land plan or rule in a proposed land use plan with legal effect; or

(c) the use is of the surface of water in a lake or river.

(4) To avoid doubt, this section ~~does not apply to a use of land that is controlled or restricted under **section 18 or 19 of the Natural Environment Act 2025**.~~—

(a) does not apply to a use of land that is controlled or restricted under **section 18 or 19 of the Natural Environment Act 2025** (*see* **section 26** of this Act); and

(b) does not authorise a use of land to contravene a national rule under the **Natural Environment Act 2025**, a rule in a natural environment plan, or a rule in a proposed natural environment plan that has legal effect, whether or not that rule relates to a matter under **section 221(2)(e) of that Act** (*see instead* **section 25 of that Act**).

(5) In this section, **came into force**,—

(a) in relation to a national rule, means the rule commenced; and

(b) in relation to a rule in a land use plan, means the rule became operative; and

(c) in relation to a rule in a proposed land use plan, means the rule had legal effect.

Compare: 1991 No 69 ss 10, 43B(9)

21 Extensions where existing land use discontinued

~~(1) This section applies if a person seeks an extension to continue to use land in a manner that contravenes a national rule, a rule in a plan, or a rule in a proposed plan that has legal effect, despite the use being discontinued for a continuous period of more than 12 months.~~

(2) ~~The~~ A person may, no later than 2 years after the date that ~~the~~ a use of land is first discontinued, apply to the ~~territorial authority~~ consent authority for an extension referred to in **section 20(3)(a)**.

(3) The ~~territorial authority~~ consent authority may grant an extension if satisfied that—

(a) the extension will not be contrary to the objectives and policies of the land use plan; and

(b) the applicant has obtained approval from every person who may be adversely affected by the extension, unless the territorial authority considers it is unreasonable in the circumstances to require ~~any person's~~ approval from all of those persons.

(4) The person ~~has a right of objection~~ may apply to the Planning Tribunal ~~if~~ to review a decision of a territorial authority ~~refuses~~ to refuse an extension.

Compare: 1991 No 69 ss 10(2)~~(b)~~, 43B(9)

22 Certain existing building works allowed

(1) A person may, without a planning consent, use land in a manner that contravenes a national rule, a rule in a land use plan, or a rule in a proposed land use plan that has legal effect~~,~~ if—

(a) the use is a building work or an intended use of a building; and

(b) a building consent was issued for the building work or intended use (and any amendments incorporated into that building consent) in accordance with the Building Act 2004 before the rule came into force; and

(c) at the time that the building consent was issued (and any amendments incorporated into that building consent), the building work or intended use as stated in that building consent—

(i) did not contravene a national rule, a rule in a land use plan, or a rule in a proposed land use plan that has legal effect; or

(ii) otherwise could have been carried out without a planning consent for another reason.

(2) However, **subsection (1)** does not apply if~~,~~—

(aaa) the rule that is contravened (being a national rule, a rule in a land use plan, or a rule in a proposed land use plan that has legal effect) is a specified natural hazard rule; or

(a) after the rule came into force, the building consent is amended so that the effects of the building work or intended use of a building will no longer be the same or similar in character, intensity, and scale as before the amendment; or

(b) the building consent has lapsed or is cancelled; or

(c) a code compliance certificate for the building work is not issued in accordance with the Building Act 2004 within—

(i) 2 years after the rule came into force; or

(ii) any further period that ~~territorial authority~~ the consent authority may allow after it is satisfied that reasonable progress has been made towards completing the building work during those 2 years.

(3) For the purpose of **subsection (2)(b)**, the issuing in accordance with the Building Act 2004 of a code compliance certificate for the building work must not be treated as cancelling the building consent.

(4) In this section,—

building has the meaning given in sections 8 and 9 of the Building Act 2004

building work has the meaning given in section 7 of the Building Act 2004

came into force has the meaning given in **section 20(5)**

intended use, in relation to a building, has the meaning given in section 7 of the Building Act 2004.

Compare: 1991 No 69 ss 10B, 43B(9)

22A Use or activity that contravenes specified natural hazard rule protected until planning consent obtained

(1) A person may, without a planning consent, use land, or carry out an activity in, on, under, or over any coastal marine area, in a manner that contravenes a specified natural hazard rule in a proposed land use plan that has legal effect until that specified natural hazard rule becomes operative if,—

(a) before the rule had legal effect, the use or activity—

(i) was a permitted activity or otherwise could have been lawfully carried out without a planning consent; and

(ii) was lawfully established; and

(b) the effects of the use or activity are the same as, or similar in character, intensity, and scale to, the effects that existed before the rule had legal effect; and

(c) the use or activity has not been discontinued for a continuous period of more than 12 months since the rule had legal effect.

(2) A person may, without a planning consent, use land, or carry out an activity in, on, under, or over any coastal marine area, in a manner that contravenes a

national rule that is a specified natural hazard rule or a rule in a land use plan that is a specified natural hazard rule if,—

(a) before the national rule commenced or the rule in the land use plan became operative, the use or activity—

(i) was a permitted activity, was allowed to continue under **subsection (1)**, or otherwise could have been lawfully carried out without a planning consent; and

(ii) was lawfully established; and

(b) the effects of the use or activity are the same as, or similar in character, intensity, and scale to, the effects that existed before the national rule commenced or rule in the land use plan became operative; and

(c) the person carrying out the use or activity has applied for a planning consent within 12 months after the date the national rule commenced or the rule in the land use plan became operative, and the application has not been decided or any appeals have not been determined.

(3) This section does not apply to a use of land that is the use of the surface of water in a lake or river.

23 Certain existing uses of surface water and activities in coastal marine area protected until planning consent obtained

(1) A person may, without a planning consent, use ~~land~~ the surface of water in a lake or river in a manner that contravenes a national rule, a rule in a land use plan, or a rule in a proposed land use plan that has legal effect if—

~~(a) the use is of the surface of water in a lake or river; and~~

(b) before the rule came into force, the use—

(i) was a permitted activity or otherwise could have been lawfully carried out without a planning consent; and

(ii) was lawfully established; and

(c) the effects of the use are the same or similar in character, intensity, and scale to those that existed before the rule came into force; and

(d) the person carrying out the activity applies to ~~a territorial authority~~ the consent authority for a planning consent no later than 6 months after ~~the following date (as applicable):~~ the date on which—

(i) ~~the date that~~ the national rule commenced~~:~~; or

(ii) ~~the date that~~ the rule in the land use plan or proposed land use plan ~~become~~ became operative.

(1A) A person may, without a planning consent, carry out an activity in, on, under, or over any coastal marine area in a manner that contravenes a national rule, a rule in a land use plan, a rule in a proposed land use plan that has legal effect, or a water services standard if,—

(a) before the rule came into force, the use—

(i) was a permitted activity or otherwise could have been lawfully carried out without a planning consent; and

(ii) was lawfully established; and

(b) the effects of the use are the same or similar in character, intensity, and scale to those that existed before the rule came into force; and

(c) the person carrying out the activity applies to the consent authority for a planning consent no later than 6 months after the date on which—

(i) the national rule or applicable provision in the water services standard commenced; or

(ii) the rule in the land use plan or proposed land use plan became operative.

(2) A person may continue to use land in accordance with **subsection (1) or (1A)** until their application for a planning consent is decided and any appeals have been determined.

(3) In this section, **came into force** has the meaning given in **section 20(5)**.

Compare: 1991 No 69 ss 10A, 43B(9)

General duties

24 Duty to avoid unreasonable noise

(1) A person who does any of the following activities must adopt the best practicable option to ensure that any emission of noise from the activity does not exceed a reasonable level:

(a) occupy land (including any premises and any coastal marine area):

(b) an activity in, on, or under a water body or the coastal marine area.

(2) This section does not prevent—

(a) a national rule or rule in a land use plan from setting controls on the emission of noise; or

(b) a planning consent from including a condition relating to the emission of noise.

Compare: 1991 No 69 s 16

25 Duty to avoid, ~~minimise~~ mitigate, or remedy adverse effects

(1) A person has a duty to avoid, ~~minimise~~ mitigate, or remedy any adverse effect on the built environment arising from an activity carried out by or on behalf of the person.

(2) The duty ~~described in **subsection (1)**~~—

(a) applies whether or not the activity is carried out in accordance with—

(i) a national rule, a rule in a land use plan, a rule in a proposed land use plan that has legal effect, a planning consent, or a designation; or

(ii) any of **sections 21 to 23**; and

(b) is not of itself enforceable against any person, and no person is liable to any other person for a breach of that duty.

(3) Despite **subsection (2)(b)**, an enforcement order or abatement notice may be made or served under **subpart 1 of Part 6** to—

(a) require a person to cease, or prohibit a person from commencing, anything that, in the opinion of the Environment Court or an enforcement officer, is or is likely to be noxious, dangerous, offensive, or objectionable to ~~such~~ an extent that it has or is likely to have an adverse effect on the built environment; or

(b) require a person to do something that, in the opinion of the Environment Court or an enforcement officer, is necessary to avoid, ~~minimise~~ mitigate, or remedy any actual or likely adverse effect on the built environment caused by, or on behalf of, that person.

~~(4) **Subsection (3)** is subject to **section 237(3)** (which specifies when an Environment Court must not make an enforcement order).~~

Compare: 1991 No 69 s 17; 2023 No 46 s 18

Other legal requirements not affected

26 Other legal requirements not affected

(1) Compliance with this Act does not remove the need to comply with all other legislation and rules of law.

(2) The duties and restrictions described in this subpart are only enforceable against a person through the provisions of this Act.

(3) No person is liable to another person for a breach of a duty or restriction under this Act, except in accordance with the provisions of this Act.

(4) This section does not limit or affect a right of action that a person may have independently of the provisions of this Act.

Compare: 1991 No 69 s 23

Subpart 3—Key instruments

~~27 Purposes of key instruments~~

~~(1) The following overview sets out the purpose of each key instrument as provided by the relevant section of this Act.~~

~~**Overview of purposes of key instruments**~~

~~The purpose of **national policy direction** (as provided by **section 54**) is to do 1 or both of the following:~~

~~(a) particularise the goals and direct how they must be achieved:~~

~~(b) help resolve conflicts between the goals in **section 11** of this Act and the goals in **section 11 of the Natural Environment Act 2025**.~~

~~The purpose of **national standards** (as provided by **section 59**) is to do 1 or more of the following:~~

~~(a) implement national policy direction:~~

~~(b) provide procedural and administrative consistency:~~

~~(c) provide regulatory consistency:~~

~~(d) provide specific direction on how a goal is to be achieved in relation to a matter that is not covered by a national policy direction.~~

~~The purpose of **regional spatial plans** (as provided by **section 67**) is to —~~

~~(a) set the strategic direction for development and public investment priorities in a region for a time span of not less than 30 years; and~~

~~(b) enable integration at the strategic level of decision making under this Act and the **Natural Environment Act 2025**; and~~

~~(c) implement national instruments made under this Act and the **Natural Environment Act 2025** in a way that provides for use and development within environmental limits; and~~

~~(d) support a co-ordinated approach to infrastructure funding and investment by central government, local authorities, and other infrastructure providers; and~~

~~(e) promote integration of development planning with infrastructure planning and investment.~~

~~The purpose of the preparation, implementation, and administration of **land use plans** (as provided by **section 75**) is to —~~

~~(a) enable and regulate the use and development of land within a district (including subdivision and activities on the surface of water bodies); and~~

~~(b) assist territorial authorities in carrying out their functions and responsibilities under this Act.~~

~~The purpose of **regional combined plans** (as provided by **section 63**) is to support public access to plans developed by local authorities within a region.~~

~~(2) In the event of any inconsistency between how the purpose of a key instrument is set out in the overview and how it is provided for in the relevant section, the relevant section prevails.~~

27 Key instruments of this Act

The key instruments of this Act are—

(a) national policy direction:

(b) national standards:

(c) regional spatial plans:

(d) land use plans.

Provisions of key instruments

28 Objectives, policies, rules, and methods

(1) An **objective** of a key instrument means an outcome that the instrument seeks to achieve.

(2) A **policy** of a key instrument means a course of action to implement the instrument's objectives.

(3) A **method** of a key instrument means a provision ~~(other than a rule) that implements the instrument's objectives and policies~~ stating how policies are to be implemented.

(4) The key instruments that may contain **rules** are national standards and land use plans.

Compare: 1991 No 69 ss 75(1), (2), (5), 76(4)

29 Application of objectives, policies, rules, and methods

(1) An objective, policy, rule, or method of a key instrument may—

(a) ~~may~~ apply ~~thoughout~~ throughout all or part of—

(i) a district, in the case of a land use plan; or

(ii) a region, in the case of a regional spatial plan; or

(iii) New Zealand, in the case of a national instrument:

(b) apply all of the time or for specified periods.

(2) A rule may apply to—

(a) a specified activity; or

(b) a class of activities (for example, all activities with a particular activity classification).

Compare: 1991 No 69 s 76(4)

30 Meaning of rule

(1) A **rule** means a provision of a key instrument that does any of the following:

(a) classifies an activity as a permitted, restricted discretionary, discretionary, or prohibited activity:

(b) specifies conditions for carrying out a permitted activity (**permitted activity rules**):

(c) specifies conditions for carrying out a restricted discretionary or discretionary activity:

(d) reserves matters of discretion in relation to a restricted discretionary activity:

(e) specifies requirements for information to be included in an application for a planning consent:

(f) specifies whether an application for a planning consent for an activity must be notified or precluded from being notified for public or targeted submissions~~.~~:

(g) specifies conditions of a planning consent that may be included under **section 149, 151, or Part 1 of Schedule 7**.

(2) A provision of a land use plan is also a rule if it—

(a) modifies requirements for esplanade reserves or esplanade strips in accordance with **section 84**; or

(b) specifies requirements for when future provisions apply (*see* **section 94(1)(a)**).

Compare: 1991 No 69 ss 76, 77, 77A~~, 77D~~

Classification of activities

~~31~~ ~~Principles for classifying activities~~

~~When exercising or performing a function, duty, or power under this Act, a person must be guided by the following principles:~~

~~(a) an activity should be classified as a **permitted activity** if—~~

~~(i) the activity is acceptable, is anticipated, or achieves the desired level of use and development; or~~

~~(ii) any adverse effects of the activity are known and can be managed; or~~

~~(iii) a specific assessment of the activity or part of the activity is not required:~~

~~(b) an activity should be classified as a **restricted discretionary activity** if—~~

~~(i) the activity is acceptable, is anticipated, or achieves the desired level of use and development but 1 or more of the effects of the activity requires a specific assessment; and~~

~~(ii) the range of potential effects of the activity are known and can be appropriately managed through consent conditions:~~

~~(c) an activity should be classified as a **discretionary activity** if—~~

~~(i) the nature and type of activity requires an assessment of all the effects of the activity; or~~

~~(ii) the adverse effects of the activity are unknown or uncertain; or~~

~~(ii) the activity is inconsistent with the regional spatial plan; or~~

~~(iii) the activity is not anticipated and may be inappropriate:~~

~~(d) an activity should be classified as a **prohibited activity** if the activity will have an unacceptably high level of adverse effects that cannot be managed by consent conditions.~~

31 Guidance for classifying activities

(1) This section—

(a) is intended to guide decision makers when classifying activities in national standards or land use plans; but

(b) does not limit the matters that a decision maker may or is required to consider when classifying activities (for example, requirements in regulations or non-regulatory measures).

(2) A decision maker should consider classifying an activity as—

(a) a **permitted activity** if—

(i) the activity is acceptable, is anticipated, or achieves the desired level of use, development, or protection; or

(ii) the adverse effects of the activity are understood and can be managed:

(b) a **restricted discretionary activity** if—

(i) the activity is acceptable, is anticipated, or achieves the desired level of use, development, or protection but 1 or more of the activity's effects require a specific assessment; and

(ii) the effects of the activity are known and can be appropriately managed through consent conditions:

(c) a **discretionary activity** if—

(i) the nature and type of the activity requires an assessment of the effects of the activity; or

(ii) the adverse effects of the activity are unknown or uncertain; or

(iii) the activity is not anticipated or may be inappropriate:

(d) a **prohibited activity** if the activity will have an unacceptably high level of adverse effects that cannot be managed by consent conditions.

(3) A failure to follow the guidance provided in this section does not invalidate a decision classifying an activity.

32 Consequences of permitted, restricted discretionary, or ~~restricted~~ discretionary activity classification

~~(1) This section applies to an activity classified in—~~

~~(i) a national rule:~~

~~(ii) a rule in a land use plan:~~

~~(iii) a rule in a proposed land use plan that has legal effect:~~

~~(iv) regulations; and~~

~~(v) a water services standard.~~

(2) If ~~the~~ an instrument classifies an activity ~~is classified~~ as a permitted activity,—

(a) the activity does not require a land use consent; but

(b) the activity must comply with any requirements in a permitted activity rule and any requirements in every instrument.~~—~~

~~(i) in a permitted activity rule; and~~

~~(ii) in each instrument listed in **subsection (1)**.~~

(3) If ~~the~~ an instrument classifies an activity ~~is classified~~ as a restricted discretionary activity,—

(a) the activity requires a planning consent; and

(a) the instrument must specify the matters over which discretion is reserved; and

~~(b) the territorial authority's power to grant the consent and impose conditions, or to decline the consent, is restricted to the matters over which discretion is reserved and specified in a land use plan, proposed land use plan, or national rule; and~~

(b) a territorial authority's power to grant the planning consent is—

(i) restricted to the matters over which discretion is reserved; and

(ii) subject to **section 146**; and

(iii) subject to section 55(2) of the Marine and Coastal Area (Takutai Moana) Act 2011; and

(c) the activity must comply with any conditions in the consent and any requirements in every instrument.

(4) If ~~the activity is classified~~ an instrument classifies an activity as a discretionary activity,—

(a) the activity requires a planning consent; and

(b) a territorial authority may grant the consent with or without conditions or decline the consent; and

(c) the activity must comply with any conditions in the consent and any requirements in every instrument.

(5) In this section,—

instrument means—

(a) this Act:

(b) regulations:

(c) a national rule:

(d) a water services standard:

(e) a rule in a land use plan:

(f) a rule in a proposed land use plan that has legal effect

requirements includes any conditions or permissions.

Compare: 1991 No 69 s 87A

33 Consequence of prohibited activity classification

(1) If an activity is classified in a national rule or rule in a plan If an instrument (other than a proposed land use plan that has legal effect) classifies an activity as a prohibited activity,—

(a) no application for a planning consent may be made for the activity; and

(b) a territorial authority must not grant a planning consent for the activity.

(2) In this section, **instrument** has the meaning given in **section 33(5)**.

Compare: 1991 No 69 s 87A(6)

34 Specified prohibited activities

(1) The following activities are prohibited activities:

(a) prospecting, exploring, or mining for Crown-owned minerals in the internal waters of the Coromandel Peninsula:

(b) mining of which the main purpose is to mine mercury.

(2) **Subsection (1)(a)** does not apply to prospecting, exploring, or mining activities set out in section 61(1A) of the Crown Minerals Act 1991.

Compare: 1991 No 69 s 87B(2)–(4)

35 Activities that must be treated as discretionary activities

An application for a planning consent for an activity must be treated as an application for a discretionary activity if—

(a) a land use plan requires a planning consent for the activity but does not classify the activity; or

(b) a rule in a proposed plan classifies the activity as a prohibited activity and the rule has not become operative.

Compare: 1991 No 69 s 87B(1)

36 Rules relating to restricted discretionary activities

If a national rule or rule in a plan classifies an activity as a restricted discretionary activity —

(a) the rule must specify the matters over which discretion is reserved; and

(b) the rule may specify conditions for the activity only in relation to a matter described in **section 151** or **Part 1 of Schedule 7**.

Compare: 1991 No 69 ss 77A(1)(e), 77B(3), (4)

~~**37 Rules relating to discretionary activities**~~

~~A national rule or rule in a plan that specifies a condition for a discretionary activity must relate to a matter described in **section 151** or **Part 1 of Schedule 7**.~~

~~Compare: 1991 No 69 ss 77A(1)(c)~~

Permitted activity rules

38 Permitted activity rules

~~(1) A permitted activity rule must—~~

~~(a) require an activity to be registered; or~~

~~(b) relate to a matter described in **section 151** or **Part 1 of Schedule 7**.~~

(1) A permitted activity rule may be a national rule or rule in a land use plan.

(1A) A permitted activity rule may,—

(a) in the case of a national rule, include a requirement for the activity to be registered with the consent authority before it commences; or

(b) in the case of a rule in a land use plan, include a requirement for the activity to be registered with the consent authority before it commences but only if the requirement is directed or permitted by national standards.

(1B) If a permitted activity rule includes a requirement for registration of the activity with a consent authority,—

(a) a person must, before commencing the activity, register the activity, with the consent authority in accordance with the requirements of the permitted activity rule; and

(b) the consent authority must notify the person as to whether those requirements are complied with.

(1C) *See also* **section 32(2)(b)(ii)**, which requires the activity to comply with any requirements in every instrument.

(2) A permitted activity rule referred to in **subsection ~~(1)(a)~~ (1A)(b)** must provide that an activity is a permitted activity only if~~—~~ the person carrying out the activity does 1 or more of the following:

(a) obtains the written approval of all persons who may be directly affected by the activity:

(b) obtains a certificate from a qualified person that the activity complies, or would comply, with any specified requirement:

(c) pays a fee fixed in accordance with **section 283B**:

(d) complies with any other requirement relating to a matter described in **section 151** or **Part 1 of Schedule 7**.

~~(a) the activity is registered with the territorial authority (*see* **section 180**); and~~

~~(b) the person carrying out the activity does 1 or more of the following:~~

~~(i) obtains the written approval of all persons who may be directly affected by the activity:~~

~~(ii) obtains a certificate from a qualified person that the activity complies, or would comply, with any specified requirement:~~

~~(iii) pays a fee fixed in accordance with **section 192**:~~

~~(iv) complies with any other requirement relating to a matter described in **section 151** or **Part 1 of Schedule 7**.~~

(3) A permitted activity rule referred to in **subsection ~~(1)(a)~~ (1A)(b)** may specify requirements for the information that must be included in the notice required by **section 180**.

(4) An approval described in **subsection (2)(b)(i)** is valid for 3 years from the date it is given, unless withdrawn in writing by the person who gave it.

Compare: 1991 No 69 s 77A(1)(c)

Relationship between national rule and other instruments

39 How ~~instruments are~~ instrument is more restrictive or enabling than national rule

(1) This section applies for the ~~purpose~~ purposes of **sections 40 to 43**.

(2) An instrument is more **restrictive** than a national rule if ~~it does 1 or more of the following:~~ the instrument—

(a) ~~classify~~ classifies an activity more restrictively than the national rule~~:~~; or

(b) ~~impose~~ imposes conditions on an activity that the national rule does not impose or authorise~~:~~; or

(c) ~~prohibit or restrict~~ prohibits or restricts an activity that the national rule permits or authorises.

~~(3) An instrument is more **enabling** than a national rule if it permits or authorises an activity that the national rule prohibits or restricts.~~

(3) An instrument is more **enabling** than a national rule if the instrument—

(a) classifies an activity less restrictively than the national rule; or

(b) does not impose conditions or relaxes conditions on an activity in respect of which conditions are imposed or authorised by the national rule; or

(c) permits or authorises an activity that the national rule prohibits or restricts.

(4) In this section, an **instrument** means a rule in a plan, a rule in a proposed plan that has legal effect, a planning consent, a designation, a construction project plan, or a bylaw.

Compare: 1991 No 69 s 43B(2), (4)

40 Relationship between national ~~rules and plan rules~~ rule and rule in plan or proposed plan

(1) A rule in a plan or a rule in a proposed plan that has legal effect that is more restrictive than a national rule prevails over the national rule if the national rule expressly allows a rule in a plan or proposed plan to be more restrictive than it.

(2) A rule in a plan or a rule in a proposed plan that has legal effect that is more enabling than a national rule prevails over the national rule if the national rule expressly allows a rule in a plan or proposed plan to be more enabling than it.

Compare: 1991 No 69 s 43B(1), (3)

41 Relationship between national rules and planning consents

(1) A planning consent that is more restrictive than a national rule prevails over the rule if the rule expressly allows a planning consent to be more restrictive than it.

(2) A planning consent that is more enabling than a national rule prevails over the rule if the rule expressly allows ~~the~~ a planning consent to be more enabling than it.

~~(3) A planning consent prevails over a national rule if—~~

~~(a) the consent application was the subject of a decision on whether to notify the consent before the date on which the national rule commenced; and~~

~~(b) the national rule does not expressly provide otherwise.~~

(3) A planning consent granted under a rule in a land use plan or proposed land use plan that has legal effect prevails over a national rule if the consent is granted before the date that the national rule commences.

Compare: 1991 No 69 s 43B

42 Relationship between national rules and designations

(1) A designation or a construction project plan may be more enabling than a national rule—

(a) if the rule expressly allows the designation or construction project plan to be more enabling than it; and

(b) in which case, this subsection prevails over the other provisions of this section.

~~(2) A designation that exists when a national rule is made—~~

~~(a) does not prevail over a national rule that relates to contaminated land; but~~

~~(b) prevails over any other national rule until the earlier of the following:~~

~~(i) the designation lapses:~~

~~(ii) the designation is altered under **clause 45, 46, or 47 of Schedule 5** by the alteration of conditions in it to which the national rule is relevant.~~

(2) A designation that exists when a national rule is made —

(a) prevails over the national rule unless the rule expressly states that it prevails over the designation; and

(b) subject to **paragraph (a)**, prevails over the national rule until the earlier of the following:

(i) the designation lapses:

(ii) the designation is altered under **clause 45, 46, or 47 of Schedule 5** by the alteration of conditions in it to which the national rule is relevant.

(3) If the conditions of a designation are altered as described in **subsection (2)(b)(ii)**, the national rule—

(a) applies to the altered conditions; and

(b) does not apply to the unaltered conditions.

(4) A national rule prevails over a designation that requires a construction project plan if, when the national rule is made,—

(a) the designation exists; and

(b) no construction project plan for the designation has been confirmed in accordance with **clause 39 of Schedule 5**.

(5) A use is not required to comply with a national rule if—

(a) the use was lawfully established by way of a designation that has lapsed; and

(b) the effects of the use, in character, intensity, and scale, are the same as or similar to those that existed before the designation lapsed; and

(c) the national rule is made—

(i) after the designation was made; and

(ii) before or after it lapses.

(6) Work under a designation is not required to comply with a national rule if the work has come under the designation through the following sequence of events:

(a) the work is made; and

(b) the national rule is made; and

(c) the designation is applied to the work.

(7) In this section, **conditions** includes a condition about the physical boundaries of a designation.

Compare: 1991 No 69 s 43D

43 Relationship between national rules and bylaws

(1) A bylaw prevails over a national rule if ~~it~~ the bylaw is more restrictive than the rule and the rule expressly allows the bylaw to be more restrictive than it.

(2) A bylaw may be more enabling than a national rule if the rule expressly allows a bylaw to be more enabling than it.

(3) In this section, **bylaw** means a bylaw made under any legislation ~~enactment~~.

Compare: 1991 No 69 s 43E

43A Relationship between environmental performance standards, infrastructure design solutions, and designations

(1) A designation that exists when a stormwater environmental performance standard, a wastewater environmental performance standard, or an infrastructure design solution is made prevails over the environmental performance standard or the infrastructure design solution until the earlier of the following:

(a) the designation lapses:

(b) the designation is altered under **clause 45 or 46 of Schedule 5** by the alteration of conditions in it to which the environmental performance standard or infrastructure design solution is relevant.

(2) If the conditions of a designation are altered as described in **subsection (1)(b)**, the environmental performance standard or infrastructure design solution—

(a) applies to the altered conditions; and

(b) does not apply to the unaltered conditions.

(3) Despite **subsection (1)**, a stormwater environmental performance standard, a wastewater environmental performance standard, or an infrastructure design solution prevails over a designation that requires a construction project plan if, when the environmental performance standard or infrastructure design solution is made,—

(a) the designation exists; and

(b) no construction project plan for the designation has completed the process described in **clause 38 of Schedule 5**.

(4) A stormwater environmental performance standard, a wastewater environmental performance standard, or an infrastructure design solution that exists when a designation is made prevails over the designation.

(5) A use is not required to comply with a stormwater environmental performance standard, a wastewater environmental performance standard, or an infrastructure design solution if—

(a) the use was lawfully established by way of a designation that has been removed; and

(b) the effects of the use, in character, intensity, and scale, are the same as or similar to those that existed before the designation was removed; and

(c) the environmental performance standard or infrastructure design solution is made—

(i) after the designation was made; and

(ii) before or after the designation is removed.

(6) Work under a designation is not required to comply with a stormwater environmental performance standard, a wastewater environmental performance standard, or an infrastructure design solution if the work has come under the designation through the following sequence of events:

(a) the work is made; and

(b) the environmental performance standard or infrastructure design solution is made; and

(c) the designation is applied to the work.

(7) In this section, **conditions** includes a condition about the physical boundaries of a designation.

Compare: 1991 No 69 s 44B

43B Relationship between wastewater and stormwater environmental performance standards and other instruments

(1) A wastewater environmental performance standard or stormwater environmental performance standard prevails over a national rule.

(2) **Subsection (1)** applies whether the national rule is more or less restrictive than the wastewater environmental performance standard or the stormwater environmental performance standard.

(3) If there is any conflict or duplication between a wastewater environmental performance standard or stormwater environmental performance standard and a document listed in **subsection (4)**, the environmental performance standard prevails.

(4) The documents are—

(a) a national policy direction:

(b) a national standard:

(c) a land use plan.

(5) However, if anything in a land use plan conflicts with or duplicates anything in a wastewater environmental performance standard or stormwater environmental performance standard, then, to the extent that the conflict or duplication results from the land use plan giving effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River,—

(a) **subsection (3)** does not apply; and

(b) the land use plan prevails.

(6) If a land use plan or proposed land use plan contains a rule that conflicts with or duplicates a provision in a wastewater environmental performance standard or stormwater environmental performance standard, the territorial authority must amend the plan or proposed plan to remove the conflict or duplication—

(a) without using the process in **Schedule 3**; and

(b) as soon as practicable after the date on which the standard comes into force.

(7) A territorial authority must—

(a) enforce the observance of stormwater environmental performance standards and wastewater environmental performance standards—

(i) within the limits specified in **subsections (5) and (8)**; and

(ii) to the extent to which its powers enable it to do so; and

(b) observe stormwater environmental performance standards and wastewater environmental performance standards.

(8) However, **subsections (1), (2), and (6)** do not apply if—

(a) the rule gives effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River; and

(b) the rule is more restrictive than the wastewater environmental performance standard or stormwater environmental performance standard.

Compare: 1991 No 69 s 58JB

43C Relationship between infrastructure design solutions and other instruments

(1) An infrastructure design solution prevails over a national rule.

(2) **Subsection (1)** applies whether a national rule is more or less restrictive than the infrastructure design solution.

(3) However, a national rule prevails over the infrastructure design solution, and **subsections (1) and (2)** do not apply, if—

(a) the rule is included in a land use plan to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River; and

(b) the rule is more restrictive than the infrastructure design solution.

(4) If there is any conflict or duplication between an infrastructure design solution and a document listed in **subsection (5)**, the infrastructure design solution prevails.

(5) The documents are—

(a) a national policy direction:

(b) a national standard:

(c) a land use plan.

(6) However, if anything in a land use plan conflicts with or duplicates anything in an infrastructure design solution, then, to the extent that the conflict or duplication results from the relevant document giving effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River,—

(a) **subsection (4)** does not apply; and

(b) the land use plan prevails.

(7) If a land use plan or proposed land use plan contains a rule that conflicts with or duplicates a provision in an infrastructure design solution, the territorial authority must amend the plan or proposed plan to remove the inconsistency or duplication—

(a) without using the process in **Schedule 3**; and

(b) as soon as practicable after the date on which the standard comes into force.

(8) However, **subsection (7)** does not apply if—

(a) the rule gives effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River; and

(b) the rule is more restrictive than the infrastructure design solution.

Compare: 1991 No 69 s 58JD

Subpart 4—National instruments

National instruments

~~44~~ ~~Role and application of national instruments~~

~~(1) The role of national policy direction and national standards (**national instruments**) is to provide centralised direction to the planning system—~~

~~(a) on matters relating to planning policy and regulation, including by standardising approaches to how activities are enabled and their effects regulated; and~~

~~(b) on local government processes and procedures under this Act relating to the operation and administration of the planning system.~~

~~(2) National instruments may apply to all of New Zealand or to any specified district, region, or part of New Zealand.~~

~~45~~ ~~Matters to consider when making national instrument~~

~~(1) This section applies to the Minister when making a national instrument.~~

~~(2) The Minister must have regard to the following principles:~~

~~(a) achieving compatibility between the goals is to be preferred over achieving one goal at the expense of another:~~

(b) not all goals need to be achieved in all places at all times:

(c) any conflicts within the proposed national instrument should be resolved in that document as far as reasonably practicable.

(3) The Minister must consider all submissions received as a result of the process established under **section 46**.

(4) The Minister's consideration of any adverse effects —

(a) must be appropriate to the nature of the proposed national instrument; and

(b) is subject to **sections 14 and 15(1)**.

(5) If the proposed national instrument contains new content, the Minister must consider all existing national instruments for the purpose of ensuring there is a coherent set of national instruments.

(6) The Minister must also consider —

(a) how the proposed national instrument will be monitored and reviewed; and

(b) any other matter the Minister considers relevant.

46 Process for making national instrument

(1) Before the Minister publicly notifies a national instrument, the Minister must —

(a) provide iwi authorities with a draft of the proposed national instrument or a summary of it; and

(b) give iwi authorities what the Minister considers to be adequate time and opportunity to consider the document and provide advice on it; and

(c) have regard to any advice received from iwi authorities on the document.

(2) If after having complied with **subsection (1)**, the Minister proposes to issue a national instrument, the Minister must establish and follow a process that includes the following steps:

(a) the public and iwi authorities must be given notice of —

(i) the proposed national instrument (the **proposal**); and

(ii) the purpose of the national instrument in terms of **section 53 or 59**; and

(iii) how the proposal achieves the goals; and

(iv) any report prepared under **section 55**; and

(v) a summary of the reasons for the proposal; and

(b) those notified must be given what the Minister considers to be adequate time and opportunity to make submissions on the subject matter of the proposal; and

(c) a report and recommendations must be made by the chief executive to the Minister on the submissions and the subject matter of the proposal.

(3) The Minister may, at any time, consult on the proposal with any person who may have an interest in it.

(4) The Minister may —

(a) establish technical advisory groups to advise the Minister on —

(i) any matter the Minister considers is relevant to the proposal; and

(ii) in accordance with any terms of reference specified by the Minister; and

(b) consider their advice.

(5) When preparing the report and recommendations required by **subsection (2)(c)**, the chief executive must consider —

(a) any matter that the Minister must consider, have regard to, or be satisfied of before making the national instrument; and

(b) whether the proposal provides for 1 or more goals; and

(c) any advice received from a technical advisory group established under this section; and

(d) any advice received from iwi authorities.

(6) The Minister must consult the Minister of Conservation on any proposal that relates to the coastal marine area.

(7) The time given for advice under **subsection (1)(b)** or submissions under **subsection (2)(b)** must not be less than 20 working days.

Compare: 46A

47 Territorial authority and spatial plan committee must implement national instrument

(1) A local authority and a spatial plan committee must —

(a) comply with the directions of a national instrument; and

(b) implement its provisions in the manner specified the instrument.

(2) A national instrument may direct —

(a) how land use is managed:

(b) how territorial authorities make decisions:

(c) how territorial authorities undertake processes and methodologies:

(d) the conditions that must be used for different activities:

(e) the structure and form of regional spatial plans or land use plans:

(f) the content of and types of plan provisions (*see* **section 48**).

(3) A national instrument may —

(a) direct that specific provisions be included in regional spatial plans or land use plans:

(b) direct territorial authorities or spatial plan committees to choose from a number of specific provisions to be included in plans either completely or in part.

(4) If a provision in a national instrument necessitates a change to a plan, unless the national instrument specifies otherwise,—

(a) a local authority must use a process in **Schedule 3** to amend its plan; and

(b) a spatial plan committee must use the process in **subpart 1 of Part 3** to amend the spatial plan unless the national instrument specifies otherwise.

(5) A national instrument may direct a territorial authority or spatial plan committee to amend its plan without using the process in **Schedule 3 or subpart 1 of Part 3** only if—

(a) the content of the amendment is set out in the national instrument itself; or

(b) the purpose of the amendment is to make the plan consistent with any restriction in that national instrument or another national instrument.

(6) A territorial authority or a spatial plan committee must—

(a) make the amendments authorised under **subsection (5)** as soon as practicable within the time, if any, specified in the national instrument; and

(b) give public notice of the amendments within 5 working days after making them.

Compare: 2023 No 46 s 133

48 National instrument may direct plan provisions in land use plans

(1) A national instrument may contain direction relating to the inclusion of plan provisions in a land use plan or proposed land use plan. A direction—

(a) may require or authorise a territorial authority to include a plan provision contained in the national instrument itself; or

(b) may authorise a territorial authority to include a plan provision prepared by the territorial authority.

(2) For the purpose of **subsection (1)(a)**, a national instrument may—

(a) contain a plan provision—

(i) that the territorial authority must include in its land use plan; and

(ii) in relation to which the territorial authority has no discretion to determine its spatial application; or

(b) contain a plan provision in relation to which the territorial authority may do 1 or more of the following:

(i) determine the spatial application of the provision:

(ii) select the provision from 2 or more alternatives set out in the national instrument:

(iii) determine any content specified by the national instrument but only from within parameters set out in that instrument:

(iv) choose not to include the provision.

(3) A national instrument may include substantive or procedural requirements about how a territorial authority may include a plan provision required or authorised under this section.

(4) *See* **section 79** (which provides that a territorial authority must not amend a standardised provision).

49 Withdrawal of proposed national instrument

(1) The Minister may withdraw all or part of a proposed national instrument at any time before it is approved under **section 50**.

(2) The Minister must give public notice of the withdrawal and include reasons for the withdrawal.

Compare: 1991 No 69 s 51A

50 Approval of national instrument

(1) The Governor-General in Council may, on the recommendation of the Minister, approve a national instrument.

(2) Before recommending that a national instrument be approved after having complied with **section 46**, the Minister must —

(a) first, must consider the report and any recommendations made under **section 46**; and

(b) secondly, may —

(i) make any changes, or no changes, to the proposed national instrument as the Minister thinks fit; or

(ii) withdraw all or part of the proposed national instrument and give public notice of the withdrawal, including the reasons for the withdrawal.

(3) Before recommending a national instrument that makes an amendment under **section 62** be approved, the Minister must consider whether it is more appropriate to comply with **section 46** to make the amendment.

(4) After the national instrument is approved, —

(a) the Minister must issue the national instrument by publishing it in accordance with **subsection (5)**; and

(b) the Minister must notify every territorial authority and the public that the following documents are available and how they can be accessed:

(i) the chief executive's report and a summary of their recommendations; and

(ii) a summary of Minister's decision on the recommendations (including reasons for not adopting any recommendations); but

(c) in the case of a national instrument that makes an amendment under **section 62**, **paragraph (b)** does not apply and the Minister must instead publish their reasons for the amendment on the appropriate internet site.

(5) The national instrument must be published on the appropriate internet site despite section 69(1)(c) and (d) of the Legislation Act 2019, unless the Attorney-General directs otherwise.

(6) A national instrument is secondary legislation that is not required to be drafted by the Parliamentary Counsel Office.

Compare:

51 Incorporation of material by reference in national instrument

(1) Material may be incorporated by reference into a national instrument in accordance with section 64 of the Legislation Act 2019, but clause 1 of Schedule 2 of that Act (which is about consultation) does not apply.

(2) **Subsection (4)** applies if —

(a) a national instrument incorporates material by reference; and

(b) the material is amended (within the meaning of section 66(3) of the Legislation Act 2019) by the originator of the material after the national instrument is made.

(3) However, **subsection (4)** does not apply if the national instrument expressly states that it does not apply.

(4) Despite section 66(2) of the Legislation Act 2019, the amendments referred to in **subsection (2)(b)** have effect as part of the national instrument only if the Minister publishes a notice that —

(a) states that the amendments have effect as part of the national instrument; and

(b) specifies the date on which the amendments have effect.

(5) A notice under **subsection (4)** is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

52 National instrument may provide for transitional matters

A national instrument may include transitional provisions for any matter, including its effect on existing matters or proceedings.

National policy direction

53 National policy direction

There must always be national policy direction.

54 Purpose of national policy direction

(1) The purpose of national policy direction is to do 1 or both of the following:

(a) to particularise the goals and direct how they must be achieved:

(b) to help resolve conflicts between the goals in **section 11** of this Act and the goals in **section 11 of the Natural Environment Act 2025**.

(2) The purpose in **subsection (1)(a)** is the primary purpose of national policy direction.

(3) National policy direction for the purpose in **subsection (1)(b)** may be made under either Act.

(4) Before making national policy direction, Minister must be satisfied that the proposed national policy direction achieves its purpose.

55 Content of national policy direction

(1) National policy direction —

(a) must give direction on matters of policy; and

(b) may state objectives, policies, or directives that apply to key instruments specified in the direction.

(2) National policy direction may —

(a) direct the outcomes that a plan must achieve or provide for:

(b) direct the content of plans, including by constraining or limiting plan content:

(c) state matters that territorial authorities or spatial planning committees must consider in preparing plans.

(3) National policy direction may provide for how the direction must or may be implemented.

Compare: 45A

56 National policy direction may restrict how goals may be achieved

(1) National policy direction may —

(a) require that compliance with its objectives, policies, directives are the only ways in which a goal may be achieved:

(b) restrict how a specified key instrument achieves a goal.

(2) Before making national policy direction under this section, the Minister must be satisfied that —

(a) the direction does not unreasonably restrict the ability of territorial authorities to undertake their functions and responsibilities to manage land use; and

(b) the restrictions imposed by the direction in respect of a goal does not unreasonably restrict the achievement of other goals; and

(c) the direction will not result in severe and irreversible adverse effects to the built environment.

(3) If the Minister makes national policy direction under this section, the Minister must include, as a part of the process established under **section 46**, a report stating why they consider the requirements of **subsection (2)** are met.

57 National policy direction to resolve conflicts between goals in both Acts

(1) If the purpose of a proposed national policy direction is to help resolve conflicts between the goals in **section 11** and the goals in **section 11 of the Natural Environment Act 2025**,—

(a) the Minister may consider any or all of the goals of either Act; and

(b) the Minister must consider—

(i) whether the proposal enables development to occur within environmental limits; and

(ii) the current and long-term impact of the proposal on the built environment.

(2) In this section, **long-term impact** means an impact spanning 2 or more human generations.

National standards

58 National standards required for specified content

There must always be national standards—

(a) providing direction on the evidence base supporting combined plans; and

(b) on the establishment of standardised plan provisions.

59 Purpose of national standards

(1) The purpose of national standards is to do 1 or more of the following:

(a) to implement national policy direction:

(b) to provide procedural or administrative consistency:

(c) to provide regulatory consistency:

(d) to provide specific direction on how a goal is to be achieved in relation to a matter that is not covered by a national policy direction.

(2) Before making national standards, the Minister must be satisfied that the proposed national standard achieves its purpose.

(3) In this section, **regulatory consistency** means consistency in how an activity or its effects is regulated nationally or within or across districts, regions, or any specified area.

60 What national standards can do

(1) National standards may give directions that —

(a) allow, restrict, or prohibit an activity:

(b) classify an activity or state how it is be classified:

(c) specify conditions that must or may be imposed on a planning consent for an activity:

(d) require as a condition of a planning consent, compliance with requirements specified in the standards or in a plan or proposed plan:

(e) restrict the making of a rule or the granting of planning consent to matters specified in the standards:

(f) specify whether an application for a planning consent for an activity must be notified or precluded from being notified for public or targeted submissions:

(g) specify in relation to a rule made before the commencement of the standards, —

(i) the extent to which any matter to which the standard applies continues to have effect; or

(ii) the time period during which any matter to which the standard applies continues to have effect.

(2) National standards may give directions for the preparation of land use plans, including directions relating to —

(a) standard processes and methodologies:

(b) objectives and policies that plans must implement:

(c) objectives, policies, and rules (including for the purpose of zones and overlays) that plans must include:

(d) other content that must be included in plans (for example, definitions).

(3) National standards may include requirements relating to —

(a) the structure and form of a plan:

(b) electronic accessibility and functionality of a plan:

(c) processes, methodologies, or implementation:

(d) measuring, monitoring, and reporting:

(e) records that must be kept and how they must be kept:

~~(f) any other matter for the purpose of a national standards or implementation of national standards.~~

~~(4) If conditions in a plan deal with effects of an activity that are the same as those dealt with in the conditions specified in a national standard, the conditions in the standard prevail.~~

~~(5) National standards may empower territorial authorities to charge for monitoring any specified permitted activities in the standard.~~

~~Compare: 1991 No 69 ss 43A, 45A, 58G~~

~~61 National rules must be clearly identified~~

~~(1) A national standard that is a national rule must be clearly identified as such by the standard.~~

~~(2) A national rule may (but does not have to) be included in a land use plan.~~

~~Compare: 1991 No 69 ss 76, 77, 77A, 77D~~

~~62 Amendments to national standards without full process~~

~~(1) The Minister may amend a national standard without complying with **section 70** if the amendment is needed for 1 of the following reasons:~~

~~(a) to align with a New Zealand Standard within the meaning of section 4 of the Standards and Accreditation Act 2015:~~

~~(b) to implement New Zealand's obligations under any international convention, protocol, or agreement to which New Zealand is a party:~~

~~(c) to give effect to a national adaptation plan:~~

~~(d) to extend the time frame for implementation of any part of a national standard:~~

~~(e) to remove provisions in a national standard that are no longer required as a consequence of changes to legislation:~~

~~(f) to make changes that are no more than minor in effect, to correct errors, or to make similar technical alterations.~~

~~(2) **Section 69** does not apply to amendments made under this section.~~

~~(3) *See* **section 74** which provides for how amendments under this section are approved.~~

~~Compare: 1991 No 69 s 44(3), (4)~~

44 Application of national instruments

National instruments may apply generally or to any specified district, region, or part of New Zealand.

45 Territorial authority and spatial plan committee must implement national instrument

A territorial authority and a spatial plan committee must—

(a) comply with the directions of a national instrument; and

(b) implement its provisions in the manner specified in the instrument.

National policy direction

46 National policy direction

There must always be national policy direction.

47 Purpose of national policy direction

(1) The purpose of national policy direction is to—

(a) particularise all the goals and direct how they must be achieved; and

(b) identify and provide for the resolution of—

(i) conflict within a goal or between the goals in **section 11**; or

(ii) conflict between the goals in **section 11** and the goals in **section 11 of the Natural Environment Act 2025**; or

(iii) conflict or inconsistencies between national instruments under this Act and, if applicable, national instruments under the **Natural Environment Act 2025**.

(2) In **subsection (1)(a)**, **particularise**, in relation to a goal, means to explain in detail or elaborate further what it means to achieve the goal, for example, by including any context relevant to the goal.

48 Content of national policy direction

(1) National policy direction must include directives to achieve its purpose.

(2) National policy direction—

(a) may specify—

(i) the key instruments to which its directives apply; and

(ii) how its directives must or may be implemented; and

(b) may direct the outcomes that a key instrument must achieve or provide for; and

(c) may specify other approaches that are relevant to the purpose of national policy direction.

(3) National policy direction may direct which one of the following approaches to managing the effects of activities must be specified in national standards:

(a) avoid:

(b) remedy:

(c) mitigate:

(d) offset:

(e) compensate.

(4) National policy direction may—

(a) require that compliance with its directives are the only ways in which a goal may be achieved:

(b) restrict how a specified key instrument achieves a goal.

(5) National policy direction may—

(a) include directives or content that apply to key instruments under the **Natural Environment Act 2025**; and

(b) direct what a territorial authority or spatial planning committee must consider when preparing its plan.

(6) National policy direction must not include directives or content that are required to be directly inserted into regional spatial plans, land use plans, natural environment plans, or regional combined plans.

(7) National policy direction may provide for when and how its provisions must be monitored and reviewed.

National standards

49 National standards

There must always be national standards.

50 Purpose of national standards

(1) The purpose of national standards is to do 1 or more of the following:

(a) implement national policy direction:

(b) provide procedural consistency:

(a) provide regulatory consistency.

(2) In this section, **regulatory consistency** means consistency in how an activity or its effects are regulated nationally or within or across districts, regions, or any specified area.

51 National rules

(1) National standards that are national rules may give directions that—

(a) allow, restrict, or prohibit an activity:

(b) classify an activity or state how it is to be classified:

(c) specify conditions that must or may be imposed on a planning consent for an activity:

(d) require, as a condition of a planning consent, compliance with requirements specified in the standards or in a plan or proposed plan:

(e) restrict the making of a rule or the granting of a planning consent to matters specified in the standards:

(f) specify whether an application for a planning consent for an activity must be notified or precluded from being notified for public or targeted submissions:

(g) specify, in relation to a rule made before the commencement of the standards,—

(i) the extent to which any matter to which the standard applies continues to have effect; or

(ii) the time period during which any matter to which the standard applies continues to have effect.

(2) National rules that classify activities as permitted activities (permitted activity rules) may—

(a) require the activity to be registered with the territorial authority; or

(b) allow or require land use plans to require registration of the activity with the territorial authority.

52 Other content for national standards

(1) National standards may specify—

(a) how, and in what order, adverse effects are to be avoided, mitigated, remedied, offset, or compensated; and

(b) when it is practicable for adverse effects to be avoided, mitigated, or remedied; and

(c) when it is appropriate for adverse effects to be offset or compensated; and

(d) where specific effects are managed under this Act and under the **Natural Environment Act 2025**.

(2) The order in which an approach to managing effects appears in **subsection (1)** does not assign an order of importance to how effects are managed.

(3) National standards—

(a) may include provisions for the purpose of managing the risk of natural hazards (including for the purpose of avoiding or mitigating any adverse effect of a natural hazard); and

(b) may identify a national rule as a specified natural hazard rule only if the rule is for the purpose specified in **paragraph (a)**.

(4) National standards may include requirements relating to—

(a) the structure and form of a regional spatial plan or land use plan:

(b) the electronic accessibility and functionality of a regional spatial plan or land use plan:

(c) any of the following matters to the extent that they relate to regional spatial plans or land use plans:

(i) processes, methodologies, or implementation:

(ii) measuring, monitoring, and reporting:

(iii) records that must be kept and how they must be kept:

(d) any other matter for the purpose of implementing national standards.

(5) National standards may, for the purpose of protecting other property from the effects of surface water, include requirements that—

(a) apply to a person undertaking building work; and

(b) set performance criteria that are in addition to, or more restrictive than, the building code.

(6) National standards may include transitional provisions for any matter, including its effect on existing matters or proceedings.

(7) In **subsection (5)**, **building code** and **other property** have the meanings given in section 7 of the Building Act 2004.

53 National standards relating to land use plans and regional spatial plans

(1) National standards may give directions on the content and preparation of regional spatial plans or land use plans, including directions relating to—

(a) standard processes and methodologies:

(b) objectives and policies that the plan must implement:

(c) objectives, policies, and rules (including for the purposes of zones and overlays) that a plan must include:

(d) any other content that must be included in the plan (for example, definitions).

(2) If a provision in a national standard necessitates a change to a plan, unless the national standard specifies otherwise,—

(a) a local authority must use a process in **Schedule 3** to amend its plan; and

(b) a spatial plan committee must use the process in **subpart 1 of Part 3** to amend the spatial plan.

(3) National standards may direct a territorial authority or spatial plan committee to amend its plan without using the process in **Schedule 3 or subpart 1 of Part 3** only if—

(a) the content of the amendment is set out in the national standard itself; or

(b) the purpose of the amendment is to make the plan consistent with any restriction in that national standard or another national standard.

(4) A territorial authority or a spatial plan committee must—

(a) make the amendments authorised under **subsection (3)** as soon as practicable within the time (if any) specified in the national standard; and

(b) give public notice of the amendments within 5 working days after making them.

54 National standards may direct plan provisions in land use plans and regional spatial plans

(1) National standards may direct plan provisions to be included in—

(a) a land use plan or proposed land use plans.

(b) regional spatial plans.

(2) A direction—

(a) may require or authorise a territorial authority or spatial plan committee to include a plan provision contained in the national standard itself; or

(b) may authorise a territorial authority or spatial plan committee to include a plan provision prepared by the territorial authority or spatial plan committee.

(3) For the purposes of **subsection (2)(a)**, a national standard may—

(a) contain a plan provision—

(i) that the territorial authority or spatial plan committee must include in its plan; and

(ii) in relation to which the territorial authority or spatial plan committee has no discretion to determine its spatial application; or

(b) contain a plan provision in relation to which the territorial authority or spatial plan committee may do 1 or more of the following:

(i) determine the spatial application of the provision:

(ii) select the provision from 2 or more alternatives set out in the national standard:

(iii) determine any content specified by the national standard but only from within parameters set out in that standard:

(iv) choose not to include the provision.

(4) National standards may include requirements or methods for how a territorial authority or spatial plan committee must include and give effect to a plan provision required or authorised under this section.

(5) *See* **section 78(3)** (which provides that a local authority must not amend a standardised provision).

55 National rules must be clearly identified

(1) A provision in national standards that is a national rule must be clearly identified as such in the standards.

(2) A national rule may (but does not have to) be included in a land use plan.

56 Incorporation of material by reference into national standards

(1) Material may be incorporated by reference into national standards in accordance with section 64 of the Legislation Act 2019, but clause 1 of Schedule 2 of that Act (which is about consultation) does not apply.

(2) **Subsection (4)** applies if—

(a) national standards incorporate material by reference; and

(b) the material is amended (within the meaning of section 66(3) of the Legislation Act 2019) by the originator of the material after the national standards are made.

(3) However, **subsection (4)** does not apply if the national standards expressly state that it does not apply.

(4) Despite section 66(2) of the Legislation Act 2019, the amendments referred to in **subsection (2)(b)** have effect as part of the national standards only if the Minister publishes a notice that—

(a) states that the amendments have effect as part of the national standards; and

(b) specifies the date on which the amendments have effect.

(5) A notice under **subsection (4)** is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Process

57 Process for making national instrument

(1) Before the Minister may propose to issue a national instrument, the Minister must seek comment from iwi authorities and from any group or sector that the Minister considers appropriate by—

(a) providing them with a draft of the proposed national instrument or a summary of it; and

(b) giving them, as the Minister considers appropriate, adequate time and opportunity to comment on the document; and

(c) having regard to any comments so provided.

(2) If, after complying with **subsection (1)**, the Minister proposes to issue a national instrument, the Minister must establish and follow a process that includes the following steps:

(a) the public and iwi authorities must be given notice of—

(i) the proposed national instrument (the **proposal**); and

(ii) the purpose of the national instrument in terms of **section 47 or 50**; and

(iii) a summary of—

(A) the reasons for the proposal:

(B) the reasons why the Minister considers the proposal is consistent with the purpose of the national instrument:

(C) how the Minister has considered the matters required under **section 58 or 59** (as applicable):

(b) those notified must be given what the Minister considers to be adequate time and opportunity to make submissions on the subject matter of the proposal; and

(c) a report and recommendations must be made to the Minister on the submissions and the subject matter of the proposal.

(3) The Minister must consult the Minister of Conservation on any proposal that relates to the coastal marine area.

(4) The Minister may consult on the proposal with any person who may have an interest in it.

(5) The Minister may—

(a) establish technical advisory groups to advise the Minister—

(i) on any matter that the Minister considers is relevant to the proposal; and

(ii) in accordance with any terms of reference specified by the Minister; and

(b) consider their advice.

(6) The Minister may carry out consultation referred to in **subsections (2) to (4)** at any step of the process set out in this section.

(7) A person preparing the report and recommendations required by **subsection (2)(c)** must consider—

(a) any matter that the Minister must consider, have regard to, or be satisfied of before recommending the national instrument; and

(b) any advice received from a technical advisory group established under this section; and

(c) any comments received from iwi authorities and any group or sector under **subsection (1)**.

(8) The time given for comments under **subsection (1)(b)** or submissions under **subsection (2)(b)** must not be less than 20 working days.

58 Considerations for national policy direction

(1) When notifying a proposed national policy direction under **section 57(2)**, the Minister must give a notice summarising why they consider the proposal is consistent with the purpose of national policy direction under **section 47**.

(2) When developing national policy direction, the Minister must have regard to—

(a) achieving compatibility between the goals in **section 11**, as far as is practicable; and

(b) if compatibility between the goals cannot be achieved, identifying and providing for the resolution of conflict between the goals, or within a goal; and

(c) the extent to which the proposed national policy direction needs to be consistent with other national instruments.

(3) However, if, after having regard to the matters in **subsection (2)(b)**, the Minister considers that a provision of a proposed national policy direction cannot achieve compatibility between the goals, resulting in a goal being prioritised over another, the Minister must consider the following matters as far as they relate to the built environment:

(a) the current and long-term impacts:

(b) any severe and irreversible adverse effects.

(4) National policy direction is not required to identify and provide for the resolution of every conflict.

(5) In this section, **long-term impact** means an impact spanning 2 or more human generations.

59 Considerations for national standards

(1) When notifying proposed national standards under **section 57**, the Minister must give a notice explaining why they consider the proposal is consistent with the purpose of national standards under **section 50**.

(2) When preparing proposed national standards, the Minister must—

(a) consider the extent to which the proposed national standards need to be consistent with other national instruments; and

(b) subject to **sections 14 and 15**, consider the effects of the activities to which the proposed national standards apply.

60 Withdrawal of proposed national instrument

(1) The Minister may withdraw all or part of a proposed national instrument at any time before it is made under **section 61**.

(2) The Minister must give public notice of the withdrawal and include reasons for the withdrawal.

Compare: 1991 No 69 s 51A

61 Making of national instrument

(1) The Governor-General in Council may, on the recommendation of the Minister, make a national instrument.

(2) Before recommending that a national instrument be made, after having complied with **section 57**, the Minister—

(a) first must consider the report and recommendations made under **section 57(2)(c)**; and

(b) second, may—

(i) make any changes, or no changes, to the proposed national instrument as the Minister thinks fit; or

(ii) withdraw all or part of the proposed national instrument and give public notice of the withdrawal, including the reasons for the withdrawal.

(3) Before recommending a national instrument that makes an amendment as referred to in **section 62 or 62A**, the Minister must consider whether it is more appropriate to comply with **section 57**.

(4) After the national instrument is made,—

(a) the Minister must notify every territorial authority and the public that the following documents are available and how they can be accessed:

(i) a summary of the report and recommendations made under **section 57(2)(c)**; and

(ii) a summary of the Minister's decision on the recommendations (including reasons for not adopting any recommendations); but

(b) if the national instrument makes an amendment as referred to in **section 62 or 62A**, **paragraph (a)** does not apply and the Minister must instead publish their reasons for the amendment on an internet site.

(5) An order made under this section—

(a) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and

(b) is not to be drafted by the Parliamentary Counsel under section 67(1)(d)(i) of that Act.

62 Amendments to national policy direction without full process

(1) The Minister may recommend an amendment to a national policy direction without complying with **section 57** if the amendment is needed to make changes that are no more than minor in effect, to correct errors, or to make similar technical alterations.

(2) **Section 58** does not apply to amendments recommended under this section.

(3) *See* **section 61**, which provides for how amendments under this section are made.

62A Amendments to national standards without full process

(1) The Minister may recommend an amendment to a national standard without complying with **section 57** if the amendment is needed for 1 of the following reasons:

(a) to align with a New Zealand Standard within the meaning of section 4 of the Standards and Accreditation Act 2015:

(b) to implement New Zealand's obligations under any international convention, protocol, or agreement to which New Zealand is a party:

(d) to extend the time frame for implementing of any part of a national standard:

(e) to remove provisions in a national standard that are no longer required as a consequence of changes to legislation:

(f) to make changes that are no more than minor in effect, to correct errors, or to make similar technical alterations.

(2) **Section 59** does not apply to amendments recommended under this section.

(3) *See* **section 61**, which provides for how amendments under this section are made.

Part 3
Combined plan

63 Regional combined plan

(1) There must be a combined plan for each region at all times.

~~(2) The purpose of the combined plan is to support public access to plans developed by local authorities within a region.~~

(3) A combined plan consists of—

(a) the regional spatial plan for the region (*see* **subpart 1** of this Part); and

(b) the natural environment plan for the region (*see* **subpart 1 of Part 3 of the Natural Environment Act 2025**); and

(c) a land use plan for each district within the boundaries of the region (*see* **subpart 2** of this Part)~~.~~; and

(d) the land use plan for the coastal marine area within the boundaries of the region (*see* **subpart 2** of this Part).

Publication requirements

(4) A regional council must publish the combined plan in an electronically accessible format~~ on an appropriate internet site that it maintains~~.

(5) To enable~~ the~~ a regional council to~~ meet the publication requirements specified in **subsection (4)**~~ publish a combined plan,—

(a) ~~each~~ the spatial plan committee for a region must, in the manner prescribed by regulations, provide~~ to~~ the regional council with an electronic version of the adopted regional spatial plan for the region; and

(b) ~~each~~ the territorial authority of each district within the boundaries of a region must, in the manner prescribed by regulations, provide~~ to~~ the

regional council with an electronic version of the land use plan for its district when it is made operative in accordance with **clause 45 of Schedule 3**.

(5A) A regional combined plan, regional spatial plan, natural environment plan, and land use plan must comply with any requirements for electronic accessibility that are prescribed by national standards or by regulations.

~~(6) A spatial plan committee and a territorial authority must provide the plans to the regional council under **subsection (5)**~~

~~(a) as soon as reasonably practicable after the plan has been adopted or becomes operative; and~~

~~(b) each time the plan is changed or updated.~~

~~(7) **Subsections (4) to (6)** do not apply if a national standard specifies different publication requirements for combined plans.~~

~~*When a plan forms part of a combined plan*~~

~~(8) A regional spatial plan, or a provision of that plan, forms part of a combined plan when the regional spatial plan or the provision is adopted.~~

~~(9) A land use plan, or a provision of that plan, forms part of a combined plan when the land use plan or the provision becomes operative.~~

~~(10) A natural environment plan, or a provision of that plan, forms part of a combined plan when the natural environment plan or the provision becomes operative.~~

Subpart 1—~~Requirement for regional~~ Regional spatial plans

Core requirements for regional spatial plans

63C Purpose of regional spatial plan

The purpose of a regional spatial plan is to set the strategic direction for growth and change in a region for a time frame of 30 years or longer.

64 Every region must have regional spatial plan

(1) There must at all times be ~~a~~ 1 regional spatial plan for each region.

(2) A regional spatial plan must apply to the entire region but may focus in greater detail on certain parts of the region.

Compare: 2023 No 47 ~~s~~ ss 12, 13

~~65 Geographical boundaries of regional spatial plan~~

~~The boundary of the area where a regional spatial plan applies must align with the boundary of the region to which the plan relates.~~

~~Compare: 2023 No 47 s 13~~

~~**66 Special provision for certain areas**~~

~~*Chatham Islands*~~

~~(1) The Chatham Islands Territory is not required to have a regional spatial plan.~~

~~(2) In **subsection (1)**, **Chatham Islands Territory** means the district constituted by section 5 of the Chatham Islands Council Act 1995.~~

~~*Offshore islands administered by Minister of Conservation*~~

~~(3) A regional spatial plan must not apply to an offshore island that is administered by the Minister of Conservation acting as a local authority.~~

~~(4) This section applies despite any other provision of this Act.~~

~~Compare: 2023 No 47 s 14~~

~~*Purpose of regional spatial plans*~~

~~**67 Purpose of regional spatial plans**~~

~~A regional spatial plan must —~~

~~(a) set the strategic direction for development and public investment priorities in a region for a time frame of not less than 30 years; and~~

~~(b) enable integration at the strategic level of decision-making under this Act and the **Natural Environment Act 2025**; and~~

~~(c) implement national instruments made under this Act and the **Natural Environment Act 2025** in a way that provides for use and development within environmental limits; and~~

~~(d) support a co-ordinated approach to infrastructure funding and investment by central government, local authorities, and other infrastructure providers; and~~

~~(e) promote integration of development planning with infrastructure planning and investment.~~

~~Compare: 2023 No 47 s 15~~

67A How regional spatial plan is prepared or changed

(1) **Schedule 2** sets out provisions relating to the preparation and change of regional spatial plans and has effect according to its terms.

(2) **Schedule 4** sets out provisions relating to the appointment, powers, duties, and funding of independent hearings panels, which have functions to hold the hearing and make recommendations when a regional spatial plan is being prepared or changed. **Schedule 4** has effect according to its terms.

67B Core obligations when preparing and deciding regional spatial plan

(1) This section and **section 67C** set out the core obligations that apply to—

(a) a spatial plan committee preparing a draft regional spatial plan; and

(b) the local authorities of a region deciding whether to approve a draft regional spatial plan for notification (*see* **clause 17 of Schedule 2**); and

(c) the local authorities of a region, or the Minister, deciding a regional spatial plan (*see* **clauses 25 and 27 of Schedule 2**).

(2) A regional spatial plan must—

(a) map or otherwise record the broad spatial layout of the region over the next 30 years or longer, including—

(i) priority locations for growth and change; and

(ii) existing and future infrastructure that is significant for the district, region, or nation; and

(iii) significant constraints on using or developing—

(A) land; or

(B) the coastal marine area; and

(iv) priority locations for planning for adapting to the effects of climate change; and

(b) set out the key drivers of growth and change in the region; and

(c) map or otherwise record the following in the region:

(i) any existing designation that applies in the region, if the project to which the designation relates is significant for the district, region, or nation:

(ii) any designation to which **clause 35(2) of Schedule 5** applies:

(iii) the indicative location of any future designation and details of that future designation (*see* **clause 14 of Schedule 2**):

(iv) statutory acknowledgements (*see* **clause 68A**):

(v) sites of significance to Māori:

(vi) customary marine title areas and protected customary rights areas:

(vii) aquaculture settlement areas.

(3) A regional spatial plan must—

(a) implement relevant national instruments under this Act and relevant national instruments under the **Natural Environment Act 2025**; and

(b) be consistent with any water conservation order that applies in the region; and

(c) be prepared in accordance with regulations.

(4) The spatial plan committee, local authorities, or Minister (as the case requires) must be satisfied that the regional spatial plan supports—

(a) the resolution of potential conflicts between national instruments under this Act and national instruments under the **Natural Environment Act 2025**; and

(b) the alignment of planning under this Act and the **Natural Environment Act 2025** with investment decisions and other planning for infrastructure.

67C Use of information and level of detail in regional spatial plan

(1) When exercising the functions referred to in **section 67B(1)**, the spatial plan committee, local authorities, or Minister must, as relevant to their decisions,—

(a) ensure that the regional spatial plan is, as far as practicable, based on information that is—

(i) robust and reliable; and

(ii) proportionate to the level of detail included in the regional spatial plan; and

(b) be satisfied that each matter covered in the regional spatial plan—

(i) is provided for at a spatial scale that is appropriate to the matter; but

(ii) is not provided for at a site-specific or granular level, except as otherwise required by this Act or a national instrument.

(2) If the spatial plan committee, local authorities, or Minister are using information that is uncertain or inadequate, they must—

(a) have regard to the extent of the uncertainty or inadequacy; and

(b) consider how the content in the regional spatial plan that is based on that information may be improved over time, for example by—

(i) recording actions in the regional spatial plan that support the development of more certain or complete information; or

(ii) reviewing the content under **section 74** when more certain or complete information is likely to be available.

67D Provisions in regional spatial plan

A regional spatial plan—

(a) must include objectives; and

(b) must include maps; and

(c) must include actions; and

(d) may include policies, methods, or other types of provisions; but

(e) must not include rules.

68 ~~How regional spatial plans promote integration~~ Overview of effect of regional spatial plans

(1) A regional spatial plan has effect under the following legislation~~ to the extent~~ as provided for in that legislation:

~~*Subpart 2 of this Part*~~ *This Act*

(a) a land use plan under~~ **subpart 2** implements~~ this Act must implement the~~ relevant~~ regional spatial plan of the relevant region (*see* **section 80(2)~~(c)~~(a)** of this Act):

Natural Environment Act 2025

(b) a natural environment plan under the **Natural Environment Act 2025** ~~implements~~ must implement the~~ relevant~~ regional spatial plan of the region (*see* **section 97(2)(a)~~(iii)~~ (i) of that Act**):

Land Transport Management Act 2003

(c) a regional land transport plan under the Land Transport Management Act 2003~~ (the **LTMA**)~~ must be consistent with the~~ relevant~~ regional spatial plan of the region (*see* **section 14(a)(iii)** of ~~the LTMA~~ that Act):

(d) the Minister~~ under the LTMA~~ responsible for administering the Land Transport Management Act 2003 must take into account any relevant regional spatial plan when preparing or reviewing a~~ Government Policy Statement~~ government policy statement on land transport (*see* **section 67(1)(b)~~(iii)~~ (iv)** of the LTMA):

Local Government Act 2002

(e) a long-term plan under the Local Government Act 2002~~ (the **LGA**)~~ must set out steps to implement or progress the actions for which the local authority is a lead under this Part (*see* **clause 26A of Schedule 10 of the~~ LGA~~ Local Government Act 2002**).

(2) This section is a guide only to the general scheme and effect of key legislation that provides for the effect of regional spatial plans.

Compare: 2023 No 47 s 4

68A Statutory acknowledgements to be attached to regional spatial plan

(1) Every statutory acknowledgement that applies in a region must be attached to the regional spatial plan for that region.

(2) The provisions of the legislation that provide for a statutory acknowledgement apply.

(3) The attachment of a statutory acknowledgement to a regional spatial plan is for public information only and, unless adopted by the local authorities of the region as part of the regional spatial plan, is not part of the regional spatial plan.

69 Process agreement for preparation of regional spatial plan

(1) The local authorities of each region must agree upon the following matters in relation to the preparation of a regional spatial plan:

(a) the key geographical areas, issues, and opportunities that the draft regional spatial plan will focus on:

(b) the roles of each local authority in the process, including how the local authorities will work together:

(c) how the local authorities will work with central government, including relevant agencies and Crown entities:

(d) how the local authorities will work with other local authorities in adjacent regions:

(e) how each local authority will ensure that its obligations or agreements under iwi participation legislation or agreements under that legislation, existing joint management agreements, or existing or initiated Mana Whakahono ā Rohe are upheld during the process:

(f) how the spatial plan committee will consult iwi authorities in the region:

(g) how the local authorities will work with infrastructure providers, development and sector groups, others with a strong interest in spatial planning, and communities.

(2) The local authorities must agree upon the matters set out in **subsection (1)** in a manner consistent with relevant requirements in this Part, **Schedule 2**, and any relevant national standards or regulations.

(3) The local authorities must —

(a) agree the matter set out in **subsection (1)(d)** with the relevant local authorities of the adjacent regions; and

(b) set out the matters agreed to under **subsection (1)** in a document; and

(c) make that document available to the public.

70 Consultation with iwi

(1) A spatial plan committee must consult —

(a) iwi authorities in the region in preparing the draft regional spatial plan; and

(b) any customary marine title groups in the region on aspects of the draft regional spatial plan that relate to the coastal marine area.

(2) Consultation under **subsection (1)** must include —

(a) prior notification that a draft regional spatial plan is to be prepared; and

(b) providing the draft regional spatial plan to iwi authorities before public notification of the plan; and

~~(c) providing relevant parts of the draft regional spatial plan to customary marine title groups before public notification of the plan; and~~

~~(d) seeking iwi authority and customary marine title group views on the draft or relevant parts of the draft regional spatial plan.~~

Spatial plan committees

~~**71 Requirement to have spatial plan committee**~~

~~(1) The local authorities of each region must work together to provide terms of reference to a committee to perform or exercise the functions, duties, and powers of a spatial plan committee under this Act.~~

~~(2) A spatial plan committee may be —~~

~~(a) appointed in accordance with the Local Government Act 2002; or~~

~~(b) an existing committee established under legislation.~~

~~(3) A spatial plan committee must appoint a chairperson and a secretariat in accordance with regulations.~~

~~**72 Ministerial appointments to spatial plan committee**~~

~~(1) The Minister may appoint —~~

~~(a) 1 member to a spatial plan committee; and~~

~~(b) 1 or more additional members to that committee, if the local authorities of the region agree to that additional number of members.~~

~~(2) A member of a spatial plan committee appointed by the Minister has the same voting rights as a member appointed by the local authorities of the region, unless the Minister directs in writing at the time of appointment that the member —~~

~~(a) is a non-voting member; or~~

~~(b) may only vote on specified matters.~~

71 Appointment of spatial plan committee

(1) The local authorities of a region must work together to appoint a spatial plan committee for their region.

(2) A spatial plan committee must be—

(a) a joint committee of the local authorities appointed in accordance with clauses 30 and 30A of Schedule 7 of the Local Government Act 2002; or

(b) an existing committee that—

(i) was established under the Local Government Act 2002 or other legislation; and

(ii) has an existing regional planning function; or

(c) if the region has a unitary authority, a committee, subcommittee, or other subordinate body of that unitary authority appointed in accordance with clause 30 of Schedule 7 of the Local Government Act 2002.

(3) Every local authority in the region—

(a) is entitled to appoint at least 1 member of the spatial plan committee; but

(b) may agree with the other local authorities (in the agreement under clause 30A(1) of Schedule 7 of the Local Government Act 2002) that it will not appoint a member.

(4) The local authorities must ensure that 1 or more of the members of the spatial plan committee has knowledge, skill, and experience relating to—

(a) te ao Māori; and

(b) Māori development.

(5) The Minister may appoint—

(a) 1 member to a spatial plan committee; and

(b) 1 or more additional members to that committee, if the local authorities of the region agree to that additional number of members.

(6) A member of a spatial plan committee appointed by the Minister has the same voting rights as a member appointed by the local authorities of the region, unless the Minister directs in writing at the time of appointment that the member—

(a) is a non-voting member; or

(b) may only vote on specified matters.

(7) A spatial plan committee must appoint a chairperson in accordance with any requirements prescribed in regulations.

(8) If a spatial plan committee is an existing committee as described in **subsection (1)(b)**,—

(a) to the extent that the existing committee is acting as a spatial plan committee, the committee's arrangements (including its membership, functions, and procedures) must be modified to comply with the requirements of this Act; but

(b) for all other purposes, the existing committee's original arrangements continue to apply.

~~**73 Role of spatial plan committee**~~

~~The role of a spatial plan committee is to—~~

~~(a) appoint a secretariat (*see* **section 74**); and~~

~~(b) prepare a draft regional spatial plan for its region (*see* **clause 9 of Schedule 2**); and~~

~~(e) prepare an options assessment report (*see* **clause 9(2)(b) of Schedule 2**); and~~

~~(d) consult on the draft regional spatial plan for its region (*see* **sections 69 and 70**); and~~

~~(e) recommend the draft regional spatial plan to all local authorities in the region for approval to publicly notify it (*see* **clause 11 of Schedule 2**); and~~

~~(f) provide advice to the local authorities in the region on the independent hearings panel's recommendations on the draft regional spatial plan for its region (*see* **section 18**); and~~

~~(g) review and amend the regional spatial plan for its region (*see* **clauses 31 to 35 of Schedule 2**); and~~

~~(h) prepare and consult on a co-ordination plan (*see* **clause 36 of Schedule 2**); and~~

~~(i) monitor and report on the coordination document (*see* **clauses 37 and 38 of Schedule 2**).~~

73A Spatial plan committee's secretariat

(1) A spatial plan committee must appoint a secretariat to provide it with technical and administrative support.

(2) A secretariat must include 1 or more technical experts or advisors who are appointed by the chief executive of the Ministry and whose work for the secretariat is funded by the Crown.

(3) The secretariat, including a member appointed by the chief executive, is subject to the direction of the spatial plan committee.

Implementation plan

73B Implementation plan

(1) A spatial plan committee must prepare and maintain an implementation plan to support the implementation of a regional spatial plan.

(2) An implementation plan must set out—

(a) the actions required to implement the regional spatial plan; and

(b) the following details about each action:

(i) relative priority:

(ii) who is responsible for implementing it:

(iii) timing:

(iv) any planned or secured funding.

(3) An implementation plan must—

(a) be prepared in the manner prescribed by regulations; and

(b) contain any other information prescribed by regulations; and

(c) be published (in the manner prescribed by regulations) no later than 6 months after the local authorities of a region adopt a regional spatial plan.

73C Review of implementation plan

(1) A spatial plan committee must review and, if necessary, amend its implementation plan—

(a) no later than 6 months after adopting a draft regional spatial plan that is a change to a regional spatial plan; and

(b) at any other time as required by regulations.

(2) A review of, and any amendment to, an implementation plan must be carried out in the manner prescribed by regulations.

73D Monitoring and reporting on implementation of regional spatial plan

(1) A spatial plan committee must monitor and report annually on progress to implement the regional spatial plan, as measured against the implementation plan.

(2) Monitoring and reporting must be carried out in the manner prescribed by regulations.

~~Other requirements relating to~~ Review of regional spatial plans

~~74 Other requirements relating to regional spatial plans~~

~~The provisions set out in **Schedule 2** have effect according to their terms, relating to the following—~~

~~(a) the content of regional spatial plans:~~

~~(b) the preparation of draft regional spatial plans:~~

~~(c) hearings by independent hearings panels on draft regional spatial plans and related appeals:~~

~~(d) the dispute resolution process for decisions on regional spatial plans:~~

~~(e) the adoption of regional spatial plans:~~

~~(f) the review of regional spatial plans:~~

~~(g) the implementation of regional spatial plans.~~

74 Review of regional spatial plan

(1) A spatial plan committee must commence a review of all or part of a regional spatial plan if—

(a) the regional spatial plan, or part of it, has been in force for 10 years and has not been reviewed during that period; or

(b) a new planning document is prepared by a customary marine title group and lodged under section 86 of the Marine and Coastal Area (Takutai Moana) Act 2011; or

(c) a national instrument requires the regional spatial plan, or part of it, to be reviewed.

(2) A spatial plan committee may commence a review of all or part of a regional spatial plan at any time.

(3) A spatial plan committee must, from time to time, review new information relating to the built environment and natural environment in its region to consider whether a review of all or part of a regional spatial plan is necessary or desirable.

(4) A spatial plan committee must give public notice of any review.

(5) A notice of a review must—

(a) state when the review commences; and

(b) identify if the review applies to all or part of the regional spatial plan (and, if the latter, which part or parts); and

(c) set out the reasons for the review (including, if the review relates to part of a regional spatial plan, the reasons for reviewing only that part or those parts); and

(d) be published in the manner prescribed by regulations.

(6) After completing a review, a spatial plan committee must publish (in the manner prescribed by regulations) a report on the outcome of the review.

(7) The report must—

(a) summarise the reasons for the review and how the review was carried out; and

(b) set out if the spatial plan committee recommends that the regional spatial plan be amended as a result of the review.

(8) In this section, **natural environment** has the meaning given in **section 3 of the Natural Environment Act 2025**.

74A Amendments following review

If after completing a review a spatial plan committee recommends that a regional spatial plan be amended, the local authorities of the region must, as soon as is practicable, initiate a change to the regional spatial plan in accordance with **Schedule 2** (*see* **clause 3** of that schedule).

Dispute resolution

74B Consensus decision-making and dispute resolution process

(1) The local authorities of a region must do all things reasonably practicable to achieve consensus with each other when making a decision on any matter

under this Act relating to the preparation, change, or implementation of a regional spatial plan.

(2) If 2 or more local authorities of a region are unable to achieve a consensus using their respective procedures on a decision to which **subsection (1)** applies, they must follow the dispute resolution processes prescribed by regulations.

(3) The members of a spatial plan committee must do all things reasonably practicable to achieve consensus when making a decision on any matter under this Act relating to the preparation, change, or implementation of a regional spatial plan.

(4) If the chairperson of a spatial plan committee determines that a spatial plan committee is unable to achieve consensus on a decision to which **subsection (3)** applies, the spatial plan committee must follow the dispute resolution process prescribed by regulations.

(5) In this section and **section 74C**, **consensus** means—

(a) unanimity; or

(b) general agreement characterised by the absence of sustained opposition on any substantial issue.

74C Parties to refer matter to Minister if dispute resolution process fails

(1) This section applies if 2 or more local authorities in a region, or the members of a spatial plan committee, have failed to achieve consensus on a matter required for a decision after using the dispute resolution process prescribed by regulations.

(2) The local authorities or the chairperson of the spatial plan committee (as the case requires) must advise the Minister that a decision is required on the matter.

(3) The Minister may—

(a) determine the matter; or

(b) appoint an independent person to determine the matter.

(4) The local authorities or spatial plan committee must comply with any information request from the Minister or independent person that are relevant to the matter.

(5) The Minister or independent person must—

(a) consider any relevant information provided to them by the local authorities or spatial plan committee; and

(b) determine the matter, and advise the local authorities or spatial plan committee of the determination, within a reasonable time frame.

(6) The local authorities or spatial plan committee must publish a determination in the manner prescribed by regulations.

(7) A determination is binding on the local authorities or spatial plan committee.

Other matters

74D Territorial authorities located in 2 or more regions may opt out as decision maker in some regions

(1) A territorial authority whose district is included within 2 or more regions—

(a) may give notice that it chooses not to participate as a decision maker for the preparation, consideration, and adoption of a draft regional spatial plan of 1 or more of those regions; but

(b) must not give notice in relation to all of those regions.

(2) A notice must—

(a) identify the draft regional spatial plan, or the proposal for a draft regional spatial plan that has not yet been prepared, to which the notice applies (the **relevant draft**); and

(b) be given to every other local authority in the region to which the relevant draft would apply, within the time frame (if any) prescribed by regulations; and

(c) be published by the territorial authority in the manner prescribed by regulations.

(3) If a territorial authority gives notice under this section, this Part (including **Schedules 2 and 4**) applies with the following modifications:

(a) a reference to the local authorities of a region, in relation to the preparation, consideration, or adoption of the relevant draft, does not include the territorial authority:

(b) the territorial authority is not entitled to appoint a member to the spatial plan committee for the region in relation to the relevant draft:

(c) any member of the spatial plan committee for the region previously appointed by the territorial authority ceases to be a member of the spatial plan committee in relation to the relevant draft.

74E Joint regional spatial plans

(1) The local authorities of 2 or more regions may agree to prepare, implement, and administer a joint regional spatial plan that applies to their combined regions.

(2) A joint regional spatial plan—

(a) must be prepared in accordance with **subpart 1** (including **Schedule 2**); and

(b) must clearly identify which local authority or local authorities are responsible for administering each provision of the joint regional spatial plan.

(3) A joint regional spatial plan adopted under **clause 35 of Schedule 2** by all local authorities of 1 or more regions must be treated as if it were a separate regional spatial plan for each of those regions.

(4) Clauses 30 and 30A of Schedule 7 of the Local Government Act 2002 apply to the appointment and conduct of any joint committee established for the purposes of preparing, implementing, or administering a joint regional spatial plan.

Compare: 1991 No 69 s 80(3), (4), (6A), (8)–(11)

74F Special provision for Chatham Islands

(1) The Chatham Islands Council may, but is not required to, prepare a regional spatial plan for the Chatham Islands Territory.

(2) If the Chatham Islands Council chooses to prepare a regional spatial plan, this Part (including **Schedules 2 and 4**) applies—

(a) as if the Chatham Islands Territory were also a region; and

(b) with the modifications set out in **subsections (3) to (6)**.

(3) The Chatham Islands Council may withdraw a draft regional spatial plan at any time before it is adopted by publishing a notice in the manner prescribed by regulations.

(4) A spatial plan committee that reviews the regional spatial plan for the Chatham Islands Territory may recommend that the regional spatial plan be revoked and not replaced.

(5) The Chatham Islands Council—

(a) may revoke its regional spatial plan, and not replace it, if recommended by a review; and

(b) must publish a notice of any revocation in the manner prescribed by regulations.

(6) A notice under **subsection (3) or (5)** must include the reasons for the withdrawal or revocation.

74G Regional spatial plan must not apply to certain islands

A regional spatial plan must not apply to—

(a) the islands referred to in **section 183(1)** of this Act (for which the Minister of Conservation may otherwise exercise the powers of a territorial authority); or

(b) the coastal marine area surrounding those islands (for which the Minister of Conservation must otherwise exercise the powers of a regional council under **section 215A of the Natural Environment Act 2025**).

Subpart 2—Land use plans

Core requirements for plan making

75 Purpose of land use plan

(1) The purpose of ~~the preparation, implementation, and administration of~~ a land use plan for a district is to—

(a) enable and regulate the use and development of land within a district (including subdivision and activities on the surface of water bodies); and

(b) assist territorial authorities in carrying out their functions and ~~responsibilities~~ duties under this Act.

(2) The purpose of a land use plan for the coastal marine area is to—

(a) enable and regulate activities, and the use and development of land, in the coastal marine area within a region; and

(b) assist regional councils in carrying out their functions and duties under this Act.

Compare: 1991 No 69 s 72

76 Each district and region must have ~~1~~ a land use plan

There must at all times be ~~1 land use plan for each district.~~—

(a) a land use plan for each district; and

(b) a land use plan for the coastal marine area within each region.

Compare: 1991 No 69 s 73(1)

77 How land use plan is prepared or changed

(1AAA) **Schedule 3** sets out provisions relating to the preparation and change of land use plans, and the preparation and change of natural environment plans under the **Natural Environment Act 2025**. **Schedule 3** has effect according to its terms.

(1) A territorial authority must prepare or change the land use plan for its district in accordance with **Parts 1 ~~and~~, 2, and 4 of Schedule 3**.

(1A) A regional council must prepare or change the land use plan for the coastal marine area within its region in accordance with **Parts 1, 2, and 4 of Schedule 3**.

(2) Any person (other than ~~a territorial authority~~ the local authority that prepared the plan) may request a change to a land use plan in accordance with **clause 49 of Schedule 3**.

(3) **Part 3 of Schedule 3** sets out provisions relating to when rules in a proposed land use plan have legal effect.

~~(4) **Schedule 4** sets out provisions relating to the appointment and funding of independent hearings panels, which have functions to hold any hearing and make recommendations when a plan is being prepared or changed.~~

Compare: 1991 No 69 s 73(1)–(2)

77A Independent hearings panel

Schedule 4 sets out provisions relating to the appointment and funding of independent hearings panels, which have functions to hold any hearing and make recommendations when a land use plan is being prepared or changed.

78 Land use plan must include standardised plan provisions as directed by national instrument

(1) A ~~territorial~~ local authority—

(a) must include a standardised plan provision in its land use plan or a proposed land use plan if ~~a~~ national ~~instrument directs~~ standards direct it to include that provision; and

(b) may include a standardised plan provision in its land use plan or a proposed land use plan if ~~a~~ national ~~instrument directs~~ standards direct that it may include that provision~~; and~~.

~~(c) must comply with any substantive or procedural requirements in a national instrument relating to a standardised plan provision.~~

(2) ~~In particular, a territorial~~ A local authority may do any of the following only if authorised by ~~a~~ national ~~instrument~~ standards:

(a) determine where a ~~the spatial application of the~~ standardised plan provision applies spatially:

(b) select which standardised plan provision, out of 2 or more alternatives set out in the national ~~instrument~~ standards, it will include in its plan:

(c) determine any content in a standardised plan provision ~~specified by the national instrument~~ from within parameters set out in ~~that instrument~~ the national standards:

(d) choose not to include a standardised plan provision.

(3) A ~~territorial~~ local authority must not amend a standardised plan provision.

79 Plan may include bespoke plan provisions if authorised or not precluded by national instrument

A ~~territorial~~ local authority may include a bespoke plan provision in a land use plan or proposed land use plan~~, but~~ only if—

(a) a national instrument authorises the ~~territorial~~ local authority to prepare a bespoke plan provision (*see* ~~**section 48(1)(b)**~~ **54(2)(b)**); or

(b) the national instruments do not preclude the ~~territorial~~ local authority from including a bespoke plan provision.

~~(2) A territorial authority must comply with any substantive or procedural requirements in a national instrument relating to a bespoke plan provision (*see* **section 48(3)**).~~

80 Core obligations when preparing and deciding land use plan

(1) This section sets out the core obligations that apply when—

(a) a~~ territorial~~ local authority is making a decision ~~on a matter~~ that a national instrument expressly authorises it to make, in relation to if and how it incorporates a standardised plan provision into its land use plan or proposed land use plan (*see* **sections ~~48~~ 54 and 78**); and

(b) a~~ territorial~~ local authority is preparing or deciding a bespoke plan provision (*see* **section 79**).

(2) A~~ territorial~~ local authority must make its decisions in accordance with its ~~responsibilities and~~ functions and duties under **sections 184 and 185** so that the resulting land use plan implements—

~~(a) the national policy direction; and~~

~~(b) any national standard; and~~

~~(c) any relevant provision in a regional spatial plan.~~

(a) the regional spatial plan; and

(b) national instruments, in accordance with **section 12**.

(3) However, **subsection ~~(2)(c)~~ (2)(a)** does not apply in relation to a provision in a regional spatial plan~~ to the extent that~~ if the~~ territorial~~ local authority is satisfied that—

(a) the provision is out of date because ~~as a result~~ of new information that supersedes the information used to determine the content of the provision in the regional spatial plan; or

(b) there has been a significant change in circumstances ~~or in the physical environment~~ since that provision was decided (for example, a major environmental or economic event).

(4) The~~ territorial~~ local authority must—

(a) have particular regard to—

(i) the evaluation report required by **clause 10 of Schedule 3**; and

(ii) the ~~any~~ justification report (if any) required by **clause 11 of Schedule 3**; and

(iii) the ~~any~~ further evaluation report or further justification report (if any) required by **clause 26 or 27 of Schedule 3**; and

(b) have regard to—

(i) any statutory acknowledgement that applies to the area~~ to which the proposed land use plan or private plan change applies~~; and

(ii) a ~~any~~ relevant planning document (if any) recognised by an iwi authority and lodged with the territorial authority; and

(c) have regard to each ~~any~~ of the following to the extent that it is relevant to ~~has a bearing on~~ land use activities in the ~~district~~ area to which the plan applies and is within the ~~territorial~~ local authority's ~~responsibilities~~ functions or duties:

(i) in the case of a land use plan for a district, the extent to which the land use plan needs to be consistent with—

(A) any land use plan or proposed land use plan of an adjacent ~~territorial authority~~ district:

(B) ~~the provisions of~~ any land use plan, proposed land use plan, natural environment plan, or proposed natural environment plan that ~~apply~~ applies to the parts of the coastal marine area that are adjacent to the district ~~of the territorial authority~~:

(ia) in the case of a land use plan for the coastal marine area, the extent to which the land use plan needs to be consistent with—

(A) any natural environment plan or proposed natural environment plan that applies to that part of the coastal marine area:

(B) any land use plan that applies to a district adjacent to that part of the coastal marine area:

(ii) any relevant project area and project objectives (as those terms are defined in section 9 of the Urban Development Act 2020), if section 98 of that Act applies:

(iii) any regulations or bylaws under any Act relating to ensuring the sustainability, or the conservation, or management, ~~or sustainability~~ of fisheries resources (including regulations or bylaws relating to taiāpure ~~taiapure~~, mahinga mātaitai ~~mataitai~~, or other non-commercial Māori customary fishing):

(iv) any ~~adaptation~~ plan relating to adapting to the effects of climate change prepared ~~under the Climate Change Response Act 2002~~ by a local authority.

(5) The ~~territorial~~ local authority must comply with—

(a) a ~~any~~ direction of the Minister under **section 203**; and

~~(b) any requirements in this subpart; and~~

(c) any regulations.

Compare: 1991 No 69 ss 74(1), ~~(2),~~ (2A), 75(3)

Types of provisions in land use plans

81 Provisions in land use plan

(1) A land use plan—

(a) must include objectives, policies, and rules; and

(b) must include a relief framework if required by **clause 65 of Schedule 3** ~~**section 92**~~; and

(c) may include methods; and

(d) may include designations in accordance with **Schedule 5**.

(2) A land use plan may incorporate material by reference in the ~~prescribed~~ manner prescribed by regulations.

Further matters relating to rules ~~in a plan~~

82 Plan must not permit activity that has certain effects on protected customary rights

(1) A land use plan or a proposed land use plan must not include a rule that classifies an activity as a permitted activity if that activity will, or is likely to, have an adverse effect that is more than minor on a protected customary right carried out under Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011.

(2) This section applies despite anything to the contrary in a national instrument.

Compare: 1991 No 69 s 85A

83 Process if plan or proposed plan does not comply with section 82

(1) If a protected customary rights group considers that a rule in a land use plan or proposed land use plan does not comply with **section 82**, the group may—

(a) request a change to the rule in the plan in accordance with **clause 49 of Schedule 3**; or

(b) make a submission on the proposed plan in accordance with **Part 1 of Schedule 3**; or

(c) apply to the Environment Court in accordance with **clause 49(3) of Schedule 9** for a change to the rule in the plan or proposed plan.

(2) In determining whether a rule in a plan or proposed plan complies with **section 82**, the territorial authority or the Environment Court ~~(as the case requires)~~ must consider the following matters:

(a) the effects of the proposed activity on the exercise of a protected customary right; and

(b) the area that the proposed activity would have in common with the protected customary right; and

(c) the degree to which the proposed activity must be carried out to the exclusion of other activities; and

(d) the degree to which the exercise of a protected customary right must be carried out to the exclusion of other activities; and

(e) whether the protected customary right can be exercised only in a particular area.

Compare: 1991 No 69 s 85B

83A Customary marine title permitted activity rules in plan or proposed plan

(1) A land use plan or a proposed land use plan must not include a rule that classifies an activity in the common marine and coastal area as a permitted activity unless, before including the rule, the local authority considers whether the activity (as permitted by the rule) will or is likely to have—

(a) an adverse effect that is more than minor on the relationship of a customary marine title group with their customary marine title area; or

(b) an adverse effect that is more than minor on the relationship of an applicant group with the area for which they seek customary marine title.

(2) If the local authority considers that the activity will or is likely to have an adverse effect described in **subsection (1)(a) or (b)**, the regional council must identify in the plan or proposed plan that the rule is a customary marine title permitted activity rule.

(3) This section applies whether or not a national instrument requires the permitted activity rule be included in the plan or proposed plan.

(4) *See also* **sections 66 and 68 of the Marine and Coastal Area (Takutai Moana) Act 2011**, which provide that a customary marine title group has a permission right in relation to an activity permitted by a customary marine title permitted activity rule in their customary marine title area.

(5) In this section and in **section 83B**, **applicant group** has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011.

83B National rules that are customary marine title permitted activity rules

(1) This section applies if a national rule that classifies an activity as a permitted activity is to apply to any part of the common coastal marine area.

(2) The local authority must consider whether the activity (as permitted by the national rule) will or is likely to have—

(a) an adverse effect that is more than minor on the relationship of a customary marine title group with their customary marine title area; or

(b) an adverse effect that is more than minor on the relationship of an applicant group with the area for which they seek customary marine title.

(3) If the local authority considers that the activity will or is likely to have an adverse effect described in **subsection (2)(a) or (b)**, the local authority must amend its land use plan, and any proposed land use plan, to identify the national rule as a customary marine title permitted activity rule.

(4) The local authority must make the amendments—

(a) so that they come into force on, or as soon as is reasonably practicable after, the date on which the national rule comes into force; and

(b) without using the process in **Schedule 3**.

83C Rules to protect other property from the effects of surface water may set higher performance criteria than building code

(1) A rule in a land use plan may, for the purpose of protecting other property from the effects of surface water, include requirements that—

(a) apply to a person undertaking building work; and

(b) set performance criteria that are in addition to, or more restrictive than, the building code.

(2) This section applies despite **section 14(1)(a) and (j)**.

(3) In this section, **building code** and **other property** have the meanings given in section 7 of the Building Act 2004.

Compare: 1991 No 69 s 76(2A)

83D Plan may permit effects that water services standard does not deal with

(1) **Subsection (2)** applies if a water services standard provides that—

(a) an activity is permitted; or

(b) an activity does not require a land use consent.

(2) A land use plan may permit, and impose conditions that deal with, any effects of the activity that differ from those regulated or managed in the water services standard.

(3) However, **subsection (2)** does not apply if the wastewater environmental performance standard or stormwater environmental performance standard provides otherwise.

Compare: 1991 No 69 ss 58JC, 58JE

84 Rules that modify requirements for esplanade reserves

(1) For allotments of less than 4 hectares created by the subdivision of land, a rule in a land use plan may—

(a) specify the required width of any esplanade reserve required under **clause 40 of Schedule 7**; or

(b) provide that no esplanade reserve is required under that clause; or

(c) provide that, instead of an esplanade reserve required under that clause, an esplanade strip of a width specified in the rule may be created in accordance with **clause 45 of Schedule 7**.

(2) For allotments of 4 hectares or more created by the subdivision of land, a rule in a land use plan may provide that—

(a) an esplanade reserve of a specified width is required under **clause 40 of Schedule 7**; or

(b) an esplanade strip of a specified width must be created under **clause 45 of Schedule 7**.

(3) A rule in a land use plan may—

(a) specify the required width of any esplanade reserve required under section 345(3) of the Local Government Act 1974 (being greater or less than the 20 metres referred to in that section); or

(b) provide that section 345(3) of the Local Government Act 1974 does not apply.

Compare: 1991 No 69 s 77

84A Requirements for rules that control fishing

(1) A regional council must not include in a land use plan a rule that controls fishing within the coastal marine area unless—

(a) the rule complies with **subsection (2)**; and

(b) either—

(i) the rule was included in the proposed plan when it was notified for submissions and applies to the same area as shown in the proposed plan (subject to minor boundary adjustments); or

(ii) the rule applies within an area to which a rule described in **subparagraph (i)** applies.

(2) A rule in a land use plan that controls fishing in the coastal marine area—

(a) may classify fishing as a prohibited activity:

(b) may classify fishing as a permitted activity, but only if it is an exception to a rule that classifies fishing as a prohibited activity:

(c) must not classify fishing as a restricted discretionary or a discretionary activity.

(3) **Subsection (2)** applies despite **section 31**.

Compare: 1991 No 69 s 71

84B Rules that control fishing do not apply to Māori customary non-commercial fishing rights in specified legislation

A rule in a land use plan that controls fishing does not apply to customary non-commercial fishing provided for in—

(a) regulations made under any of sections 186, 297, and 298 of the Fisheries Act 1996 for the purpose of giving effect to section 10 of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992; or

(b) regulations made under an Act that requires regulations to be made or to be treated as made under the Fisheries Act 1996 for the purpose of giv-

ing effect to section 10 of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992; or

(c) the Te Arawa Lakes (Fisheries) Regulations 2006; or

(d) regulations made under an Act for the purpose of giving effect to a Treaty settlement between the Crown and tangata whenua in respect of their customary non-commercial fishing rights.

Compare: 1991 No 69 s 86H

85 Conflicts between rules and regulations

If a rule in a land use plan is inconsistent with a regulation under this Act, the regulation prevails.

Compare: 1991 No 69 s 76(2)

Incentives

86 Methods relating to incentives

A method in a land use plan may provide an incentive to a land owner to undertake an activity only if—

~~(a) the incentive is of a kind specified in regulations and meets any prescribed criteria; and~~

(b) the ~~territorial~~ local authority considers that the activity will help achieve the objectives and policies of the plan~~.~~; and

(c) the incentive complies with the requirements, if any, prescribed by a national instrument or regulations.

~~*Evaluation reports and justification reports*~~

~~**87 Requirements for evaluation reports**~~

~~(1) An evaluation report required under **clause 10 of Schedule 3** for a draft of a proposed plan must set out how the draft proposed plan implements—~~

~~(a) the relevant spatial plan; and~~

~~(b) any applicable national policy direction; and~~

~~(c) any applicable goal to the extent permitted by **section 12(4)**.~~

~~(2) The evaluation report must—~~

~~(a) summarise the territorial authority's reasons for selecting any standardised plan provision from a national standard, if a national standard authorises or requires the territorial authority to choose between any 2 or more alternative standardised plan provisions; and~~

~~(b) state how, if at all, the draft has been influenced by—~~

~~(i) pre-notification consultation (*see* **clause 5 of Schedule 3**); and~~

~~(ii) any other engagement with local communities.~~

(3) The evaluation report —

(a) must contain sufficient detail to identify the key content in a draft proposed plan; but

(b) is not required to individually address every objective, policy, rule, or method in the draft.

Compare: 1991 No 69 s 32

88 Requirements for further evaluation report

(1) A further evaluation report required under **clause 26 or 27 of Schedule 3** for a proposed plan —

(a) is required only for any significant changes that have been made to, or are proposed for, the proposed plan since the relevant evaluation report or previous further evaluation report was completed; but

(b) is not required if the significant change is the replacement of a bespoke plan provision with a standardised plan provision.

(2) A further evaluation report must —

(a) be prepared in accordance with **section 87(1) and (2)**; and

(b) contain a level of detail that corresponds to the scale and significance of the changes for which the report is required.

Compare: 1991 No 69 s 32AA

89 Requirements for justification reports

(1) This section sets out the requirements for a justification report required under **clause 11 of Schedule 3** for a draft of a proposed plan that contains a bespoke plan provision or a provision on a specified topic.

(2) In relation to a bespoke plan provision, a justification report must —

(a) justify why the provision is either —

(i) expressly authorised by a national instrument; or

(ii) not precluded by any national instrument; and

(b) describe the positive and negative impacts of the provision; and

(c) assess the costs and benefits of the provision, including any costs and benefits from the provision or reduction of development capacity; and

(d) state how the territorial authority proposes to monitor the effectiveness of the proposed provision; and

(e) summarise the evidence for its view that **section 80(3)** applies; if the territorial authority is proposing that the bespoke plan provision will not give effect to any provision in the regional spatial plan in accordance with that section; and

(f) state how, if at all, the draft has been influenced by —

(i) pre-notification consultation (*see* **clause 5 of Schedule 3**); and

(ii) any other engagement with local communities.

(3) In relation to a provision on a specified topic, a justification report must—

(a) identify which specified topic the provision relates to; and

(b) justify why the provision is not precluded by national instruments; and

(c) describe the area to which the provision applies, including any site, structure, landscape, or feature (as the case requires); and

(d) assess the extent to which the provision is appropriate in relation to the cultural or natural values associated with that area; and

(e) describe the key data and evidence that has informed the proposed provision, including the spatial application of the proposed provision; and

(f) include the matters in **subsection (2)(b) to (e)**.

(4) The justification report must contain a level of detail that corresponds to the scale and significance of the content of the draft proposed plan.

Compare: 1991 No 69 s 32

90 Requirements for further justification reports

(1) A further justification report required under **clause 26 or 27 of Schedule 3** for a proposed plan—

(a) is required only for any significant changes that have been made to, or are proposed for, a bespoke plan provision or a provision on a specified topic since the relevant justification report or a previous further justification report was completed; but

(b) is not required if the significant change is the replacement of a bespoke plan provision with a standardised plan provision.

(2) A further justification report must—

(a) be prepared in accordance with **section 87(1) and (2)**; and

(b) contain a level of detail that corresponds to the scale and significance of the changes for which the report is required.

Compare: 1991 No 69 s 32AA

91 Failure to properly prepare evaluation report or justification report

(1) A proposed plan or any provision in it—

(a) may be challenged on the grounds that **section 87 or 89** or **clause 10 or 11 of Schedule 3** have not been complied with; but

(b) may only be challenged in a submission on the proposed plan made in accordance with **Schedule 3**.

~~(2) **Subsection (1)** does not prevent a person who is hearing a submission or an appeal on a proposed plan from having regard to the matters in **section 87 or 89**.~~

~~Compare: 1991 No 69 s 32A~~

Regulatory relief

92 Obligations relating to regulatory relief in Schedule 3

Part 4 of Schedule 3 sets out obligations relating to the regulatory relief framework and has effect according to its terms~~ where a rule in a plan or proposed plan relates to a specified topic and entitlements where that rule has a significant impact on the reasonable use of land~~.

Future provisions

93 Land use plan~~ or proposed land use plan~~ may make area subject to future provisions

(1) A land use plan~~ or proposed land use plan~~ may provide that an area in a district is subject to—

(a) temporary provisions; and

(b) future provisions.

(2) If an area is subject to temporary and future provisions,—

(a) the future provisions apply to the area on and from the date that the territorial authority gives notice under **section 96** that the relevant rules are met; and

(b) the temporary provisions apply to the area until that date.

94 Requirements for making area subject to temporary and future provisions

(1) If a land use plan~~ or proposed plan~~ provides that an area is subject to temporary and future provisions, the plan~~ or proposed plan~~ must—

(a) include rules that set requirements that, if met, will enable the territorial authority to give public notice that the future provisions apply to the area; and

(b) clearly identify all of the future provisions; and

(c) clearly identify all of the temporary provisions.

(2) The rules described in **subsection (1)(a)** may—

(a) describe, or specify performance standards for, any infrastructure that is required; or

(b) specify events that must occur (including by specifying that an agreement must be reached); or

(c) specify any other condition that must be met.

~~**95 Requirements for future provisions to apply**~~

~~The rules described in **section 94(a)** may set requirements by doing any of the following:~~

~~(a) describing, or specifying performance standards for, any infrastructure that is required:~~

~~(b) specifying events that must occur, including specifying that an agreement must be reached:~~

~~(c) specifying any other condition that must be met.~~

96 ~~Territorial~~ Local authority must give notice if requirements are satisfied

(1) A ~~territorial~~ local authority must give public notice that future provisions replace temporary provisions in an area if—

(a) the ~~territorial~~ local authority is satisfied that the rules described in **section 94(1)(a)** for that area are met; and

(b) all of the following provisions are operative:

(i) the rules described in **section 94(1)(a)**:

(ii) the ~~all~~ future provisions.

(2) The notice must—

(a) describe the area to which the future provisions apply; and

(b) specify the date on and from which the future provisions will apply; and

(c) summarise the future provisions and the temporary provisions they replace.

(3) A ~~territorial~~ local authority that gives ~~a~~ notice must, without using the process in **Schedule 3**, amend its land use plan to record that on and from the date specified in the notice—

(a) the future provisions apply to the area; and

(b) the temporary provisions no longer apply to that area.

(4) To avoid doubt, ~~There~~ is no right of review ~~objection~~ to the Planning Tribunal, and no right of appeal, against a decision of a ~~territorial~~ local authority to give or refuse to give notice under this section.

Changing ~~plan~~ provisions in land use plan without using Schedule 3 process if authorised by planning consent

97 Applying for planning consent that authorises change to plan provisions

(1) A person may apply under **section 109** for a planning consent that authorises a change to the ~~plan~~ provisions in a land use plan that apply to an area under ~~in accordance with~~ **section 98**.

(2) A plan may be changed under ~~in accordance with~~ **section 98** only if the change ~~involves the application of standardised plan provisions to the area, and does not include any bespoke provisions (*see also* **section 144**)~~.

(a) involves the application of standardised plan provisions to the area; and

(b) does not include any bespoke provisions.

(2A) *See also* **section 144**.

(3) For the purposes of this section and **section 98**, a subdivision consent is given effect to if the territorial authority has issued a certificate under **clause 25 of Schedule 7** (certificate that consent conditions are complied with) for ~~in relation to~~ that consent.

98 ~~Territorial~~ Local authority may change plan provisions if authorised by planning consent

(1) This section applies if—

(a) a planning consent has been granted under ~~in accordance with~~ **section 144** that authorises a change to ~~the plan~~ provisions in a land use plan that apply to an area; and

(b) the ~~territorial~~ local authority (as the consent authority) is satisfied that the consent has been given effect to.

(2) The ~~territorial~~ local authority must decide~~, in accordance with **section 80**~~, whether the ~~change to the provisions by~~ standardised plan provisions identified in the consent would result in ~~plan~~ provisions that are more appropriate for the area than the operative ~~plan~~ provisions that apply to that area.

(2A) The local authority—

(a) must make its decision under **subsection (2)** in accordance with **section 80** (but not **section 80(2)(a)**); and

(b) must not decide that the standardised plan provisions are more appropriate unless satisfied that the change is not inconsistent with the regional spatial plan.

(3) If the ~~territorial~~ local authority decides that the standardised plan provisions identified in the consent ~~or consents~~ are more appropriate, it must, without using the process in **Schedule 3**, amend its land use plan to replace the operative plan provisions that apply to the area with the standardised plan provisions identified in the consent.

(4) The ~~territorial~~ local authority must publish (in the ~~prescribed~~ manner prescribed by regulations) a notice of any change under **subsection (3)** no later than 5 working days after amending its plan.

(5) ~~There~~ To avoid doubt, there is no right of review ~~objection~~ to the Planning Tribunal, and no right of appeal, against a decision of a ~~territorial~~ local authority to change~~,~~ or refuse to change~~,~~ provisions under ~~in accordance with~~ this section.

Review of land use plans

99 Review of provisions in land use plan at least every 10 years

(1) A ~~territorial~~ local authority must commence a review of a provision in a land use plan if that provision has been operative for 10 years and has not been subject to ~~any~~ either of the following ~~in the previous 10 years~~ during that period:

(a) a proposed plan or private plan change:

(b) a review under this section.

(2) If, after reviewing the provision, the ~~territorial~~ local authority considers that the provision should be amended, the ~~territorial~~ local authority must prepare and notify for submissions (in accordance with **Schedule 3**) a proposed plan to amend or replace the provision.

(3) If, after reviewing the provision, the ~~territorial~~ local authority considers that the provision does not need to be amended, the ~~territorial~~ local authority must prepare and notify for submissions (in accordance with **Schedule 3**) a proposed plan that includes the provision unchanged.

(4) A provision in a land use plan does not cease to be operative because the provision is due for review, or is being reviewed, under this section.

(4A) A local authority may commence a review of a provision in a land use plan at any time.

(5) To avoid doubt, a ~~territorial~~ local authority may choose to comply with ~~this section~~ **subsections (1) to (3)** by carrying out a full review of all provisions in its land use plan (regardless of when those provisions became operative or were last reviewed) and proceeding to prepare, and notify for submissions, a proposed plan.

Compare: 1991 No 69 s 79

Other matters

99A Joint land use plans

(1) Two or more local authorities may agree to prepare, implement, and administer a joint land use plan that applies to their combined areas.

(2) A joint land use plan—

(a) must be prepared in accordance with **subpart 2** (including **Schedule 3**); and

(b) must clearly identify which local authority or local authorities are responsible for administering each provision of the joint land use plan.

(3) A joint proposed land use plan that is notified for submissions by 1 or more local authorities in accordance with **clause 15 or 16 of Schedule 3** must be treated as if it were a separate proposed land use plan for each area of those local authorities.

(4) A joint land use plan (or provision in a joint land use plan) that becomes operative in accordance with **clause 45 of Schedule 3** in relation to 1 or more local authorities must be treated as if it were a separate land use plan (or a provision in a separate land use plan) for each area of those local authorities.

(5) Clauses 30 and 30A of Schedule 7 of the Local Government Act 2002 apply to the appointment and conduct of any joint committee set up for the purposes of preparing, implementing, or administering a joint land use plan.

(6) In this section, **area**,—

(a) in relation to a territorial authority, means the district of the territorial authority; and

(b) in relation to a regional council, means the coastal marine area that is within the region of the regional council.

Compare: 1991 No 69 s 80(3), (4), (6A), (8)–(11)

100 Statutory acknowledgements to be attached to land use plans

(1) Every statutory acknowledgement that applies in a district must be attached to the land use plan for that district.

(1A) Every statutory acknowledgement that applies in part of the coastal marine area within a region must be attached to the land use plan for that region.

(2) The provisions of the legislation that ~~provides~~ provide for a statutory acknowledgement apply.

(3) The attachment of a statutory acknowledgement to a land use plan is for public information only and, unless adopted by the territorial authority as part of the plan, is not part of the plan.

101 Disputes relating to whether land use plan implements national instruments or regional spatial plan

(1) This section applies if there is a dispute about whether a land use plan implements—

(a) a national instrument ~~policy direction~~; or

~~(b) a national standard; or~~

(c) ~~any relevant provision of a~~ the regional spatial plan.

(2) The Minister, the ~~territorial~~ local authority responsible for the land use plan, or the spatial plan committee responsible for the regional spatial plan may refer the dispute to the Environment Court.

(3) If~~, after considering the dispute,~~ the Environment Court considers that the land use plan does not implement ~~or is not in accordance with (as the case requires)~~ the ~~relevant provisions of a~~ national instrument or ~~the~~ regional spatial plan, the court must order the ~~territorial~~ local authority to amend the land use plan in accordance with **section 47(4) or (5)** (as applicable).

(4) However, the Environment Court does not need to make an order ~~under **subsection (3)**~~ if it considers that the departure from the ~~a~~ national instrument or the regional spatial plan is minor or inconsequential.

Compare: 1991 No 69 s 82

102 Presumption of validity

If a ~~territorial~~ local authority asserts ~~claims~~ that a land use plan or a provision in a land use plan is operative, the plan or provision—

(a) must be treated as having been prepared and approved in accordance with **Schedule 3**; and

(b) must not be challenged except by an enforcement order of a kind specified in **section 232(1)(h)** (*see* **section 234(3)** for application requirements) ~~application for an enforcement order under **section 234(3)**~~.

Compare: 1991 No 69 s 83; 2023 No 46 s 212

103 ~~Territorial~~ Local authority must comply with and enforce land use plan

(1) A ~~territorial~~ local authority—

(a) must comply with its own land use plan and any rule of its proposed land use plan that has legal effect; and

(b) to the extent of its authority, must enforce compliance with its plan and any rule of its proposed plan that has legal effect.

(2) No purported grant of a planning consent, and no waiver from a plan or a rule in a proposed plan that has legal effect, whether written or otherwise, has effect to the extent that it is contrary to **subsection (1)**.

(3) **Subsection (2)** does not apply if the non-compliance is authorised by this Act.

Compare: 1991 No 69 s 84

104 Boundary adjustments

(1) If the boundaries of a district are changed so that any area that was formerly part of the district is administered by a different territorial authority, the land use plan and any proposed land use plan ~~or private plan change~~ that applied to the area before the boundary change—

(a) ~~continues~~ continue to apply to the area; and

(b) ~~is~~ are to be treated as part of the land use plan or proposed plan of~~, or a private plan change of,~~ the different territorial authority.

(1A) If the boundaries of a region are changed so that any part of the coastal marine area that was formerly part of the region is administered by a different regional council, any land use plan or proposed land use plan that applied to that part of the coastal marine area before the boundary change—

(a) continues to apply to that part of the coastal marine area; and

(b) is to be treated as part of the land use plan or proposed plan of the different regional council.

(2) If the boundaries of a district are changed to include, within the district, an area that was not previously within the boundaries of another district, the land must not be used—

(a) unless the use is expressly allowed by a planning consent; or

(b) until the land use plan provides that the land may be used as proposed.

(3) If the boundaries of a district are changed to include a new area,—

(a) the territorial authority must, as soon as practicable (but not later than 2 years after the change to the boundaries), change its land use plan to apply it to the new area; and

(b) on and from the date that those changes are operative, **subsections (1) and (2)** do not apply to the area.

(4) If the boundaries of a region are changed to include a new part of the coastal marine area,—

(a) the regional council must, as soon as practicable (but not later than 2 years after the change to the boundaries), change its land use plan to apply it to the new part of the coastal marine area; and

(b) on and from the date that those changes are operative, **subsection (1A)** does not apply to that part of the coastal marine area.

Compare: 1991 No 69 s 81; 2023 No 46 s 210

104A Land use plan optional for where relevant Minister is territorial authority

(1) **Subsection (2)** applies to an area of New Zealand for which the relevant Minister is the territorial authority under section 22(1) of the Local Government Act 2002.

(2) The relevant Minister may, but is not required to, prepare a land use plan for the area.

(3) In this section, **relevant Minister** means the Minister of the Crown who, with the authority of the Prime Minister, is responsible for administering the Local Government Act 2002.

105 Environment Court may give directions ~~in respect of~~ for land subject to controls

(1) An interest in land is deemed not to be taken or injuriously affected by reason of any provision in a land use plan unless otherwise provided for in this Act.

(2) Despite **subsection (1)**, a person with an interest in land to which a provision of a land use plan or a proposed land use plan applies, and who considers that the provision would severely impair the reasonable use of that interest in land, may challenge the provision on those grounds—

(a) in a submission made under **Part 1 of Schedule 3** in respect of a proposed plan; or

(b) in a change request under **clause 49 of Schedule 3** in respect of a plan.

(3) Despite **subsection (1)**, if an appeal is made to the Environment Court in relation to a provision of a proposed land use plan, the court may give a direction under **subsection (4)** after—

(a) being satisfied that the provision—

(i) would severely impair the reasonable use of land; and

(ii) places an unfair and unreasonable burden on any person who has an interest in that land; and

(b) having regard to—

(i) **subpart 2 of Part 2** (including the effect of **section 17(1)**); and

(ii) the effect of **subsection (1)** ~~of this section~~; and

(iii) **Part 4 of Schedule 3**; and

(c) taking into account any relief provided under **Part 4 of Schedule 3** in relation to the land.

(4) The Environment Court may direct the local authority to do 1 or more of the following:

(a) at the local authority's ~~election~~ choosing,—

(i) modify, delete, or replace the provision in the land use plan~~,~~ or proposed land use plan~~, or private plan change~~ in the manner directed by the court; or

(ii) acquire all or part of an estate or interest in the land under the Public Works Act 1981, as long as—

(A) the person with the estate or interest in the land or part of it agrees; and

(B) the requirements of **subsection (5)** are met:

(b) make a monetary payment:

(c) waive or reduce local government rates or fees for planning consent applications:

(d) grant similar or alternative development rights elsewhere:

(e) offer alternative parcels of land in exchange for the affected site:

(f) provide access to targeted grant programmes for restoration, fencing, planting, or other mitigation activities.

(5) The local authority must not ~~elect~~ choose a direction under **subsection (4)(a)(ii)** unless—

(a) the person with the estate or interest in the land concerned (or the spouse, civil union partner, or de facto partner of that person)—

(i) ~~had~~ acquired the estate or interest in the land before the date on which the provision was first notified or otherwise included in the relevant plan or proposed plan; and

(ii) the provision remained in substantially the same form; and

(b) the person with the estate or interest in the land consents to the giving of the direction.

(6) A direction ~~given under **subsection (4)**~~ has effect under this Act as if it were ~~made or~~ given under **clause 48 of Schedule 9**.

(7) ~~Nothing in **subsections (3) to (6)** limits~~ **Subsections (3) to (6)** do not limit the powers of the Environment Court under **clause 48 of Schedule 9** on an appeal made under **Schedule 3**.

(8) **Part 4 of Schedule 3** does not provide relief for any matter to which **subsection (1)** may apply, but is relevant for the purposes of this section to the extent that any relief provided under that Part ~~subpart~~ must be taken into account for the purposes of **subsection (3)**.

(9) In this section,—

provision of a land use plan or proposed land use plan does not include a designation or proposed designation

reasonable use, in relation to land, includes the use or potential use of the land for any activity where the actual or potential effects on any land use or on any person (other than the ~~applicant~~ person challenging the provision) would not be significant.

Compare: 1991 No 69 s 85

Subpart 3—Designations

106 Schedule 5 sets out provisions relating to designations

(1) **Schedule 5** sets out provisions relating to designations and has effect according to its terms.

(2) By way of overview,—

(a) **Part 1 of Schedule 5** sets out the effect of a designation and a proposed designation; and

(b) **Part 2 of Schedule 5** ~~of that schedule~~ contains provisions relating to designating authorities, being the entities that may propose and hold a designation; and

(c) **Parts 3 and 4 of Schedule 5** ~~of that schedule sets~~ set out the pathways for securing a designation, namely—

(i) the standard process (**Part 3**); and

(ii) the spatial planning process (**Part 4**); and

(d) **Part 5 of Schedule 5** sets out the requirements for construction project plans; and

(e) **Part 6 of Schedule 5** sets out other matters relating to designations, namely provisions relating to—

(i) approvals from a designating authority; and

(ii) the alteration, removal, lapse, and transfer of designations; and

(iii) acquiring land.

Part 4
Planning consents

Subpart 1—Types of consent

107 Meaning of planning consent

In this Act, a **planning consent** or **consent** means either of the following:

(a) a **land use consent**, which is a consent to use land in a manner that would otherwise contravene **section 17 or 17A**:

(b) a **subdivision consent**, which is a consent to subdivide land in a manner that would otherwise contravene **section 18**.

Compare: 1991 No 69 s 87; 2023 No 46 s 220

Subpart 2—Applying for planning consent

General requirements

108 Prior consultation not required

The following applies to an applicant for a planning consent and the consent authority:

(a) neither has a duty under this Act to consult any person about the application; and

(b) each must comply with a duty under any other ~~enactment~~ legislation to consult any person about the application; and

(c) each may consult any person about the application.

Compare: 1991 No 69 s 36A

109 Applying for planning consent

(1) A person may apply for a planning consent by lodging an application with the ~~relevant~~ consent authority in the manner prescribed in regulations.

~~(2) An application must—~~

~~(a) be made in the prescribed form and manner; and~~

~~(b) include the information that is required by **Schedule 6**.~~

(2) An application must include—

(a) the information required by **Schedule 6**; and

(b) any other information prescribed by regulations.

(3) An applicant must ensure that information required by **subsection ~~(2)(b)~~ (2)** is provided at a level of detail that is proportionate to the scale and significance of the ~~matter~~ effects of the activity to which the application relates.

(4) A consent authority may accept an application that does not fully comply with **subsection ~~(2)(b)~~ (2)** if the authority is satisfied that the information provided by the applicant is at a level of detail that is proportionate to the scale and significance of the ~~matter~~ effects of the activity to which the application relates.

(5) An application is lodged on the date that it is received by the relevant consent authority.

Compare: 1991 No 69 s 88(1), (2), (2AA), (2AB)

110 Activity classification to remain the same

(1) This section applies if—

(a) an application for a planning consent has been lodged under **section 109**; and

(b) the activity classification of the activity (being restricted discretionary or discretionary) is ~~altered~~ changed after the application was first lodged as a result of—

(i) a proposed plan provision being notified; or

(ii) a decision being made under **clause 27(2) of Schedule 3**; or

(iii) any other matter.

(2) The application must continue to be processed, considered, and decided as if the activity had the same activity classification that it had when the application was first lodged.

(3) This section does not affect a requirement in **section 139** to have regard to any relevant ~~provision~~ provisions of a land use plan or proposed land use plan that exists when the application is considered.

Compare: 1991 No 69 s 88A

111 Joint application for planning consent and exchange of recreation reserve land

(1) A person may make a joint application for a planning consent and an exchange of recreation reserve land under section 15AA of the Reserves Act 1977 if the ~~relevant~~ consent authority—

(a) is also the administering body in which the recreation reserve land is vested; and

(b) agrees that the applications may be made jointly.

(2) If a joint application is made, the application to exchange recreation reserve land must be—

(a) processed, with the planning consent application, in accordance with this Part; and

(b) decided under section 15AA of the Reserves Act 1977.

Compare: 1991 No 69 s 88(1A), (6)

112 Applications to territorial authorities for consent ~~where~~ if land is in coastal marine area

(1) If an application for a subdivision consent is made to a territorial authority and any part, or all, of the land proposed to be subdivided is in the coastal marine area, the territorial authority must decide the application as if the whole of that land were part of the district, and the provisions of this Act apply accordingly.

(2) **Subsection (3)** applies if—

(a) an application is made to a territorial authority for a planning consent for an activity that an applicant intends to undertake within the district of that authority once the proposed location of the activity has been reclaimed; and

(b) on the date that the application is made, the proposed location of the activity is still within the coastal marine area.

(3) ~~If this subsection applies, the~~ The authority may hear and decide the application as if the application related to an activity within its district, and the provisions of this Act apply accordingly.

(4) **Section 161** applies to every consent granted ~~in accordance with~~ under **subsection (3)**.

Compare: 1991 No 69 s 89

113 Application affecting navigation to be referred to Maritime New Zealand

(1) This section applies to an application for a land use consent to enter onto or pass across the surface of water in a navigable lake or river.

(2) The consent authority must send a copy of the application to Maritime New Zealand.

(3) Maritime New Zealand must report to the consent authority on any navigation-related matters that Maritime New Zealand considers relevant to the application, including any conditions that it considers should be included in the consent for navigation-related purposes.

(4) If Maritime New Zealand wants to report, it must do so within 15 working days after receiving a copy of the application. If it fails to report within that time ~~limit~~ frame, the consent authority may take the failure as an indication that Maritime New Zealand has nothing to report.

(5) The consent authority must—

(a) ensure that a copy of Maritime New Zealand's report is provided to—

(i) the applicant; and

(ii) every person who has made a submission on the application; and

(b) take the report into account in its consideration of the application.

Compare: 1991 No 69 s 89A

114 Application relating to area where group seeks customary marine title

(1) If a person applies for a planning consent relating to an area where an applicant group seeks customary marine title,—

(a) the person must comply with section 62A of the Marine and Coastal Area (Takutai Moana) Act 2011 (which requires the person to notify applicant groups, provide a list of the groups notified, and record their views); and

(b) the application must be treated as incomplete under **section 115** if this is not done.

(2) In this section, **applicant group** has the meaning given to it by section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011.

Compare: 1991 No 69 s 88(7), (8)

115 Consent authority may return incomplete application

(1) A consent authority may, within 10 working days after an application ~~was first~~ is lodged, determine that an application is incomplete if the application does not include the information required by **section 109(2)~~(b)~~**.

(2) If the consent authority decides that the application is incomplete, it must immediately return the application to the applicant with written reasons for the decision.

(3) A person may apply to the Planning Tribunal ~~under **clause 14 of Schedule 10**~~ to review a decision that an application is incomplete.

(4) If an application that has been returned under this section is lodged again with the consent authority, that application must be treated as a new application.

Compare: 1991 No 69 s 88(3), (3A), (4)~~, (7), (8)~~

116 Deferral pending application for additional consents

(1) A consent authority may determine not to proceed with the notification or hearing of an application for a planning consent if it considers on reasonable grounds that—

(a) other planning consents under this Act will also be required in respect of the proposal to which the application relates; and

(b) it is appropriate, for the purpose of better understanding the nature of the proposal, that applications for any 1 or more of those other planning consents be made before proceeding further.

~~(2) If a consent authority makes a determination under **subsection (1)**, it must immediately notify the applicant of the determination.~~

(2) The consent authority must—

(a) make a determination under **subsection (1)**—

(i) before it decides whether to give public or targeted notification, or decides to not notify, an application for a planning consent under **section 123**; and

(ii) before a hearing is held in relation to the application; and

(b) notify the applicant of the determination.

(2A) The determination does not affect whether notification or hearing of the application is required.

(3) The applicant may apply to the Planning Tribunal ~~for an order directing that any~~ to review a determination under this section ~~be revoked~~.

Compare: 1991 No 69 s 91

Time frames ~~and excluded time periods~~

117 Consent processing time frames

(1) The maximum processing time frames for applications for planning consents—

(a) are set out in the table in **subsection (3)**; and

(b) are subject to—

(i) other provisions of this Act; and

(ii) any time frames and excluded time periods prescribed by regulations made under **section 282**.

(2) For the purposes of this section, the processing of an application—

(a) begins on the first working day after the date that the application is lodged under **section 109(5)**; and

(b) ends on the date that the consent authority notifies the applicant of the decision on the application.

(3) The processing time frames for planning consents are as follows:

Type of notification	Maximum processing time frame
Non-notified consent ~~with or~~ without hearing	45 working days
Non-notified consent with hearing	50 working days
Targeted notified consent without hearing	70 working days
Targeted notified consent with hearing	100 working days
Publicly notified consent without hearing	90 working days
Publicly notified consent with hearing	130 working days

(4) A consent authority must suspend the processing of an application for a planning consent ~~on the grounds and~~ in the manner prescribed in ~~the~~ regulations.

(5) The time during which the processing of an application is suspended under **subsection (4)** does not count towards the maximum processing time frame.

118 Certain consents must be processed and decided no later than 1 year after lodgement

(1) The time period within which a consent authority must process and decide an application for a planning consent for a specified energy activity or ~~wood processing~~ wood-processing activity (the **time period**) is 1 year after the date that the application is lodged.

(2) An extension of the time period for a further period not exceeding 1 year—

(a) must be granted by the consent authority if—

(i) the extension is requested by the applicant; or

(ii) the application is for the establishment of a hydro-electricity activity or geothermal activity and the extension is requested under **subsection (4)**; and

(b) may be granted by the consent authority no more than once in relation to any other specified energy activity or wood-processing activity if the extension is requested under **subsection (4)**.

(3) When deciding a request for an extension to which **subsection (2)(b)** applies, the consent authority must—

(a) consider all requests of that kind received before the expiry of the time period; and

(b) if the time period has been extended under **subsection (2)(a)**, consider all requests for extension from the applicant received before the expiry of the extended time period.

(4) The following groups may request an extension of the time period for the purpose of recognising or providing for a Treaty settlement or other arrangement:

(a) iwi authorities:

(b) post-settlement governance entities:

(c) ngā hapū o Ngāti Porou as defined in section 10 of the Ngā Rohe Moana o Ngā Hāpu o Ngāti Porou Act 2019:

(d) iwi or hapū who are party to a Mana Whakahono ā Rohe or joint management agreement that applies in the region:

(e) customary marine title groups (within the meaning of the Marine and Coastal Area (Takutai Moana) Act 2011):

(f) protected customary rights groups (within the meaning of the Marine and Coastal Area (Takutai Moana) Act 2011):

(g) applicant groups (within the meaning of the Marine and Coastal Area (Takutai Moana) Act 2011).

(5) A request for extension must be made to the consent authority before the expiry of the time period or extended time period and may be made more than once.

(6) If the time period is extended, the total time within which a consenting authority must process and decide an application under this section must not exceed 2 years after the date that the application is lodged.

(7) The processing and deciding of an application must be paused by the consent authority at the applicant's request.

(8) The time during which processing and deciding of an application is paused under **subsection (7)** does not count towards the time period or extended time period.

(9) This section applies despite any time frames or excluded time periods that are prescribed in ~~the~~ regulations.

Compare: 1991 No 69 s 88BA

Consent authority may require further information or report

119 Request for further information

(1) A consent authority may request that the applicant provide further information relating to ~~the~~ an application for a planning consent at any reasonable time before the hearing of ~~an~~ the application ~~for a planning consent~~ or, if no hearing is held, before the decision to grant or refuse ~~the application~~ to grant the consent.

(2) The consent authority may make a request ~~under **subsection (1)**~~ only if it is satisfied that—

(a) the information requested does not relate to an effect that is outside the scope of this Act; and

(b) obtaining the information will ensure that the consent authority has ~~enough~~ sufficient and necessary information to understand the implications of its decision, after considering—

(i) the cost and feasibility of obtaining the information; and

(ii) the scale and significance of the ~~matter~~ effects of the activity to which the decision relates.

(2A) A consent authority may request further information from an applicant only once in relation to any 1 application, unless—

(a) the applicant agrees that the consent authority may make a further request for further information; or

(b) the information provided by the applicant as a result of a request for further information under **subsection (1)** changes the consent authority's understanding of the effects of the proposed activity; or

(c) the applicant changes the proposal to which the application relates.

(2B) **Subsection (2A)** applies only if the applicant has satisfied the request for further information made under **subsection (1)**.

(3) A consent authority that requests further information ~~under this section~~ must do so in the ~~prescribed form and~~ manner prescribed in regulations.

Compare: 1991 No 69 s 92(1)

120 Request for report

(1) A consent authority may commission a person to prepare a report on a matter relating to the application, ~~including~~ which may include a matter relating to information provided by the applicant in the application or under **section 119**,—

(a) at any reasonable time before the hearing of an application for a planning consent or, if no hearing is held, before the decision to grant or refuse the application; and

(b) only if the applicant is notified before the consent authority commissions the report, and does not refuse, in accordance with the regulations, to agree to the commissioning of the report.

(2) The consent authority may notify the applicant that it wants to commission a report ~~under **subsection (1)**~~ only if it is satisfied that—

(a) the report does not relate to an effect that is outside the scope of this Act; and

(aa) the activity to which the application relates may, in the authority's opinion, have significant adverse effects on the built environment; and

(b) obtaining the report will ensure that the consent authority has ~~enough~~ sufficient and necessary information to understand the implications of its decision, after considering—

(i) the cost and feasibility of obtaining the report; and

(ii) the scale and significance of the ~~matter~~ effects of the activity to which the decision relates.

(3) A report commissioned under **subsection (1)** may be in the form of a review of the information provided by the applicant in the application or under **section 119**.

(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 consent authority; and

(b) it must be limited to an assessment of the methodology used to reach the conclusion of that information.

(5) A consent authority that commissions a report under this section must do so in the ~~prescribed~~ manner prescribed in regulations.

Compare: 1991 No 69 s 92(2)

121 Response to request for further information or report

An applicant that receives a request for further information under **section 119**, or notification that the consent authority wants to commission a report under **section 120**, must respond to the consent authority in the manner ~~and within the time~~ prescribed in ~~the~~ regulations.

Compare: 1991 No 69 s 92A

122 Consequences of applicant's failure to respond to requests, etc

(1) A consent authority may ~~determine~~ decide that an application for a planning consent is incomplete if—

(a) the applicant was required to provide one of the following responses:

(i) to provide further information in response to a request under **section 119** within the time ~~specified~~ frame prescribed in ~~the~~ regulations; or

(ii) to tell the consent authority in a written notice whether the applicant agrees to the commissioning of a report under **section 120** within the time ~~specified~~ frame prescribed in ~~the~~ regulations; or

(iii) to pay an ~~additional charge~~ administrative fee to the consent authority required under **section ~~194~~ 283B or 283C** and specified in a written notice by an agreed date; or

(iv) to give the consent authority written approval for a proposed activity under **section 128(1)(b)(i)** by an agreed date; and

(b) 3 months after the expiry of the applicable time frame specified in **paragraph (a)**, the applicant has not provided the required response; and

(c) the consent authority has notified the applicant ~~, by a method specified in section 287(1),~~ of its intention to return the application.

(2) After ~~determining~~ deciding that an application is incomplete under this section, the consent authority may return the application to the applicant with written reasons for the ~~determination~~ decision.

(3) If, after an application has been returned as incomplete ~~under this section~~, that application is lodged again with the consent authority, that application is to be treated as a new application.

(4) In this section, **agreed date** means a date agreed between the applicant and the consent authority.

Compare: 1991 No 69 s 92AA

Subpart 3—Notification, submissions, and hearings

Notification

123 Time limit for public notification or targeted notification

A consent authority must, within 20 working days after the application is ~~first~~ lodged,—

(a) decide whether to give public or targeted notification of an application for a planning consent in accordance with **sections 124 and 125**; and

(b) notify the applicant, in the manner prescribed in regulations, if it decides to do so.

Compare: 1991 No 69 s 95

124 Mandatory public notification in some circumstances

A consent authority must publicly notify an application for a planning consent if—

(a) the applicant has requested that the application be publicly notified:

~~(b) public notification is required under **section 126**:~~

(c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977:

(d) a rule in a land use plan or national rule requires public notification in relation to the activity ~~or activities~~ to which the application relates.

125 Notification requirements if section 124 does not apply

(1) This section applies if an application for a planning consent is not required to be publicly notified under **section 124**.

Certain affected groups and affected persons must be notified

(2) A consent authority must determine—

(a) whether there are any—

(i) affected protected customary rights groups; or

(ii) affected customary marine title groups (in the case of an application for a planning consent for an accommodated activity); and

(b) whether—

(i) the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement ~~made in accordance with an Act specified in **Schedule 12**~~; and

(ii) the person to whom the statutory acknowledgement is made is an affected person under **section 128**.

(3) The consent authority must notify the application to each affected group and each affected person identified under **subsection (2)**, unless **subsection (7)** applies.

Notification requirements if adverse effects more than minor

(4) A consent authority must ~~determine~~ decide whether the activity will have, or is likely to have, adverse effects on the built environment that are more than minor, in accordance with **section 127**.

(5) If the consent authority ~~determines~~ decides that the activity will have, or is likely to have, adverse effects on the built environment that are more than minor, the consent authority must also ~~determine~~ decide—

(a) whether there are affected persons, in accordance with **section 128**; and

(b) whether all affected persons can be identified in the manner prescribed in regulations.

(6) If all affected persons can be identified under **subsection (5)**, the consent authority—

(a) must notify those persons of the application (**targeted notification**); and

(b) must not publicly notify the application.

(7) A consent authority must publicly notify the application if—

(a) it decides that the activity will have, or is likely to have, adverse effects on the built environment that are more than minor; and

(b) either—

(i) there are no affected persons; or

(ii) it is not possible, or it is impractical, to identify all affected persons under **subsection (5)**.

~~(8) However, **subsections (4) to (7)** do not apply if a land use plan, national rule, or water services standard precludes notification in relation to the activity or activities to which the application relates.~~

(8) **Subsections (4) to (6)** do not apply if a land use plan, national rule, or water services standard precludes targeted notification in relation to the activity to which the application relates.

(9) **Subsection (7)** does not apply if a land use plan, national rule, or water services standard precludes public notification in relation to the activity to which the application relates.

Compare: 1991 No 69 s 95B

~~**126 Public notification of consent application after request for further information or report**~~

~~(1) A consent authority must publicly notify an application for a planning consent if—~~

~~(a) it has not already decided whether to give public or targeted notification of the application; and~~

~~(b) **subsection (2) or (3)** applies.~~

~~(2) This subsection applies if the consent authority requests further information on the application under **section 119**, but the applicant —~~

~~(a) does not provide the information within the time specified in the regulations; or~~

~~(b) refuses to provide the information.~~

~~(3) This subsection applies if the consent authority notifies the applicant under **section 120** that it wants to commission a report, but the applicant —~~

~~(a) does not respond within the time specified in the regulations; or~~

~~(b) refuses to agree to the commissioning of the report.~~

~~(4) This section applies despite any rule in a land use plan or national rule that precludes public or targeted notification of the application.~~

~~Compare: 1991 No 69 s 95C~~

127 Whether adverse effects likely to be more than minor

(1) This section applies to a consent authority that is deciding, under **section 125(4)**, whether an activity will have, or is likely to have, adverse effects on the built environment that are more than minor.

(2) A consent authority must not have regard to—

(a) any effect on persons who own or occupy the land in, on, or over which the activity will occur; and

(b) any adverse effect of the activity if a rule in a land use plan or a national rule permits an activity with that effect; and

(c) in the case of a restricted discretionary activity, any adverse effect of the activity that does not relate to a matter for which a rule in a land use plan or a national rule reserves discretion; and

(d) any effect on a person who has given written approval to the ~~relevant~~ application.

~~(3) The consent authority may consider whether any adverse effects of the proposed activity are consistent with the character, intensity, or scale of the adverse effects anticipated by the land use plan or the regional spatial plan.~~

Compare: 1991 No 69 s 95D

128 Whether person is affected person

(1) For the purpose of **section 125(2)(b)(ii) and (5)**,—

(a) a person is an **affected person** if the consent authority decides that the activity's adverse effects on the person are more than minor; but

(b) a person is not an affected person if—

(i) the person has given, and not withdrawn, approval for the proposed activity in a written notice received by the consent authority before the authority has decided whether there are any affected persons; or

(ii) the consent authority is satisfied that it is unreasonable in the circumstances for the applicant to seek the person's written approval.

~~(2) **Subsection (1)(b)** prevails over **subsection (1)(a)**.~~

(3) When assessing whether an activity's adverse effects on a person are more than minor ~~under **subsection (1)(a)**~~, the consent authority—

(a) must disregard an adverse effect of the activity on the person if a rule in a land use plan or a national rule permits an activity with that effect; and

(b) if the activity is a restricted discretionary activity, must disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule in a land use plan or a national rule has reserved discretion; and

(c) must have regard to every relevant statutory acknowledgement ~~made in accordance with an Act specified in **Schedule 12**~~.

Compare: 1991 No 69 s 95E

129 Meaning of affected protected customary rights group

A protected customary rights group is an **affected protected customary rights group**, in relation to an activity in the protected customary rights area relevant to that group, if—

(a) the activity may have adverse effects on a protected customary right carried out in accordance with Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011; and

(b) the protected customary rights group has not given written approval for the activity or has withdrawn approval for the activity in a written notice received by the consent authority before the authority has made a ~~decision under this section~~ determination under **section 125(2)**.

Compare: 1991 No 69 s 95F

130 Meaning of affected customary marine title group

A customary marine title group is an **affected customary marine title group**, in relation to an accommodated activity in the customary marine title area relevant to that group, if—

(a) the activity may have adverse effects on the exercise of the rights applying to a customary marine title group under subpart 3 of Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011; and

(b) the customary marine title group has not given written approval for the activity in a written notice received by the consent authority before the

authority has made a ~~decision under this section~~ determination under **section 125(2)**.

Compare: 1991 No 69 s 95G

Submissions on applications

131 Submissions on applications

(1) If public notification is given for an application for a planning consent ~~is publicly notified~~, the following persons may make a submission about it to the consent authority:

(a) a qualifying resident of the district to which the application relates:

(b) a person who is not a qualifying resident of the district to which the application relates if that person is an affected person under **section 128**.

(2) If targeted notification is given for an application for a planning consent ~~is the subject of targeted notification~~, a person served with notice of the application may make a submission about it to the consent authority.

Compare: 1991 No 69 s 96

132 Form and service of submissions

(1) A submission must—

(a) be made in the ~~prescribed form and~~ manner prescribed in regulations; and

(b) make a case that is reasonable and relevant to the application for a planning consent that is the subject of the submission.

(2) A submission, or part of a submission, that does not comply with **subsection (1)(b)** may be— struck out by the consent authority under **section 133**.

~~(a) struck out by the consent authority under **section 133**; or~~

~~(b) treated as invalid regardless of whether it is struck out.~~

Compare: 1991 No 69 s 96

133 Striking out submissions

(1) A consent authority may, in ~~accordance with the prescribed requirements~~ the manner prescribed in regulations, strike out a submission, or part of a submission, if the consent authority considers that the submission or the part discloses no reasonable or relevant case in relation to the application.

(2) A person ~~has a right of objection~~ may apply to the Planning Tribunal ~~if all or part of their submission is struck out~~ to review a consent authority's decision to strike out a submission or part of a submission.

Hearings

134 Consent authority or commissioner may refer to conference or mediation

~~(1) A consent authority may, in accordance with the prescribed requirements, invite or require an applicant for a planning consent and some or all submitters to attend a conference for the purpose of—~~

~~(a) clarifying a matter or issue; or~~

~~(b) facilitating the resolution of an issue.~~

(1) A consent authority or hearings commissioner may, in accordance with the requirements prescribed in regulations,—

(a) invite or require any of the persons specified in **subsection (2)** to attend a conference for the purpose of—

(i) clarifying a matter or an issue; or

(ii) facilitating the resolution of an issue; and

(b) invite persons who are experts on the subject matter of the application to attend an expert conference; and

(c) invite or require any of the persons specified in **subsection (2)** to attend mediation.

~~(2) A consent authority may, in accordance with the prescribed requirements, refer to mediation a person who has made an application for a planning consent and some or all submitters.~~

(2) The persons are—

(a) an applicant for a planning consent:

(b) some or all submitters:

(c) the consent authority:

(d) any other person the consent authority considers appropriate.

(3) A conference, expert conference, or mediation must be conducted in accordance with the prescribed requirements.

(4) A consent authority or hearings commissioner may—

(a) decline to process an application for a planning consent if the applicant fails, without reasonable excuse, to attend a conference or mediation; or

(b) strike out a submission, or part of a submission, if the person who made the submission fails, without reasonable excuse, to attend a conference or mediation.

135 Obligation to hold a hearing

(1) A hearing must not be held in relation to an application for a planning consent unless—

(a) the applicant has requested a hearing; or

(b) **subsection (2)** applies.

(2) This subsection applies if—

(a) a person who made a submission in respect of that application has requested to be heard and has not subsequently advised that they do not wish to be heard; and

(b) the consent authority considers that conducting a hearing will be the most effective and efficient means to test the information, and any issues, related to the application; and

(c) the parties have attended a conference or mediation under **section 134**, if the commissioner who is delegated under **section 136** to decide the application considers a conference or mediation to be appropriate.

~~(3) A consent authority must hold a joint hearing or a combined hearing in the circumstances prescribed in the regulations.~~

(4) A hearing ~~(including a joint hearing or a combined hearing)~~ must be conducted in the manner prescribed in ~~the~~ regulations.

Compare: 1991 No 69 s 100

136 Decision by commissioner

~~If an application for a planning consent is notified, the~~ The consent authority must delegate, under **section 196(1)**, its functions, powers, and duties required to hear and decide an application for a planning consent to 1 or more hearings commissioners who are not members of the consent authority~~.~~ if—

(a) the application is notified; and

(b) either—

(i) the applicant has requested that a commissioner hear and decide the application; or

(ii) a hearing will be held in relation to the application.

Compare: 1991 No 69 s 100A

136A Combined hearing for 2 or more applications in relation to same proposal

(1) If 2 or more applications for planning consents in relation to the same proposal have been made to a consent authority and the applications are to be heard, the hearings commissioner must hear and decide those applications together unless—

(a) the commissioner considers that the applications are sufficiently unrelated that it is unnecessary to hear and decide the applications together; and

(b) the applicant agrees that the applications need not be heard and decided together.

(2) A hearing under this section must be conducted in the manner prescribed in regulations.

136B Joint hearing if 2 or more consent or permit authorities

(1) If applications for planning consents in relation to the same proposal have been made to 2 or more consent authorities and those applications are to be heard, the hearings commissioner must hear and consider those applications together.

(2) If 1 or more applications for a planning consent under this Act and 1 or more applications for a natural resource permit under the **Natural Environment Act 2025** have been made in relation to the same proposal, and those applications are to be heard, the commissioner must hear and consider those applications together.

(3) However, the commissioner need not hear and consider the applications together if—

(a) the consent authorities and permit authorities agree that the applications are sufficiently unrelated that hearing the applications together is unnecessary; and

(b) the applicant agrees that the applications need not be heard together.

(4) A hearing under this section must be conducted in the manner prescribed in regulations.

Subpart 4—Consideration of application and decision

137 ~~Application of this subpart~~ What this subpart does

This subpart sets out the matters that apply ~~to the consideration by~~ when a consent authority ~~of~~ is considering a planning consent application and any submissions on the application.

138 Matters that consent authority must disregard

(1) ~~A~~ The consent authority must not have regard to—

(a) any effect that is outside of the scope of this Act (*see* **section 14**):

(b) any effect on a person who has given written approval to the application:

(c) any adverse effect of the activity on the built environment if the land use plan or a national rule permits an activity with that effect~~:~~.

~~(d) if the activity is a restricted discretionary activity, any matter in relation to which the land use plan, proposed land use plan, a national rule, or a water services standard has not reserved discretion.~~

(2) *See also* ~~**section 12**, which applies to a consent authority when considering a planning consent application.~~—

(a) **section 139(2)**, which provides that if a planning consent application is for an activity that is a restricted discretionary activity, the consent authority may have regard to a matter only if discretion is reserved in relation to that matter by a land use plan, proposed land use plan, national rule, or water services standard; and

(b) **section 12**, which applies to a consent authority when considering a planning consent application.

(3) **Subsection (1)(b)** does not apply if the person withdraws their approval by written notice received by the consent authority before the hearing or, if there is no hearing, before the application is ~~determined~~ decided.

~~(4) This section also applies to a consent authority considering any submissions on the application.~~

139 Consideration of planning consent application

(1) ~~Subject to **subsection (2)**, the~~ The consent authority must have regard to the following:

(a) any adverse effect on—

(i) a person, unless **section 138(1)(b)** applies:

(ii) the built environment:

(b) any effect that is—

(i) positive:

(ii) cumulative:

(c) any measure proposed or agreed to by the applicant to avoid, remedy, minimise, offset, or compensate for~~,~~ any adverse effects on a person or the built environment resulting, or likely to result, from the activity:

(d) any relevant provisions of—

(i) the land use plan or proposed land use plan:

~~(ii) the regional spatial plan or proposed regional spatial plan, if the application is for an activity that is a discretionary activity:~~

(ii) a national rule in national standards:

(iii) a water services standard:

(e) any relevant provisions of other key instruments in accordance with **section 12**:

(f) if the application is affected by **section 164**, the value of the investment to the existing consent holder:

(g) the matters specified in **sections 140 to 147**.

(2) However, if a planning consent application is for an activity that is a restricted discretionary activity, ~~a~~ the consent authority may have regard to a matter only if discretion is reserved in relation to that matter by any of the following:

(a) a land use plan or proposed land use plan:

(b) a national rule:

(c) a water services standard.

~~(3) This section also applies to a consent authority considering any submissions on the application.~~

140 Matters relevant to activities affecting drinking water supply source water

~~The~~ A consent authority must have regard to—

(a) the actual or potential effect of the proposed activity on the source of a drinking water supply that is registered under section 55 of the Water Services Act 2021; and

(b) any risks that the proposed activity may pose to the source of a drinking water supply that are identified in a source water risk management plan prepared in accordance with the requirements of the Water Services Act 2021.

141 Matters relevant to application for reclamation

Section 158(2) of the Natural Environment Act 2025 applies to an application for a reclamation.

142 Matters relevant to application relating to wastewater network

(1) ~~When considering a~~ If the planning consent application ~~that~~ relates to a wastewater network, as defined in section 5 of the Water Services Act 2021, the consent authority—

(a) ~~a consent authority~~ must not grant the consent contrary to—

(i) a wastewater environmental performance standard; or

(ii) an infrastructure design solution; and

(b) ~~a consent authority~~ must include, as a condition of granting the consent, requirements that are no more or less restrictive than is necessary to give effect to—

(i) the wastewater environmental performance standard; or

(ii) the infrastructure design solution.

(2) However, **subsection (1)**—

(a) does not apply if an exception under a wastewater environmental performance standard or an infrastructure design solution applies; and

(b) except as ~~expressly~~ otherwise expressly provided in this Act, does not prevent ~~a~~ the consent authority from including, as a condition of granting a planning consent, a requirement that relates to any activity, effect, or other matter that a wastewater environmental standard or an infrastructure design solution does not regulate or manage.

143 Matters relevant to application relating to stormwater network

(1) ~~When considering a~~ If the planning consent application ~~that~~ relates to a stormwater network, as defined in section 5 of the Water Services Act 2021, ~~a~~ the consent authority—

(a) must not grant the consent contrary to—

(i) a stormwater environmental performance standard; or

(ii) an infrastructure design solution; and

(b) must include, as a condition of granting the consent, requirements that are no more or less restrictive than is necessary to give effect to—

(i) the stormwater environmental performance standard; or

(ii) the infrastructure design solution.

(2) However, **subsection (1)**—

(a) does not apply if an exception under a stormwater environmental performance standard or an infrastructure design solution applies; and

(b) except as ~~expressly~~ otherwise expressly provided in this Act, does not prevent ~~a~~ the consent authority from including, as a condition of granting a planning consent, a requirement that relates to any activity, effect, or other matter that a stormwater environmental standard or an infrastructure design solution does not regulate or manage.

144 Matters relevant to application for consent that authorises change to ~~spatial application of~~ plan provisions

(1) A consent authority may grant a planning consent that, if given effect to, authorises a change to the plan provisions that apply to an area in accordance with **section 98**.

(2) ~~However, the~~ The consent authority may grant a consent to which **subsection (1)** applies only if—

(a) the proposed change to the plan provisions involves the application of standardised plan provisions (and not bespoke provisions); and

(b) the consent authority is satisfied that, if the consent were given effect to and the change to the plan provisions were to occur, it would provide a significant benefit to the provision of any of the following in the district:

(i) housing:

(ii) employment:

(iii) infrastructure; and

(c) the consent includes provisions that specify—

(i) the boundaries of the area to which the change would apply; and

(ii) the standardised plan provisions that would apply to that area.

145 Applicant's compliance history

(1) The consent authority may have regard to any previous or current abatement notices, enforcement orders, infringement notices, pecuniary penalties, or convictions under this Act, the **Natural Environment Act 2025**, or the Resource Management Act 1991—

(a) received by the applicant, if the applicant is not a natural person:

(b) received by the applicant within the previous 7 years, if the applicant is a natural person:

(c) received, within the previous 7 years, by a director or person concerned with the management of the applicant, if the applicant is not a natural person.

(2) In addition, the consent authority may have regard to any previous or current abatement notices, enforcement orders, infringement notices, pecuniary penalties, or convictions under this Act, the **Natural Environment Act 2025**, or the Resource Management Act 1991 received within the previous 7 years by a person that—

(a) is not a natural person; and

(b) is not the applicant; but

(c) at the time that person received the abatement notice, enforcement order, infringement notice, pecuniary penalty, or conviction, was directed or managed by a person who is a director or person concerned with the management of the applicant.

(3) The consent authority may decline an application for a planning consent if the applicant has a record of significant non-compliance with a requirement of this Act, the **Natural Environment Act 2025**, or the Resource Management Act 1991—

(a) that is ongoing or repeated; and

(b) that, if the applicant is not a natural person, has been or is the subject of an enforcement order, a pecuniary penalty, or a conviction under this Act or, if the applicant is a natural person, has been or is the subject of an enforcement order, a pecuniary penalty, or a conviction under this Act within the previous 7 years.

Compare: 1991 No 69 s 104(6A)

146 ~~Consent~~ Land use consent may be refused or granted with conditions if risk from natural hazards~~, etc~~

(1) A consent authority may refuse to grant a ~~planning~~ land use consent, or may grant a ~~planning~~ land use consent subject to conditions,— if it considers that there is a significant risk from natural hazards.

~~(a) if it considers that there is a significant risk from natural hazards; or~~

~~(b) in the case of a subdivision consent, if it considers sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.~~

(1A) For the purposes of **subsection (1)**, an assessment of the risk from natural hazards—

(a) must be carried out in the manner prescribed in national standards; or

(b) if national standards do not prescribe the manner for carrying out an assessment, requires a combined assessment of all of the following taken together:

(i) the likelihood of natural hazards occurring (whether individually or in combination):

(ii) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards:

(iii) whether the proposed use of the land would accelerate, worsen, or result in material damage of the kind referred to in **paragraph (ii)**:

(iv) whether the proposed use of the land would result in adverse effects on the health or safety of people.

(2) ~~Conditions~~ A condition imposed under **subsection (1)** must be—

(a) for the purposes of avoiding~~, remedying,~~ or mitigating the effects referred to in **subsection (1)**; and

(b) of a type that could be imposed under **section 151**.

~~(3) For the purposes of **subsection (1)(a)**, an assessment of the risk from natural hazards requires a combined assessment of all of the following taken together:~~

~~(a) the likelihood of natural hazards occurring (whether individually or in combination):~~

~~(b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards:~~

~~(c) whether the proposed use of the land or proposed subdivision would accelerate, worsen, or result in material damage of the kind referred to in **paragraph (b)**:~~

~~(d) whether the proposed use of the land or proposed subdivision would result in adverse effects on the health or safety of people.~~

~~(4) **Subsection (1)(a)** does not apply to land use consents if the use of the land for which the consent is sought is—~~

~~(a) construction, upgrade, maintenance, or operation of infrastructure; or~~

~~(b) primary production activities, as described in the national planning standards.~~

(4) This section does not apply to a land use consent for—

(a) constructing, upgrading, maintaining, or operating infrastructure, except to the extent that national standards provide that this section applies; or

(b) a primary production activity, except to the extent that national standards provide that this section applies.

(5) In this section, **primary production activity**—

(a) means any agricultural, aquaculture, forestry, horticultural, mining, pastoral, or quarrying activity; and

(b) includes initial processing of a commodity that results from an activity in **paragraph (a)** if the initial processing is ancillary to that activity; and

(c) includes any land and buildings—

(i) used for the production of a commodity that results from an activity in **paragraph (a)**; or

(ii) used for the initial processing of that commodity, as described in **paragraph (b)**; but

(d) excludes further processing of those commodities into a different product.

Compare: 1991 No 69 s 106

146A Subdivision consent may be refused or granted with conditions if significant risk from natural hazards, etc

(1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—

(a) there is a significant risk from natural hazards; or

(b) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

(2) For the purposes of **subsection (1)(a)**, an assessment of the risk from natural hazards—

(a) must be carried out in the manner prescribed in national standards; or

(b) if national standards do not prescribe the manner for carrying out an assessment, requires a combined assessment of all of the following taken together:

(i) the likelihood of natural hazards occurring (whether individually or in combination):

(ii) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards:

(iii) whether the proposed subdivision would accelerate, worsen, or result in material damage of the kind referred to in **paragraph (ii)**:

(iv) whether the proposed subdivision would result in adverse effects on the health or safety of people.

(3) A condition imposed under **subsection (1)** must be—

(a) for the purposes of avoiding, remedying, or mitigating the effects referred to in **subsection (1)**; and

(b) of a type that could be imposed under **section 151**.

Compare: 1991 No 69 s 106

147 Matters for which consent must not be granted

A consent authority must not grant a planning consent if—

(a) it is contrary to—

(i) any regulations:

(ii) a wāhi tapu condition included in a customary marine title order or agreement:

(iii) section 55(2) of the Marine and Coastal Area (Takutai Moana) Act 2011:

(b) it should have been notified and was not.

148 ~~Determination of~~ Decision on planning consent

(1) After considering an application for a planning consent, a consent authority may grant or refuse ~~the application~~ to grant a planning consent.

(2) If it grants ~~the application~~ a planning consent, the consent authority may impose conditions on the planning consent,—

(a) for a restricted discretionary activity, only for those matters over which a land use plan, proposed land use plan, water services standard, or national rule has reserved discretion:

(b) for a discretionary activity, under **section 151**.

(3) A consent authority may grant a planning consent on the basis that the activity is classified as a restricted discretionary activity or a discretionary activity regardless of what type of activity the application was expressed to be for.

(4) A consent authority may ~~decline an application for~~ refuse to grant a planning consent on the ground that it has inadequate information to ~~determine~~ decide the application.

(5) In making an assessment on the adequacy of the information, the consent authority must have regard to whether any request made of the applicant for further information or reports resulted in further information or any ~~report~~ reports being made available.

149 Consent authority may grant application with adaptive management approach

(1) A consent authority may grant a planning consent that includes a condition that requires, or conditions that form, an adaptive management approach.

(2) An adaptive management approach—

(a) must allow an activity to commence on a small scale, ~~or~~ for a short period, or in stages~~,~~ to allow its effects to be monitored; and

(b) must require baseline information for—

(i) monitoring and reporting; and

(ii) setting triggers and limits (other than an environmental limit) for the purpose of monitoring and reporting; and

(c) must require ongoing monitoring and reporting; and

(d) may require certification and review of environmental management plans; and

(e) may ~~include provisions to allow~~ provide for an activity to step back to a previous stage or cease temporarily ~~where~~ if triggers or limits are met~~,~~ to allow for management practices or monitoring requirements to be adapted accordingly; and

(f) may ~~include provisions to allow~~ provide for an activity to be discontinued permanently (in circumstances where the effects are found to be unanticipated at the time that the consent was granted).

(3) In ~~determining~~ deciding on the use of an adaptive management approach, the consent authority must consider—

(a) whether there is adequate evidence that using an adaptive management approach will—

(i) sufficiently reduce uncertainty about the effects of the activity; and

(ii) adequately manage any remaining risk; and

(b) the extent of any environmental risk (including the consequences if the risk is realised); and

(c) the importance of the activity for which the consent relates; and

(d) the degree of uncertainty about the effects of the activity; and

(e) whether, and the extent to which, the adaptive management approach will sufficiently diminish the risk and the uncertainty.

(4) A consent authority may decide that an adaptive management approach sufficiently diminishes the risk and uncertainty if it is satisfied that—

(a) there is sufficient monitoring of the receiving environment to set appropriate indicators and compliance limits; and

(b) the conditions provide for effective monitoring of adverse effects using appropriate indicators; and

(c) indicators are set to prompt remedial action before adverse effects occur or reach unacceptable levels; and

(d) any effects that might arise can be remedied before they become irreversible.

149A Planning consent giving effect to Te Ture Whaimana o Te Awa o Waikato may be contrary to water services standard

(1) A consent authority may grant a planning consent contrary to a water services standard for the purpose of giving effect to any of the following:

(a) Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River:

(b) a provision that—

(i) is included in a land use plan or proposed land use plan to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River; and

(ii) is more stringent than the water services standard.

(2) This section applies despite **sections 32, 142, 143, and 168**.

Subpart 5—Conditions and other requirements relating to decisions

Conditions of planning consents

150 General requirements before conditions may be included

(1) When granting a planning consent, the consent authority may include any condition that it considers appropriate after being satisfied that—

(a) **subsections (2) and (3)** are complied with; and

(b) any requirements in **section 151** for particular consents or conditions are complied with.

(2) A consent authority must not include a condition unless—

(aaa) the applicant has agreed to the condition; or

~~(a) the applicant has agreed to the condition and the condition contains measures in order to—~~

~~(i) give rise to positive effects; or~~

~~(ii) avoid, minimise, remedy, offset, or provide compensation for, any adverse effects; or~~

(a) the condition contains measures that avoid, minimise, remedy, offset, or provide compensation for any adverse effects; or

(b) the condition is directly connected to—

(i) any adverse effects of the activity; or

(ii) an applicable provision in a land use plan or national rule; or

(iii) a water services standard; or

(c) the condition relates to administrative matters that are essential for the efficient implementation of the planning consent.

(3) A consent authority must not include a condition that—

(a) relates only to an effect that is outside the scope of this Act; or

(b) is contrary to a water services standard.

~~(4) This section does not limit **section 38** (permitted activity standard), **section 36** (rules relating to restricted discretionary activities), **section 37** (rules relating to discretionary activities), **section 30** (meaning of rule), **section 146** (consent may be refused or granted with conditions if risk from natural hazards etc.), or **Part 1 of Schedule 7** (further provisions relating to conditions of subdivision consents).~~

(4) This section does not limit **section 146 or 146A** or **Part 1 of Schedule 7**.

(5) For the purpose of **subsection (2)(b)(ii)**, a provision is **applicable** if the application of the provision to the activity is the reason, or one of the reasons, that a planning consent is required for the activity.

Compare: 1991 No 69 ss 108, 108AA

151 Particular conditions that may be included in planning consents

(1) Without limiting the generality of **section 150**, a planning consent may include any 1 or more of the following conditions:

(a) a condition specifying the duration of the consent:

(b) a condition specifying the date that the consent will lapse, subject to **section 165**:

(c) a condition requiring a financial assurance (and describing the terms of that financial assurance) in accordance with **clauses 1 to ~~24~~ 19 of Schedule 8**:

(d) a condition requiring services or works to be provided, including (but without limitation) protecting, planting, or replanting ~~of~~ any tree or other vegetation or protecting, restoring, or enhancing any natural or physical resource:

(e) in the case of a land use consent, a condition requiring that a covenant be entered into, in favour of the consent authority, in respect of the performance of any condition of the consent (being a condition ~~which~~ that relates to the use of land to which the consent relates):

(f) in the case of a subdivision consent, a condition described in **Part 1 of Schedule 7**:

(g) a condition to mitigate any risk that the planning consent holder may not ~~be complied with~~ comply with the consent, having regard to any previous non-compliance by the applicant that is the subject of an abatement ~~order~~ notice, enforcement order, infringement notice, pecuniary penalty, or conviction under this Act, the **Natural Environment Act 2025**, or the Resource Management Act 1991 referred to in **section 145**:

(h) a condition requiring the holder of a planning consent to supply to the consent authority information relating to the exercise of the planning consent.

(2) A condition under **subsection (1)(e)** may, among other things, provide that the covenant may be varied, ~~or~~ cancelled, or renewed at any time by agreement between the consent holder and the consent authority.

(3) Without limiting **subsection (1)(h)**, a condition made under that subsection may require the holder of the planning consent to do 1 or more of the following:

(a) to make and record measurements:

(b) to take and supply samples:

(c) to carry out analyses, surveys, investigations, inspections, or other specified tests:

(d) to carry out measurements, samples, analyses, surveys, investigations, inspections, or other specified tests in a specified manner:

(e) to provide information to the consent authority at a specified time or times:

(f) to provide information to the consent authority in a specified manner and, if applicable, in a manner consistent with any regulations ~~made under a relevant empowering provision in this Act~~:

(g) to comply with the condition at the consent holder's expense.

Compare: 1991 No 69 s ~~121~~ 108

152 Review of draft conditions of consent

(1) An applicant for a planning consent may request that the consent authority provide them with any draft conditions of the consent.

(2) The applicant's request—

(a) must be made before the consent authority issues its decision on the application; and

(b) may be made only once.

(3) If a request is made, the consent authority—

(a) must provide the draft conditions to the applicant and, if the application was notified, to submitters; and

(b) may suspend the time frame that applies to the processing of the application to allow the applicant and any submitters to consider the draft conditions.

(4) A consent authority may provide draft conditions to the persons specified in **subsection (3)(a)**—

(a) more than once; and

(b) whether or not the applicant requests the draft conditions under **subsection (1)**; and

(c) whether or not the time frame that applies to the processing of the application is suspended under **subsection (3)(b)**.

~~(5) Subsection (3)(b)—~~

~~(a) does not prevent a consent authority from continuing to process the application while the time frame is suspended; and~~

~~(b) may be applied only once during an application process.~~

(5) **Subsection (3)(b)** does not prevent a consent authority from continuing to process the application while the time frame is suspended.

(6) An applicant and any submitters must provide their comments on the draft conditions to the consent authority within ~~a reasonable time specified by the consent authority~~ 10 working days after the consent authority provides the draft conditions.

(7) A consent authority may take those comments into account only to the extent that they cover technical or minor matters.

Compare: 1991 No 69 s 107G

153 ~~Decision on application~~ Consent authority must notify decision

A consent authority must ~~give notice of its decision on an application for a planning consent in the manner and form prescribed in the regulations.~~ notify, in the manner prescribed in regulations, the following persons of its decision on an application for a planning consent:

(a) the applicant:

(b) any other persons prescribed in regulations.

Appeals

154 Right to appeal

(1) Any 1 or more of the following persons may appeal to the Environment Court ~~in accordance with~~ under **section 155** against the whole or any part of a decision of a consent authority on an application for a planning consent, ~~or~~ on an application for a change of consent conditions, or on a review of consent conditions:

(a) the applicant or consent holder:

(b) ~~any~~ a person who made a submission on the application or review of consent conditions.

(2) A person exercising a right of appeal under **subsection (1)(b)** may appeal—

(a) any matter that was raised in the person's submission except any part of the submission that is struck out under **section 133**; and

(b) any matter that was not raised in the person's submission.

(3) This section is in addition to the rights provided for in **Schedule 10** (which provides for review by the Planning Tribunal).

Compare: 1991 No 69 s 120

155 Procedure for appeal

(1) Notice of an appeal under **section 154** must be in the prescribed form and—

(a) state the reasons for the appeal and the relief sought; and

(b) state any matters required by regulations; and

(c) be lodged with the Environment Court and served on the consent authority whose decision is appealed within 15 working days after receiving notice the decision in accordance with this Act.

(2) The appellant must ensure that a copy of the notice of appeal is served on every person referred to in **section 154(1)** (other than the appellant) within 5 working days ~~of~~ after the notice ~~being~~ is lodged with the Environment Court.

Compare: 1991 No 69 s 121

Subpart 6—Nature of consents, commencement, duration, and review

156 Consents not real or personal property

(1) A planning consent is neither real nor personal property.

(2) Unless the conditions of a consent expressly state otherwise,—

(a) on the death of the consent holder~~ of a consent~~, the consent vests in the personal representative of the holder as if the consent were personal property, and the personal representative may deal with the consent to the same extent as the holder would have been able to do; and

(b) on the bankruptcy of an individual who is the consent holder~~ of a consent~~, the consent vests in the Official Assignee as if it were personal property, and the Official Assignee may deal with the consent to the same extent as the holder would have been able to do; and

(c) a consent must be treated as property for the purposes of the Protection of Personal and Property Rights Act 1988.

(3) The consent holder~~ of a planning consent~~ may grant a~~ charge~~ security interest over~~ that~~ the consent as if it were personal property, but the consent may only be transferred to the~~ chargee~~ secured party, or by or on behalf of the~~ chargee~~ secured party, to the same extent as it could be so transferred by the holder.

(4) The Personal Property Securities Act 1999 applies ~~in relation~~ to a planning consent—

(a) as if the planning consent were goods within the meaning of that Act; and

(b) as if the planning consent were situated in the ~~provincial~~ district in which the activity permitted by the consent may be carried out (or, where it may be carried out in more than 1 ~~provincial~~ district, in those ~~provincial~~ districts); and

(c) subject to the provisions of this Act, and in particular to **subsection (3)**.

Compare: 1991 No 69 s 122

157 Planning consent prevails over ~~specified instruments~~ certain water services standards

(1) A planning consent that is granted before one of the following ~~instruments~~ standards is made prevails over that ~~instrument~~ standard:

(a) a stormwater environmental performance standard:

(b) a wastewater environmental performance standard.

(2) However, **subsection (1)** ceases to apply ~~when~~ if—

(a) the consent authority reviews the conditions of the planning consent under **section 168(1)(c)**; and

(b) the review results in either or both of the ~~instruments~~ standards listed in **subsection (1)** prevailing over the planning consent.

Compare: 1991 No 69 s 122A

Commencement

158 Commencement of consent

(1) A planning consent that has been granted commences—

(a) when the time for lodging ~~an application for review or~~ an appeal against the grant of the consent expires and no ~~application or~~ appeal has been lodged; or

~~(b) if an application for a review or an appeal has been lodged,—~~

~~(i) when the Planning Tribunal determines the review or the application is withdrawn; or~~

~~(ii) when the Environment Court determines the appeals or all appellants withdraw their appeals; or~~

(b) if an appeal has been lodged, when the Environment Court decides the appeal or all appellants withdraw their appeal; or

(c) on a later date stated in the consent or any other date ~~determined~~ set by the ~~Planning Tribunal or~~ Environment Court.

(2) However, this section is subject to **sections 159 to 162**.

Compare: 1991 No 69 s 116(1)

159 Commencement of consent ~~for non-notified application~~ if no submissions, etc

(1) This section applies to a planning consent that has been granted—

(a) for a non-notified application; or

(b) for a notified application ~~where~~ if the time for lodging submissions has expired and—

(i) no submissions are received; or

(ii) all submissions received are withdrawn before a decision is made.

(2) The planning consent commences on the date on which the consent authority ~~gives notice~~ notifies the applicant of its decision on the application ~~in accordance with the regulations~~ under **section 153**, or on any later date stated in the consent, unless—

(a) an appeal has been lodged, in which case **section 158(1)** applies:

(b) an application to the Planning Tribunal for a review has been made ~~under **clause 14 of Schedule 10**~~, in which case **section 160** applies.

~~(3) However, the reference to an application for a review in **subsection (2)(b)** does not include a third party application to the Planning Tribunal under **clause 17 of Schedule 10** to review a notification decision on a non-notified application.~~

(3) The reference to an application in **subsection (2)(b)** does not include an application by a third party to the Planning Tribunal to review a consent authority's decision not to notify a planning consent application.

Compare: 1991 No 69 s 116(1A)

160 Commencement of consent if request for review lodged

If an application to the Planning Tribunal for a review has been made ~~under **clause 14 of Schedule 10**~~, the planning consent commences when the review, and any appeal, has been decided or withdrawn.

Compare: 1991 No 69 s 116(1AB)

161 Commencement of consent if section 112 applies

A planning consent to which **section 112** applies does not commence,—

(a) in the case of a subdivision consent, until the date that the land to which the consent relates is vested in the consent holder under **section 289**; or

(b) in every other case, until the proposed location of the activity has been reclaimed and a certificate has been issued under **clause 72 of Schedule 7** ~~in respect of~~ for the reclamation.

Compare: 1991 No 69 s 116(2)

162 Commencement if subject to grant of application to exchange recreation reserve land

If a planning consent is subject to the grant of an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977,—

(a) the consent authority must notify the applicant when the procedures in sections 15 and 15AA of that Act are complete; and

(b) the planning consent commences on—

(i) the date of the notification under **paragraph (a)**; or

(ii) any later date that is specified in the notification.

Compare: 1991 No 69 s 116B

Duration

163 Duration of planning consent

~~(1) The duration of a planning consent must be determined in accordance with this section.~~

(1) The period for which a planning consent is granted is unlimited, unless otherwise specified in the consent.

~~(2) The maximum period for which any of the following planning consents may be granted is 35 years from the date of commencement of the permit:~~

~~(a) a planning consent for an activity that meets the requirements of a wastewater environmental performance standard or a stormwater environmental performance standard:~~

~~(b) a planning consent for a wastewater treatment plant that meets the requirements of an infrastructure design solution.~~

~~(3) The maximum period for which any other planning consent may be granted is unlimited.~~

(4) This section is subject to **section 165** (lapsing of consents).

Compare: 1991 No 69 s 123

~~**164 Exercise of consent while applying for new consent**~~

~~(1) **Subsection (3)** applies when —~~

~~(a) a planning consent is due to expire; and~~

~~(b) the consent holder applies for a new consent for the same activity; and~~

~~(c) the application is made to the appropriate consent authority; and~~

~~(d) the application is made at least 6 months before the expiry of the existing consent.~~

~~(2) **Subsection (3)** also applies when—~~

~~(a) a planning consent is due to expire; and~~

~~(b) the consent holder applies for a new consent for the same activity; and~~

~~(c) the application is made to the appropriate consent authority; and~~

~~(d) the application is made in the period that—~~

~~(i) begins 6 months before the expiry of the existing consent; and~~

~~(ii) ends 3 months before the expiry of the existing consent; and~~

~~(e) the consent authority, in its discretion, allows the holder to continue to operate.~~

~~(3) The holder of the planning consent may continue to operate under the existing consent until—~~

~~(a) a new consent is granted and all appeals are determined; or~~

~~(b) a new consent is declined and all appeals are determined.~~

~~(4) The holder of a planning consent for an activity that is regulated by a wastewater environmental performance standard or a stormwater environmental performance standard may, if they make an application under **subsection (1) or (2)**, continue to operate under an expired consent—~~

~~(a) for the duration specified in the environmental performance standard; or~~

~~(b) if the environmental performance standard does not specify a duration, until the date determined under **subsection (3)**.~~

~~Compare: 1991 No 69 s 124~~

164 Exercise of consent while applying for new consent

(1) This section applies if—

(a) a planning consent is due to expire; and

(b) the consent holder applies for a new consent for the same activity.

(2) The consent holder may continue to operate under the existing consent until the consent authority grants or refuses to grant a new consent and all appeals are determined if—

(a) the consent holder applies, to the appropriate consent authority, for a new consent for the same activity; and

(b) the application is made at least 6 months before the expiry of the existing consent.

(3) Despite **subsection (2)(b)**, the consent authority may, in its discretion, allow the consent holder to continue to operate under the existing consent if the consent holder makes the application in the period that—

(a) begins 6 months before the expiry of the existing consent; and

(b) ends 3 months before the expiry of the existing consent.

(4) A consent holder for an activity that is regulated by a wastewater environmental performance standard or a stormwater environmental performance standard may, if they make an application in accordance with **subsection (2) or (3)**, continue to operate under an expired consent—

(a) for the duration specified in the environmental performance standard; or

(b) if the environmental performance standard does not specify a duration, until the consent authority grants or refuses to grant a new consent and all appeals are determined.

(5) A consent holder may apply to the Planning Tribunal to review a consent authority's refusal to allow the consent holder to continue to operate under the existing consent under **subsection (3)**.

(6) This section does not apply to an application to which **clause 43 of Schedule 3 of the Natural Environment Act 2025** applies.

164A Applicant may lodge new application that complies with water services standard

(1) A consent holder that is operating under **section 164** may—

(a) withdraw their application for a new consent; and

(b) prepare a new application that complies with a relevant water services standard.

(2) Despite the consent holder withdrawing their application,—

(a) they may continue to operate under **section 164**; but

(b) they must submit the new application within 6 months after the date that the application is withdrawn.

164B Environmental performance standard does not apply if applicant proceeds with unamended application

A wastewater environmental performance standard or a stormwater environmental performance standard does not apply to an application for a planning consent for an activity associated with constructing or operating all or any part of a wastewater network or stormwater network if,—

(a) before the date on which the environmental performance standard comes into force, the consent authority has decided, under **section 123**, whether to give public or targeted notification of the application; and

(b) the applicant has determined to proceed with the application without amending it to comply with the environmental performance standard.

165 Lapsing of consent

(1) A planning consent lapses on the date specified in the consent or, if no date is specified,—

(a) 10 years after the date of commencement if the consent authorises a renewable energy activity; and

(b) 5 years after the date of commencement of the consent, in any other case.

(2) However, a consent does not lapse under **subsection (1)** if~~, before the consent lapses,~~ —

(a) the consent is given effect to before it lapses; or

(b) ~~an application is made~~ the consent holder applies, no later than 20 working days before the consent is due to lapse, to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension after taking into account—

(i) whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and

(ii) whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and

(iii) the effect of the extension on the ~~outcomes~~ objectives and policies in a plan;~~ and~~ or

(c) in the case of a consent authorising a renewable energy activity, the consent authority decides at the consent holder's request to shorten the period after which the consent lapses under **subsection (1)(a)**.

(3) A person may apply to the Planning Tribunal~~ under clause 15 of Schedule 10~~ to review a decision to grant an extension under **subsection (2)(b)**.

(4) For the purposes of this section, a subdivision consent is given effect to when a survey plan~~ in respect of~~ for the subdivision has been submitted to the territorial authority under **clause 17 of Schedule 7**, but lapses if the survey plan is not deposited in accordance with **clause 23** of that schedule.

Compare: 1991 No 69 s 125

166 Cancellation of consent

(1) A consent authority may cancel a planning consent by written notice served on the consent holder if the planning consent has been exercised in the past but has not been exercised during the preceding 5 years.

(2) **Subsection (1)** does not apply if—

(a) the planning consent expressly provides otherwise; or

(b) within 3 months after service of the notice, the consent holder applies to the consent authority to revoke the notice and the consent authority

decides to revoke the notice and state a period after which a new notice may be served under **subsection (1)**, after taking into account—

(i) whether the applicant has obtained approval from persons who may be adversely affected by the revocation of the notice; and

(ii) the effect of the revocation of the notice on the outcomes and policies in a plan.

(3) A consent holder may apply to the Planning Tribunal to review a consent authority's decision to decline to revoke the notice under **subsection (2)(b)**.

Compare: 1991 No 69 s 126

167 Change or cancellation of consent condition on application by consent holder

(1) A consent holder may apply to a consent authority for a change or cancellation of a condition of the consent if—

(a) the proposed change or cancellation does not relate to the duration of the consent; and

(b) in the case of a subdivision consent, the consent holder applies under this section before the deposit of the survey plan.

(2) **Subparts 1 to 5 of this Part** apply, with all necessary modifications, as if—

(a) the application were an application for a planning consent for a discretionary activity; and

(b) the references to a planning consent and to the activity were references only to—

(i) the change or cancellation of a condition; and

(ii) the effects of that change or cancellation.

(3) For the purposes of determining who is adversely affected by the change or cancellation, the consent authority must consider, in particular, every person who—

(a) made a submission on the original application; and

(b) may be affected by the change or cancellation.

Compare: 1991 No 69 s 127

Review of consent conditions by consent authority

168 Circumstances when consent conditions can be reviewed

(1) A consent authority may~~, in accordance with **section 169**~~, serve notice on a consent holder of its intention to review the conditions of a planning consent—

(a) at any time or times specified in the consent for any of the following purposes:

(i) to deal with any adverse effect on the built environment ~~which~~ that may arise from the exercise of the consent and ~~which it is~~ that is appropriate to deal with at a later stage; or

(ii) for any other purpose specified in the consent; or

(b) if the consent authority determines that the consent holder ~~of the consent~~ has contravened a condition of the consent; or

(c) in the case of a planning consent for an activity that is regulated by a wastewater environmental performance standard or a stormwater environmental performance standard, when the environmental performance standard has been made or amended; or

(d) if the information made available to the consent authority by the applicant for the consent for the purposes of the application contained inaccuracies ~~which~~ that materially influenced the decision made on the application and the effects of the exercise of the consent are such that it is necessary to apply more appropriate conditions.

(2) A consent authority must~~, in accordance with **section 169**~~, serve notice on a consent holder of its intention to review the conditions of planning consent if required by an order made by the Environment Court under **section 256(6)(b)**.

Compare: 1991 No 69 s 128

169 Notice of review

(1) A notice of intent to review the conditions of a consent under **section 168**—

(a) must advise the consent holder of the conditions of the consent ~~which~~ that are the subject of the review; and

(b) must state the reasons for the review; and

(c) must specify the information ~~which~~ that the consent authority took into account in making its decision to review the consent, unless the notice is given under **section ~~144~~ 168(1)(a) or (2)**; and

(d) must advise a consent holder by whom a charge is payable under the regulations in relation to the review—

(i) of the fact that the charge is payable; and

(ii) of the estimated amount of the charge; and

(e) may propose, and invite the consent holder to propose within 20 working days ~~of~~ after service of the notice, new consent conditions.

(2) If notification of the review is required under **section 170**, the notification must include a summary of the notice served under this section, and the notification must be served within—

(a) 30 working days after the service of the notice (if the consent holder is invited to propose new conditions); or

(b) 10 working days after the service of the notice (if the consent holder is not invited to propose new conditions).

Compare: 1991 No 69 s 129

170 Public notification, submissions, and hearing, etc

(1AAA) **Sections 123 to 130** apply, with all necessary modifications, as if—

(a) the review of consent conditions were an application for a planning consent for a discretionary activity; and

(b) the references to a planning consent and to the activity were references only to the review of the conditions and to the effects of the change of conditions respectively.

(1) **Sections 131 to 136** apply, with all necessary modifications, in respect of a review of ~~any~~ the conditions of a planning consent as if—

(a) the notice of review under **section 169** were an application for a planning consent; and

(b) the consent holder were the applicant for the planning consent.

~~(2) **Sections 123 to 130** apply, with all necessary modifications, as if—~~

~~(a) the review of consent conditions were an application for a planning consent for a discretionary activity; and~~

~~(b) the references to a planning consent and to the activity were references only to the review of the conditions and to the effects of the change of conditions respectively.~~

Compare: 1991 No 69 s 130

171 Matters to be considered in review

When reviewing the conditions of a planning consent, the consent authority—

(a) must have regard to the matters specified in **subpart 4** and to whether the activity allowed by the consent will continue to be viable after the change; and

(b) in the case of a review under **section 168(2)**, must have regard to any reasons that the court provided for making the order requiring the review; and

(c) may have regard to the manner in which the consent has been used.

Compare: 1991 No 69 s 131

172 Decisions on review of consent conditions

(1) A consent authority may change the conditions of a planning consent (other than a condition specifying the duration of the consent) on a review under **section 168** if 1 or more of the circumstances specified in that section ~~applies~~ apply.

(2) **Subparts 4 and 5** apply, with all necessary modifications, to a review under **section 168** as if—

(a) the review were an application for a planning consent; and

(b) the consent holder were an applicant for a planning consent.

(3) A consent authority may cancel a planning consent if—

(a) it reviews the consent under **section 168(1)(d)**; and

~~(b) the application for the consent contained inaccuracies that the authority considers materially influenced the decision made on the application; and~~

(c) there are significant adverse effects on the built environment resulting from the ~~exercise~~ use of the consent.

(4) A consent authority may also cancel a planning consent if—

(a) it reviews the consent under **section 168(2)**; and

(b) there are significant adverse effects on the built environment resulting from the ~~exercise~~ use of the consent.

Compare: 1991 No 69 s 132

173 Powers under Part 6 not affected

~~Nothing in **sections**~~ **Sections 167 to 172** ~~limits~~ do not limit the power of the Environment Court to change or cancel a planning consent by an enforcement order under **Part 6**.

Compare: 1991 No 69 s 133

174 Minor corrections of planning consents

A consent authority that grants a planning consent may, within 20 working days ~~of~~ after the grant, issue an amended consent that corrects minor mistakes or defects in the consent.

Compare: 1991 No 69 s 133A

Transfer and surrender

175 Land use and subdivision consents attach to land

A land use consent and a subdivision consent attaches to the land to which the consent relates and accordingly may be enjoyed by the owners and occupiers of the land for the time being, unless the consent expressly provides otherwise.

Compare: 1991 No 69 s 134

176 Surrender of consent

(1) The consent holder ~~of a planning consent~~ may surrender the consent, either in whole or in part, by giving written notice to the consent authority.

(2) A consent authority may refuse to accept the surrender of part of a planning consent ~~where~~ if it considers that the surrender of that part would—

(a) affect the integrity of the consent; or

(b) affect the ability of the consent holder to meet other conditions of the consent; or

(c) lead to an adverse effect on the built environment.

(3) A person who surrenders a planning consent remains liable under this Act—

(a) for any breach of conditions of the consent that occurred before the surrender of the consent; and

(b) to complete any work to give effect to the consent unless the consent authority directs otherwise in its notice of acceptance of the surrender ~~under **subsection (4)**~~.

(4) A surrender of a planning consent takes effect on receipt by the consent holder of a notice of acceptance of the surrender from the consent authority.

Compare: 1991 No 69 s 138

Subpart 7—Miscellaneous

Processes relating to activities that do not require planning consent

177 Consent authority may treat certain activities as permitted activities

(1) An activity is a permitted activity if—

(a) the activity would be a permitted activity except for a marginal or temporary non-compliance with requirements, conditions, and permissions specified in this Act, regulations, a land use plan, or a proposed land use plan; and

(b) any adverse effects of the activity on the built environment are no different in character, intensity, or scale than they would be in the absence of the marginal or temporary non-compliance ~~referred to in **paragraph (a)**~~; and

(c) any adverse effects of the activity on a person are minor or less than minor; and

(d) the consent authority, in its discretion, decides to notify the person proposing to undertake the activity that the activity is a permitted activity.

(2) A consent authority may give a notice under **subsection (1)(d)**—

(a) after receiving an application for a planning consent for the activity; or

(b) on its own initiative.

(3) The notice must be in writing and must include—

(a) a description of the activity; and

(b) details of the site at which the activity is to occur; and

(c) the consent authority's reasons for considering that the activity meets the criteria in **subsection (1)(a) to (c)**~~,~~ and the information relied on by the consent authority in making that decision.

(4) If a person has submitted an application for a planning consent for an activity that is a permitted activity under this section, the application need not be further processed, considered, or decided and must be returned to the applicant.

(5) A notice given under **subsection (1)(d)** lapses 5 years after the date of the notice unless the activity permitted by the notice is given effect to.

Compare: 1991 No 69 s 87BB

178 Certificate of compliance where activity does not require consent

(1) A person may apply to the consent authority for a certificate of compliance in relation to an activity that can be done lawfully in a particular location without a planning consent.

(2) A certificate states that the activity can be done lawfully in a particular location without a planning consent.

(3) The authority may, within 15 working days ~~of~~ after receiving an application, require the person to provide further information if the authority considers that the information is necessary for the purpose of applying **subsection (4)**.

(4) The authority must issue the certificate—

(a) if the activity can be done lawfully in the particular location without a planning consent; and

(b) if the person pays the appropriate administrative charge; and

(c) in accordance with any other prescribed requirements.

(5) The authority must not issue a certificate if—

(a) the request for a certificate is made after a proposed land use plan is notified; and

(b) the activity could not be done lawfully in the particular location without a planning consent under the proposed plan.

(6) The authority must not issue a certificate if ~~a notice for the activity is in force under **section 177(1)(d)**.~~—

(a) a notice for the activity is in force under **section 177(1)(d)**; or

(b) the activity is subject to a permitted activity rule that requires the activity to be registered.

(6A) The authority must issue the certificate, or notify the applicant that it refuses to issue a certificate, within 20 working days after—

(a) receiving the application; or

(b) receiving any further information in response to a request under **subsection (3)**.

(6B) An authority that issues a certificate may, within 20 working days after the certificate is issued, issue an amended certificate that corrects minor mistakes or defects in the certificate.

~~(7) **Clause 14 of Schedule 10** applies to a request for a certificate.~~

(7) A person may apply to the Planning Tribunal under **clause 24 of Schedule 10** for a review of the consent authority's decision to issue, or refuse to issue, a certificate.

(8) A certificate is treated as if it were an appropriate planning consent that—

(a) contains the conditions specified in an applicable national rule; and

(b) contains the conditions specified in an applicable land use plan.

(9) A certificate treated as a planning consent is subject to **sections 20, 21, and 23**.

(10) A certificate treated as a planning consent is subject to this Act as if it were a planning consent, except that the only sections in this Part that apply to it are **sections 154 to 157, 165, and 175**.

(11) In this section, **activity** includes a particular proposal.

Compare: 1991 No 69 s 139

179 Existing use certificates

(1) A person may request the consent authority to issue a certificate that—

(a) describes a use of land in a particular location; and

(b) states that the use of the land was a use of land allowed by **section 20** on the date on which the authority issues the certificate; and

(c) specifies the character, intensity, and scale of the use on the date on which the authority issues the certificate.

(2) A person may request the consent authority to issue a certificate that—

(a) describes an activity to which **section 23** applies; and

(b) states that the activity was an activity allowed by **section 23** on the date on which the authority issues the certificate; and

(c) specifies the character, intensity, and scale of the activity on the date on which the authority issues the certificate; and

(d) describes the period for which the activity is allowed under **section 23**.

(3) The consent authority may require the person to provide any further information that the authority considers it needs to determine whether it must issue the certificate.

(4) The consent authority must issue a certificate under **subsection (1)** if it—

(a) is satisfied that the use of the land is a use of land allowed by **section 20** on the date on which the authority issues the certificate; and

(b) receives payment of the appropriate administrative charge.

(5) The consent authority must issue a certificate under **subsection (2)** if it—

(a) is satisfied that the activity is an activity allowed by **section 23** on the date on which the authority issues the certificate; and

(b) receives payment of the appropriate administrative charge.

(5A) The authority must issue the certificate, or notify the applicant that it refuses to issue a certificate, within 20 working days after—

(a) receiving the request under **subsection (1) or (2)**; or

(b) receiving any further information in response to a request under **subsection (3)**.

(6) **Subsection (7)** applies if a consent authority that issued a certificate becomes aware that the information that a person provided in order to obtain the certificate contained inaccuracies.

(7) The authority must revoke the certificate~~,~~ if it is satisfied that the inaccuracies were material in satisfying the authority that it must issue the certificate.

(8) An existing use certificate is treated as an appropriate planning consent, and it is subject to this Act as if it were a planning consent, except that the only provisions of this Part that apply to it are **sections 154 to 157**.

(9) A person may apply to the Planning Tribunal under **clause 14 of Schedule 10** for a review of the consent authority's decision to issue or ~~revocation of~~ revoke an existing use certificate.

Compare: 1991 No 69 s 139A

180 Notification and registration of activity subject to permitted activity rule

(1) This section applies to a person proposing to carry out an activity in accordance with a permitted activity rule that requires an activity to be registered (*see* **section 38**).

(2) The person must, in writing,—

(a) notify the relevant consent authority that they propose to carry out a permitted activity in accordance with the permitted activity rule; and

(b) include in the notification—

(i) a description of how ~~any~~ the conditions set by the permitted activity rule will be met; and

(ii) any other information required by the permitted activity rule.

(3) The consent authority must, within 10 working days ~~of~~ after receiving the notification,—

(a) determine, on the information provided, whether the permitted activity rule will be met; and

(b) notify the person of that determination.

(4) If the consent authority determines that the permitted activity rule will be met, the consent authority must—

(a) register the activity; and

(b) carry out any monitoring of the activity required to ensure that the permitted activity rule is met.

(5) The registration of an activity that is subject to a permitted activity rule lapses 3 years after the date the activity is registered under **subsection (4)**, unless the person carries out the activity in accordance with the permitted activity rule before the registration lapses.

Other provisions relating to subdivision and reclamation

181 Schedule 7 applies to subdivision or reclamation

(1) **Schedule 7** sets out further provisions that relate to—

(a) subdivision under this Act; and

(b) reclamation under the **Natural Environment Act 2025**.

(2) By way of overview,—

(a) **Part 1 of Schedule 7** sets out further provisions relating to conditions of subdivision consents:

(b) **Part 2 of Schedule 7** sets out the process for approving and depositing survey plans, and related provisions, which is necessary for title to be issued for subdivided land:

(c) **Part 3 of Schedule 7** sets out provisions relating to esplanade reserves, esplanade strips, and access strips:

(d) **Part 4 of Schedule 7** provides for compensation to the registered owner of an allotment in certain circumstances, relating to when—

(i) land is required to be set aside as an esplanade reserve; or

(ii) an esplanade strip is required; or

(iii) the bed or a river or lake is required to vest in a territorial authority or the Crown; or

(iv) land in the costal marine area is required to become part of the common marine and coastal area:

(e) **Part 5 of Schedule 7** sets out the process for approving and depositing reclamation plans, and related provisions, which is necessary for title to be issued for land that is created following a reclamation under the **Natural Environment Act 2025**.

Part 5
Key roles

Subpart 1—Functions and powers of central and local government

Ministerial functions

182 Functions of Minister

The Minister has the following functions under this Act:

(a) ~~the recommendation of~~ recommending the ~~issue~~ approval of a national ~~direction~~ instrument under **section ~~50~~ 61**:

~~(b) the recommendation of the making of national standards:~~

(c) ~~the approval of~~ approving an applicant as a designating authority under **clause 10 or 11 of Schedule 5**:

(d) monitoring the exercise and performance ~~of the systems~~, by local authorities and any other person, of the functions, powers, and duties under this Act and the **Natural Environment Act 2025**~~, including the functions, duties, and powers exercised by any person under those Acts~~:

(e) monitoring the implementation and effect of this Act (including any regulations in force under it), national policy direction, and national standards:

(f) monitoring the relationship between the functions, powers, and duties of central government and local government under this Part:

(fa) monitoring and investigating, in such manner as the Minister thinks fit, any significant land use or planning matter:

(g) ~~the consideration and investigation of~~ considering and investigating the use of economic instruments (including charges, levies, other fiscal measures, and incentives) to achieve the purpose of this Act:

(h) any other functions specified in this Act.

Compare: 1991 No 69 s 24

~~183 Minister of Conservation has certain powers of local authority~~

~~(1) The Minister of Conservation has, in respect of the coastal marine areas of the Kermadec Islands, the Snares Islands, the Bounty Islands, the Antipodes Islands, the Auckland Islands, Campbell Island, and the islands adjacent to Campbell Island, the responsibilities, duties, and powers that a regional council would have under **section 222(4)** if those coastal marine areas were within the region of that regional council.~~

~~(2) The Minister of Conservation may exercise, in respect of the islands specified in **subsection (1)**, the responsibilities, duties, and powers that a regional~~

~~council would have under this Act if those islands were within the region of that regional council.~~

~~(3) The responsibilities, duties, and powers conferred on the Minister of Conservation by this section are in addition to the responsibilities, duties, and powers conferred on that Minister by this Act.~~

~~Compare: 1991 No 69 s 31A(1)(a), (b)(i), (3)~~

183 Minister of Conservation has certain powers of local authority

(1) The Minister of Conservation—

(a) has, in respect of the coastal marine areas of the islands specified in **subsection (2)**, the functions, powers, and duties that a regional council would have under this Act if those coastal marine areas were within the region of that regional council; and

(b) may, in respect of those islands, exercise and perform the functions, powers, and duties that a territorial authority would have under this Act if those islands were within the district of that territorial authority.

(2) The islands are—

(a) the Kermadec Islands:

(b) the Snares Islands:

(c) the Bounty Islands:

(d) the Antipodes Islands:

(e) the Auckland Islands:

(f) Campbell Island:

(g) the islands adjacent to Campbell Island.

(3) The functions, powers, and duties conferred or imposed on the Minister of Conservation by this section are in addition to the functions, powers, and duties conferred or imposed on that Minister by this Act.

Compare: 1991 No 69 s 31A(1)(a), (b)(i), (3)

Ministerial delegations

183A Delegation of functions by Ministers to chief executive

(1) A Minister of the Crown may, generally or particularly, delegate to the chief executive of that Minister's department in accordance with clause 5 of Schedule 6 of the Public Service Act 2020, any of that Minister's functions, powers, or duties under this Act other than the following:

(a) appointing persons to exercise powers or perform functions or duties in place of a local authority under **section 202**:

(b) recommending the making of a national instrument under **section 61**:

(c) recommending the making of regulations under this Act:

(d) recommending the making of an Order in Council under this Act:

(e) issuing directions in relation to the exercise of a local authority's functions, powers, or duties under this Act:

(f) approving an applicant as a designating authority under **clause 10 or 11 of Schedule 5**:

(g) this power of delegation.

(2) A chief executive may, in accordance with clause 2 of Schedule 6 of the Public Service Act 2020, subdelegate any function, power, or duty delegated to them by a Minister under clause 5 of that schedule.

(3) A delegation or subdelegation made under this section may be revoked in accordance with clause 4 or 6 of Schedule 6 of the Public Service Act 2020.

Functions, powers, and ~~responsibilities~~ duties of ~~territorial~~ local authorities

184 ~~Overview of responsibilities~~ Duties of territorial authorities

(1) ~~Every~~ A 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~~ duties under **subsection (1)**, a territorial authority must regulate and manage the following matters:

(a) ~~the~~ outstanding natural features and landscapes:

(b) areas of high natural character within the coastal environment, wetlands, lakes~~,~~ and rivers and their margins:

(c) public access to and along the coastal marine area, lakes, and rivers:

~~(d) effects of natural hazards as they relate to land use:~~

(d) natural hazard risks associated with the use and development of land:

(e) contaminated land:

(f) significant ~~historical~~ historic heritage:

(g) the development capacity of land for housing and business~~; and~~:

(h) the integration of land use planning with infrastructure planning and investment.

~~(3) The matters described in **subsection (2)** that are wholly within the coastal marine area are the responsibility of the regional council rather than of the territorial authority under this Act.~~

~~(4) However, the matters that are the responsibility of the regional council under **subsection (3)** do not include the matters described in **subsection (2)(c) and (h)**.~~

(3) However, *see* **section 184A**, which provides that a regional council has the functions, powers, and duties that a territorial authority has under this Act in relation to a matter that is wholly within the coastal marine area of its region.

(4) To avoid doubt, a territorial authority may regulate and manage the matters described in **subsection (2)** that are partly within the district of that territorial authority and partly within the coastal marine area.

184A Duties of regional councils in relation to coastal marine area

(1) A regional council has the functions, powers, and duties that a territorial authority has under this Act in relation to a matter that is wholly within the coastal marine area of its region.

(2) The matters that are the responsibility of the regional council under **subsection (1)** do not include the matter described in **section 184(2)(c)**.

185 Functions of territorial authorities

~~Every~~ A territorial authority has the following functions:

~~*Planning and related functions*~~

(a) making and ~~maintaining~~ reviewing a land use plan for ~~the~~ its district~~; and~~:

(b) administering and implementing ~~the~~ its land use plan ~~for its district, including~~ :

~~(i) acting as a consenting authority for its district; and~~

~~(ii) undertaking monitoring, enforcement and compliance actions as required to achieve compliance with this Act, national standards, regulations made under this Act, and the provisions of the land use plan; and~~

~~(iii) monitoring the implementation and effectiveness of the regulatory plan; and~~

(ba) monitoring the implementation of this Act within its district:

(bb) acting as a consent authority for its district:

(bc) monitoring and enforcing compliance with this Act:

(c) jointly with ~~the regional council within whose region the territorial authority is located~~ other local authorities, making and maintaining a regional spatial plan for the region~~; and~~:

(d) regulating and managing effects ~~in accordance with~~ under **subpart 1 of Part 2**~~; and~~:

(e) any other functions ~~or responsibilities~~, powers, or duties specified in this Act or in the **Natural Environment Act 2025**.

~~*Monitoring*~~

~~(2)~~ ~~In addition to those responsibilities of a territorial authority, territorial authorities have the responsibility to monitor compliance with standards, rules, and permits and responding proportionately, consistently, and reasonably to non-compliance using the functions and powers available to them under this Act, so as to promote compliance in a way that gives effect to the purpose, goals, and procedural principles of this Act.~~

Compare: 1991 No 69 s ~~35~~ 31

~~186~~ ~~Information gathering, monitoring, and keeping records~~

~~(1)~~ ~~Every territorial authority must gather the information necessary to carry out effectively its functions and responsibilities under this Act or regulations under this Act and undertake or commission any research required for that purpose.~~

~~(2)~~ ~~Every territorial authority must also monitor the whole or any part of its district —~~

~~(a)~~ ~~to the extent that is appropriate to enable the territorial authority effectively to carry out its functions and responsibilities under this Act; and~~

~~(b)~~ ~~in accordance with any indicators or other matters prescribed by regulations made under this Act.~~

~~(3)~~ ~~Monitoring must also include consideration of the following:~~

~~(a)~~ ~~the efficiency and effectiveness of rules or other methods in the regional plan; and~~

~~(b)~~ ~~the exercise of any functions and responsibilities under the plan or delegated or transferred by the territorial authority; and~~

~~(c)~~ ~~the efficiency and effectiveness of processes used by the territorial authority in exercising its powers or performing its functions and responsibilities (including those delegated or transferred by it), including matters such as timeliness, cost, and the overall satisfaction of those persons or bodies in respect of whom the powers, functions, and responsibilities are exercised or performed; and~~

~~(d)~~ ~~the exercise of the consents that have effect in its district.~~

~~(4)~~ ~~If monitoring shows that action is needed, a territorial authority must take appropriate action in accordance with any regulations, having regard to the methods it is able to use under this Act.~~

~~Compare: 1991 No 69 s 35(1), (2), (2AA)~~

~~187~~ ~~Further monitoring requirements~~

~~(1)~~ ~~Every territorial authority must, at intervals of not more than 5 years, compile and publish on its internet site a review of the results of the monitoring undertaken under this section and **section 186**.~~

~~(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—~~

~~(a) are better informed of their duties and of the functions and responsibilities of the territorial authority; and~~

~~(b) are able to participate effectively under this Act.~~

~~(3) The information required by **subsection (2)** includes—~~

~~(a) copies of the operative and proposed plan of the district, including proposed designations and any operative and proposed changes to those documents; and~~

~~(b) copies of documents or other material incorporated by reference in a plan; and~~

~~(c) copies of decisions relating to submissions on a proposed plan; and~~

~~(d) copies of the operative and proposed plans for the other territorial authorities in the region of which its district forms a part: and~~

~~(e) copies of every national instrument; and~~

~~(f) a record of the following received by, or granted by, the territorial authority in relation to the district:~~

~~(i) the applications for resource consents; and~~

~~(ii) the decisions made under **sections 115, 123 to 130, and 284**; and~~

~~(iii) the resource consents granted within the district; and~~

~~(iv) the resource consents transferred; and~~

~~(g) a summary of the written complaints received in the preceding 5 years on alleged breaches of the Act or a plan and how each complaint was dealt with; and~~

~~(h) records of natural hazards, to the extent that the territorial authority considers appropriate for the effective discharge of its functions and responsibilities; and~~

~~(i) any other information the territorial authority has gathered under this section.~~

~~Compare: 1991 No 69 s 35(2A)–(5)~~

186 Monitoring and information gathering

(1) A territorial authority must—

(a) carry out its monitoring functions in its district; and

(b) report on the results of that monitoring; and

(c) if monitoring shows that action is needed, take appropriate action having regard to its functions, powers, and duties under this Act.

(2) A territorial authority must gather the information it needs to exercise or perform its functions, powers, and duties under this Act.

(3) A territorial authority must keep, reasonably available and in an accessible format, information that is relevant to the exercise or performance of its functions, powers, and duties under this Act, so that members of the public—

(a) are better informed of those functions, powers, and duties; and

(b) are able to participate in the relevant processes under this Act.

(4) A territorial authority must comply with any requirements relating to monitoring, reporting, and information gathering under this section prescribed in regulations and national instruments.

188 Duty to keep records about iwi and hapū

(1) ~~Every~~ A territorial authority must, for the purposes of this Act ~~or regulations made under this Act~~, keep and maintain for each iwi and hapū within its district, a record of—

(a) the contact details for each iwi authority within the district and for groups representing hapū within the district ~~representing hapū~~; and

(b) the planning documents recognised by each iwi authority and lodged with the territorial authority; and

(c) any area in the district where 1 or more iwi or hapū exercise kaitiakitanga; and

(d) any ~~existing or initiated~~ Mana Whakahono ~~a~~ ā Rohe applying in the region.

(2) For the purposes of **subsection (1)(a) and (c)**, the Crown must provide to each territorial authority information on—

(a) the iwi authorities within the region of which the territorial authority is a part and any areas where 1 or more iwi exercise kaitiakitanga; and

(b) any groups that represent hapū for the purposes of this Act within the district and any areas where 1 or more hapū exercise kaitiakitanga; and

(c) the matters provided for in **paragraphs (a) and (b)** that ~~the territorial authority~~ another local authority has advised to the Crown.

(3) ~~Each~~ A territorial authority—

(a) must include in its records all the information provided to it by the Crown under **subsection (2)**; and

(b) may also keep a record of information relevant to the district—

(i) about 1 or more iwi, obtained directly from the relevant iwi authority representing the iwi for the purposes of this Act or regulations made under this Act; and

(ii) about 1 or more hapū, obtained directly from the relevant group representing the hapū for the purposes of this Act.

(4) In this section, the requirement under **subsection (1)** does not apply to hapū unless a hapū, ~~though~~ through its representative group, requests the Crown or the territorial authority to include the information for that hapū.

(5) If the information recorded ~~in accordance with~~ under **subsection (1)** conflicts with a provision of ~~another enactment~~ other legislation, or advice given or a determination made under the other ~~enactment~~ legislation, the provision, advice, or determination under the other ~~enactment,~~ legislation prevails.

~~(6) Information kept and maintained by a territorial authority under this section must not be used by the council except for the purposes of this Act.~~

(6) A territorial authority may use the information kept and maintained under this section only—

(a) for the purposes of this Act or the **Natural Environment Act 2025**; or

(b) for other purposes with the written agreement of the iwi authority for the iwi, or the group representing hapū for the hapū, to which the information relates.

(7) Information required to be provided under this section must be provided in accordance with any ~~prescribed~~ requirements prescribed in regulations.

Compare: 1991 No 69 s 35A

Statutory acknowledgements

189 Obligations relating to statutory acknowledgements

~~Every~~ A territorial authority must ensure that, in undertaking its planning and other functions ~~and responsibilities~~, powers, and duties under this subpart, its ability to fulfil the obligations relating to any statutory acknowledgements applying within, or in any part of, its district is not impeded.

190 Provision of relevant information to post-settlement governance entity

(1) This section applies if—

(a) a consent authority is or was required by legislation to provide relevant information relating to a planning consent application for an activity within, adjacent to, or directly affecting a statutory area of a post-settlement governance entity; but

(b) the requirement no longer applies (for example, because the period specified in the legislation has expired).

(2) The consent authority must provide the post-settlement governance entity with ~~relevant information relating to a consent application~~ a summary of the planning consent application, if the application is received by the consent authority.

~~(3) In this section, **relevant information** means the following information relating to an application for an activity within, adjacent to, or directly affecting a statutory area of the post-settlement governance entity:~~

~~(a) a summary of the application, if the application is received by the consent authority; or~~

~~(b) a copy of the notice, if a notice is served on the consent authority under this section.~~

(4) The summary must be the same as would be given to an affected person by targeted notification under **section 125** or as may be agreed between the post-settlement governance entity and the consent authority.

~~(5) A consent authority must provide the post-settlement governance entity—~~

~~(a) with the summary—~~

~~(i) as soon as reasonably practicable after the consent authority receives the application for the permit; but~~

~~(ii) before the relevant consent authority decides under **section 123** whether to notify the application; and~~

~~(b) with a copy of the notice not later than 10 working days after the day on which the consent authority receives the notice.~~

(5) A consent authority must provide the post-settlement governance entity with the summary—

(a) as soon as is reasonably practicable after the consent authority receives the planning consent application; and

(b) before the consent authority decides under **section 123** whether to notify the application.

(6) The post-settlement governance entity may, by written notice to the consent authority,—

(a) waive the right to be provided with the summary or copy of the notice; and

(b) state the scope of that waiver and the period that it applies for.

(7) This section does not affect the ~~obligations~~ duty of the consent authority to decide,—

(a) under **section 123**, whether to notify an application:

(b) under **section 128**, whether the post-settlement governance entity is an affected person in relation to an activity.

~~(8) In this section, **legislation** has the meaning given in section 5 of the Legislation Act 2019 and includes any enactment.~~

Compare: 1991 No 69 s 42AA

Administrative charges

191 Administrative charges

(1) A territorial authority may fix charges of all or any of the following kinds:

(a) charges payable in relation to any application, notice, or request under this Act where the territorial authority or an independent hearings panel has functions under this Act in relation to the application, notice, or request:

(b) charges payable to recover the costs of the carrying out by the territorial authority of its functions, duties, or powers under this Act:

(c) charges payable by a person who, in the opinion of an enforcement officer, has contravened this Act, a national environmental standard, a regulation, a rule in a plan, or a natural resource permit, for the carrying out by the territorial authority of any function necessary to determine whether the contravention has occurred:

(d) charges authorised by regulations.

(2) Charges must be fixed in accordance with requirements prescribed in regulations.

Compare: 1991 No 69 s 36

192 Other matters relating to administrative charges

(1) A territorial authority may waive the whole or any part of any charge of a kind referred to in **section 191** that would be payable in any particular case.

(2) Where a charge of a kind referred to in **section 191** is payable to a territorial authority, the territorial authority need not perform the action to which the charge relates until the charge has been paid to it in full.

(3) However, **subsection (2)** does not apply to a charge to which **section 191(1)(a)** applies in relation to an independent hearings panel.

(4) A territorial authority must publish and maintain, on an internet site to which the public has free access, an up-to-date list of charges fixed under **section 191**.

Compare: 1991 No 69 s 36AAB

Transfer and delegation of functions, powers, and responsibilities duties

192A Meaning of public authority

In **sections 193 to 200**, **public authority** means any of the following:

(a) a local authority:

(b) a public service agency within the meaning given by section 5 of the Public Service Act 2020:

(c) a joint committee appointed under clause 30 of Schedule 7 of the Local Government Act 2002:

(d) a local board within the meaning given by section 5(1) of the Local Government Act 2002.

193 Transfer of powers

(1) A territorial authority may transfer any of its functions, powers, or ~~responsibilities~~ duties under this Act to another public authority in accordance with this section.

~~(2) For the purposes of this section, **public authority** means the following:~~

~~(a) a local authority; and~~

~~(b) a government department; and~~

~~(c) a joint committee; and~~

~~(d) a local board.~~

(3) A territorial authority may transfer ~~any~~ a function, power, or ~~responsibility~~ duty~~, but~~ only if both authorities concerned agree—

(a) on the terms and conditions of the transfer; and

(b) that the public authority to which the transfer is made represents the appropriate community of interest for the exercise or performance of the function, power, or ~~responsibility~~ duty being transferred; and

(c) that the transfer is desirable on the grounds of efficiency and technical or special capability or expertise.

~~(4) A public authority to which a transfer is made under this section may accept the transfer unless it is expressly precluded by the terms of any Act by or under which it is constituted, but if a transfer is made, the functions, powers, and responsibilities of the public authority are to be treated as having been extended as necessary to enable the public authority to undertake, exercise, and perform the transferred function, power, or responsibility.~~

(5) A local authority that has transferred a function, power, or ~~responsibility~~ duty under this section may change or revoke the transfer at any time by notice to the transferee.

(6) A public authority to which a function, power, or ~~responsibility~~ duty has been transferred under this section may relinquish the transfer in accordance with the transfer agreement.

Compare: 1991 No 69, s 33(1), (2), (6)–(9)

Delegation of functions, powers, and duties

194 Delegation of functions, etc

(1) A territorial authority may delegate ~~any of its functions, powers, or responsibilities to any committee of the council established under the Local Government Act 2002.~~—

(a) any of its functions, powers, or duties to a committee of the council established under the Local Government Act 2002; and

(b) any of its functions, powers, or duties to a community board in relation to a matter of significance to that community, other than the approval of a regional spatial plan, land use plan, or plan change.

(2) ~~Before a final decision is made approving a plan or change to a plan, a~~ A unitary authority may delegate to a local board any of its functions, powers, or ~~responsibilities~~ duties relating to a matter of local significance, other than the approval of a ~~plan or a change to a plan~~ regional spatial plan, land use plan, or plan change.

(3) A delegation may be—

(a) made on the terms and conditions that the territorial authority thinks fit; and

(b) revoked at any time by notice to the delegate.

Compare: 1991 No 69 s 34(1), (3A), (3B), (7)

195 Presumptions applying to delegations

(1) ~~Unless the instrument of delegation provides otherwise, a~~ A person to whom a function, power, or ~~responsibility~~ duty has been delegated under ~~this section~~ **section 194** may exercise or perform the function, power, or duty in the same way and to the same effect as the territorial authority ~~itself~~ could have exercised or performed the function, power, or ~~responsibility~~ duty.

(1A) **Subsection (1)** applies unless the instrument of delegation provides otherwise.

(2) A person authorised under ~~this section~~ **section 194** to act under a delegation is presumed to act in accordance with the terms of the delegation, unless there is proof to the contrary.

(3) A delegation under ~~this section~~ **section 194** does not affect the performance or exercise of any function, power, or ~~responsibility~~ duty by the territorial authority.

Compare: 1991 No 69 s 34(8)–(10)

196 Delegation to employees and others

(1) A territorial authority may delegate to an employee or hearings commissioner appointed by the territorial authority any function, power, or ~~responsibility~~ duty under this Act except—

(a) the power to approve a ~~plan~~ regional spatial plan, land use plan, or plan change under **Schedule 2 or 3**; or

(b) this power of delegation.

(2) A territorial authority may delegate to any other person any function, power, or ~~responsibility to any other person~~ duty except—

(a) the powers referred to in **subsection (1)(a) and (b)**; or

(b) a decision on an application for a ~~resource~~ planning consent.

(3) **Subsection (1) or (2)** does not prevent a territorial authority from delegating to any person the power to do anything referred to in those subsections before a final decision has been made on those actions.

(4) **Sections 194(3) and 195** apply to a delegation made under this section.

Compare: 1991 No 69 s 34A(1), (2), (4), (5)

Joint management ~~agreement~~ agreements

197 ~~Power to make~~ Territorial authority may enter joint management agreement

(1) A territorial authority ~~that wants to~~ may enter into a joint management agreement ~~must~~ if it—

(a) ~~notify~~ notifies the Minister ~~of its wish~~; and

(b) ~~satisfy itself~~is satisfied that—

(i) ~~that for the purposes of this Act~~ the public authority that would be a party to the joint management agreement—

(A) represents the relevant community of interest; and

(B) has the technical or special capability or expertise to perform or exercise the function, power, or ~~responsibility~~ duty jointly with the territorial authority; and

(ii) ~~that~~ a joint management agreement is an efficient method of performing or exercising the function, power, or ~~responsibility~~ duty; and

(c) include in the joint management agreement details of—

(i) the resources that will be required for the administration of the agreement; and

(ii) how the administrative costs of the joint management agreement will be met.

~~(2) A territorial authority that complies with **subsection (1)** may enter into a joint management agreement.~~

(2) A decision made under a joint management agreement has legal effect as a decision of the territorial authority.

(3) A party to a joint management agreement may terminate the agreement by giving the other parties 20 working days' notice.

Compare: 1991 No 69 ~~s 36B~~ ss 36B, 36D, 36E

198 Territorial authority may act alone

(1) This section applies if a joint management agreement requires the parties to perform or exercise a specified function, power, or ~~responsibility~~ duty together.

(2) The territorial authority may perform or exercise the specified ~~functions~~ function, power, or ~~responsibility~~ duty by itself if a decision is required before the parties to the joint management agreement can perform or exercise the function, power, or ~~responsibility~~ duty and the joint management agreement does not provide a method for ~~the~~ making ~~of~~ that kind of decision.

Compare: 1991 No 69 s 36C

~~199 Effect of joint management agreement~~

~~A decision made under a joint management agreement has legal effect as the decision of the territorial authority.~~

~~Compare: 1991 No 69 s 36D~~

~~200 Termination of joint management agreement~~

~~Any party to a joint management agreement may terminate the agreement by giving the other parties 20 working days' notice.~~

Subpart 2—Ministerial intervention

Central government

201 Power of Minister to investigate and make recommendations

(1) The Minister may—

(a) investigate the exercise or performance by a local authority of any of its functions, powers, or duties under this Act ~~or regulations under this Act~~; and

(b) make recommendations to the local authority on its exercise or performance of those functions, powers, or duties; and

(c) investigate the failure or omission by a local authority to exercise or perform any of its functions, powers, or duties under this Act ~~or regulations under this Act~~; and

(d) make recommendations to the local authority on its failure or omission to exercise or perform those functions, powers, or duties.

(2) The Minister may—

(a) specify a time frame within which a local authority must respond to a ~~ministerial~~ recommendation and a format for that response; and

(b) require a local authority to respond within the specified time frame.

Compare: 1991 No 69 s 24A

202 Residual powers of Minister

(1) If ~~any~~ a local authority is not exercising or performing any of its functions, powers, or duties under this Act, the Minister may appoint, on such terms and conditions as the Minister thinks fit, 1 or more persons (including ~~any officer of the~~ a public service employee within the meaning given in section 5 of the Public Service Act 2020) to exercise or perform all or any of those functions, powers, or duties in place of the local authority.

~~(2) The Minister must not make an appointment under **subsection (1)** until—~~

~~(a) the Minister has investigated the local authority under **section 201**; and~~

~~(b) the Minister has made recommendations to the local authority under **section 201(1)(b) or (d)**; and~~

~~(c) the local authority has been given written notice specifying the reasons why the Minister proposes to make the appointment; and~~

~~(d) the local authority has a reasonable opportunity to satisfy the Minister that it has not failed to exercise or perform any of its functions, powers, or duties under this Act, and having not succeeded in so satisfying the Minister, has failed to take proper steps within a time specified in the notice (being not less than 20 working days after the date of the notice) to remedy the defaults complained of.~~

(2) The Minister must not make an appointment under **subsection (1)** unless the Minister—

(a) has investigated the local authority under **section 201(1)(a) or (c)**; and

(b) has made recommendations to the local authority under **section 201(1)(b) or (d)**; and

(c) has given the local authority written notice specifying—

(i) the reasons that the Minister proposes to make the appointment; and

(ii) a reasonable time frame (being not less than 20 working days after the date of the notice) within which the local authority must take steps to remedy the default complained of; and

(d) after the expiry of the time frame specified in the notice, is not satisfied that the local authority is exercising or performing the relevant functions, powers, or duties.

(3) ~~Any~~ A person appointed ~~under **subsection (1)**~~ to exercise or perform the functions, powers, or duties of a local authority under this Act may do so as if the person were the local authority, and the provisions of this Act apply accordingly.

(4) All costs, charges, and expenses incurred by the Minister for the purposes of this section, or by a person appointed by the Minister ~~under this section~~ in exercising or performing functions, powers, or duties of a local authority, are recoverable from the local authority as a debt due to the Crown or may be deducted from any money payable to the local authority by the Crown.

Compare: 1991 No 69 s 25

203 Minister may direct preparation of plan, ~~document,~~ plan change, or variation

(1) The Minister—

(a) may direct a territorial authority—

(i) to prepare a land use plan that addresses ~~a planning or land use~~ an issue relating to a ~~function~~ duty set out in **section ~~185~~ 184**; or

(ii) to prepare a change to its land use plan that addresses the issue; or

(iii) to prepare a variation to its proposed land use plan that addresses the issue; and

(b) must~~, in giving a direction,~~ specify a reasonable ~~period~~ time frame within which the plan, plan change, or variation must be notified.

(2) However, the Minister must not issue a direction under **subsection (1)** unless—

(a) the Minister has investigated the territorial authority under **section 201(1)(a) or (c)** in relation to the ~~planning or land use~~ issue; and

(b) the Minister has made recommendations to the territorial authority under **section 201(1)(b) or (d)** in relation to the ~~planning or land use~~ issue.

(3) The Minister is not required to comply with the requirement in **subsection (2)(a)** if the Minister has reasonable evidence that a territorial authority is not exercising or performing the relevant functions, powers, or duties under this Act.

(4) In **subsection (3)**, **reasonable evidence** means—

(a) the territorial authority has published 1 or more of the following, which establish that it does not intend to exercise or perform the relevant functions, powers, or duties:

(i) a resolution:

~~(ii) a written statutory document; or~~

(ii) any document required by legislation; or

(b) there is evidence of the territorial authority's failure to comply with ~~statutory~~ time frames ~~in~~ under this Act~~.~~ or prescribed in a national instrument; or

(c) information collected by the Minister as part of the Minister's ongoing monitoring of the territorial authority's exercise or performance of its functions, powers, and duties.

~~(5) If a national direction requires a territorial authority to prepare a document other than a plan or policy statement and the authority has not prepared the document as required, the Minister—~~

~~(a) may direct the authority to—~~

~~(i) prepare the document; or~~

~~(ii) amend the document to meet the requirements of the national direction; and~~

~~(b) must, in giving a direction, specify a reasonable period within which the document must be prepared or amended.~~

~~(6) The Minister—~~

~~(a) may direct a territorial authority to—~~

~~(i) prepare a plan change or variation to address any non-compliance with a national direction; and~~

~~(ii) use the planning process under this Act to prepare the plan change or variation; and~~

~~(b) must, in giving a direction, specify a reasonable period within which the plan change or variation must be notified.~~

~~(7) However, the Minister must not make a direction under **subsection (5) or (6)** unless—~~

~~(a) the Minister has investigated the territorial authority under **section 201(1)(c)** in relation to the non-compliance with the national policy statement; and~~

~~(b) the Minister has made recommendations to the territorial authority under **section 201(1)(d)** in relation to that non-compliance.~~

Compare: 1991 No 69 s 25A

203A Minister may direct compliance with national instrument

(1) If a national instrument requires a territorial authority to prepare a document other than a plan, and the authority has not prepared the document as required, the Minister—

(a) may direct the authority to—

(i) prepare the document; or

(ii) amend the document to meet the requirements of the national instrument; and

(b) must specify a reasonable time frame within which the document must be prepared or amended.

(2) The Minister—

(a) may direct a territorial authority to—

(i) prepare a plan change or variation to address any non-compliance with a national instrument; and

(ii) use the planning process under this Act to prepare the plan change or variation; and

(b) must specify a reasonable time frame within which the plan change or variation must be notified.

(3) However, the Minister must not make a direction under **subsection (1) or (2)** unless—

(a) the Minister has investigated the territorial authority under **section 201(1)(c)** in relation to the non-compliance with the national instrument; and

(b) the Minister has made recommendations to the territorial authority under **section 201(1)(d)** in relation to that non-compliance.

204 Minister may direct local authority to ~~achieve outcome~~ take action

(1) The Minister may direct a local authority to take any action that the Minister considers necessary to ~~achieve an outcome specified by the Minister in the direction~~ address any issue with the local authority's exercise or performance of its functions, powers, or duties.

(2) However, the Minister must not issue a direction ~~under **subsection (1)**~~ unless—

(a) the Minister has investigated the local authority under **section 201(1)(a) or (c)** in relation to the ~~outcome~~ relevant function, power, or duty; and

(b) the Minister has made recommendations to the local authority under **section 201(1)(b) or (d)** in relation to the ~~outcome~~ relevant function, power, or duty.

(3) The Minister is not required to comply with the requirement in **subsection (2)(a)** if the Minister has reasonable evidence that a local authority is not exercising or performing the relevant functions, powers, or duties under this Act.

(4) In **subsection (3)**, **reasonable evidence** ~~means~~ has the meaning given in **section 203(4)**, as if a reference to the territorial authority were a reference to the local authority.

~~(a) the local authority has published 1 or more of the following, which establish that it does not intend to exercise or perform the relevant functions, powers, or duties:~~

~~(i) a resolution:~~

~~(ii) a written statutory document; or~~

~~(b) there is evidence of the local authority's failure to comply with statutory time frames in the Act.~~

205 Minister may direct commencement of review

(1) The Minister may direct a territorial authority to commence a review of the whole or any part of its land use plan and, if they do so, must specify a reasonable ~~period~~ time frame within which the review must commence.

(2) For the purpose of **subsection (1)**, **section 99(2) to (4)** applies to the review with ~~any~~ all necessary ~~modification~~ modifications.

Compare: 1991 No 69 s 25B

206 Requirements related to ministerial directions

(1) If the Minister makes a direction under **section 203, 203A, 204, or 205**, the Minister must in writing—

(a) provide the local authority with the reasons for issuing the direction; and

(b) ~~issue~~ give a statement to the local authority outlining any outcomes sought by the direction; and

(c) require the local authority to confirm in writing when they have given effect to the direction; and

(d) make their reasons, statement, and the local authority response publicly available.

~~(2) If the Minister makes a direction under **section 204**, the Minister must, in addition to the requirements in **subsection (1)**, require in writing the local authority to—~~

~~(a) respond within 20 working days; and~~

~~(b) outline how they intend to give effect to the direction.~~

(2) If the Minister makes a direction under **section 204**, the local authority must—

(a) include in its response an outline of how it intends to give effect to the direction; and

(b) provide the outline within 20 working days after the date of the direction or any later time that the Minister allows.

~~**207 Minister may require local authorities to supply information**~~

~~(1) The Minister may require the bodies described in **subsection (2)** to supply the information described in **subsection (3)**.~~

~~(2) The bodies are—~~

~~(a) a local authority; and~~

~~(b) a core infrastructure operator approved as a designating authority.~~

~~(3) The information is information to which all the following apply:~~

~~(a) it is about the body's exercise of any of its functions, powers, or duties under this Act; and~~

~~(b) it is held by the body; and~~

~~(c) it may reasonably be required by the Minister.~~

~~(4) The Minister must require the information in a notice that—~~

~~(a) is in writing; and~~

~~(b) is dated.~~

~~(5) The body—~~

~~(a) must supply the Minister with the information within—~~

~~(i) 20 working days of the date of the notice; or~~

~~(ii) a longer time set by the Minister; and~~

~~(b) must not charge the Minister for the supply.~~

~~Compare: 1991 No 69 s 27~~

207 Minister may require certain authorities to provide information

(1) The Minister may, by notice, require an authority to provide information held by the authority that—

(a) relates to the exercise of the authority's functions, powers, or duties under this Act; and

(b) may reasonably be required by the Minister.

(2) The notice—

(a) must be in writing and be dated; and

(b) may specify the manner in which the information must be provided.

(3) The authority must provide the information—

(a) within 20 working days of the date of the notice or any later time that the Minister allows; and

(b) free of charge.

(4) In this section, **authority** means—

(a) a local authority; or

(b) core infrastructure operator approved as a designating authority.

208 Restriction on ministerial direction

The Minister may not give a direction under section 103 of the Crown Entities Act 2004 that relates to the exercise of the EPA's functions under **section 220**.

~~Delegations~~

~~209~~ ~~Delegation of functions by Ministers~~

~~(1)~~ ~~Any Minister of the Crown may, generally or particularly, delegate to the chief executive of that Minister's department in accordance with clause 5 of Schedule 6 of the Public Service Act 2020, any of that Minister's functions, powers, or duties under this Act other than the following:~~

- ~~(a)~~ ~~appointing persons to exercise powers or perform functions or duties in place of a local authority under **section 202**:~~
- ~~(b)~~ ~~recommending the making of a national instrument under **section 50**:~~
- ~~(c)~~ ~~recommending the approval, change, or revocation of a national policy direction under **section 50**:~~
- ~~(d)~~ ~~recommending the making of regulations under this Act:~~
- ~~(e)~~ ~~recommending the making of an Order in Council under this Act:~~
- ~~(f)~~ ~~issuing directions in relation to the exercise of a local authority's functions, powers, or duties under this Act:~~
- ~~(g)~~ ~~approving an applicant as a designating authority under **clause 10 or 11 of Schedule 5**]:~~
- ~~(h)~~ ~~this power of delegation.~~

~~(2)~~ ~~A chief executive may, in accordance with clauses 2 and 3 of Schedule 6 of the Public Service Act 2020, subdelegate any function, power, or duty delegated to them by a Minister under clause 5 of that schedule.~~

~~(3)~~ ~~Any delegation or subdelegation made under this section may be revoked in accordance with clause 4 or 6 of Schedule 6 of the Public Service Act 2020, as the case may be.~~

Subpart 3—System performance

~~System performance framework~~

209B Chief executive's system performance function

(1) The chief executive has a function to maintain strategic oversight of the system established under this Act and the **Natural Environment Act 2025**.

(2) The chief executive must perform that function, in accordance with the requirements of this subpart, by—

- (a) monitoring and reporting on—
  - (i) the efficiency and effectiveness of that system; and
  - (ii) the extent to which the goals of those Acts are achieved; and
- (b) identifying and responding to system-wide issues.

210 ~~System~~ Chief executive must prepare system performance framework

(1) The chief executive must prepare ~~and maintain~~ a system performance framework within 12 months after this Act receives Royal assent ~~(the **framework**)~~.

~~(2) The purpose of the framework is to maintain regular strategic oversight of the system by—~~

~~(a) improving understanding of whether and to what extent legislative and system outcomes are achieved; and~~

~~(b) enabling continuous evidence-based improvements to the operation and implementation of the system; and~~

~~(c) supporting continuous improvement in the way in which the legislation is implemented; and~~

~~(d) establishing a process to identify and respond to emerging system-wide issues, including national direction outcomes.~~

(3) The framework must set out—

(a) ~~key~~ system performance indicators; and

(b) the holders of the information that the chief executive will use to inform their understanding of the indicators; and

(c) matters to be addressed in system performance reports; and

(d) the process for developing system performance reports, strategic reviews, and independent reviews under **sections 212 to 214**; and

(da) publication requirements for strategic review reports, including the reasons that the chief executive may withhold publication of a strategic review report; and

(e) any other matters that the chief executive considers relevant or necessary.

~~(4) When preparing or updating the system performance framework, the chief executive must consult—~~

~~(a) the Minister on the key system performance indicators to ensure that the framework addresses any particular areas of interest for the Minister; and~~

~~(b) other relevant agencies on the key system performance indicators to ensure that—~~

~~(i) the framework addresses any particular areas of interest for those agencies; and~~

~~(ii) the agencies can support the chief executive to gather relevant data efficiently and can support necessary system improvements; and~~

~~(c) Māori groups that the chief executive considers to be representative of relevant interests; and~~

~~(d) any other stakeholders or interested parties that the chief executive considers appropriate or relevant.~~

(4) The framework must specify who, and how, the chief executive will consult when—

(a) preparing system performance reports; and

(b) undertaking strategic reviews; and

(c) preparing amendments to the framework.

(5) The chief executive must~~ publish the framework on an internet site.~~—

(a) maintain the framework; and

(b) publish the framework on an internet site.

Compare: 2023 No 46 s 772

211 Collection of data in support of system performance

(1) The chief executive may collect data for the purposes described in **subsection (2)** from ~~an entity~~ any person that performs or exercises functions, powers, or duties under this Act or the **Natural Environment Act 2025**.

~~(2) Data may be collected to enable more efficient and effective system performance, including data that supports—~~

~~(a) the system performance framework (indicators, reporting, and reviews); and~~

~~(b) digital platforms, systems, and tools, including plans and consenting documents; and~~

~~(c) strategic reviews; and~~

~~(d) independent reviews.~~

(2) The purposes for which data may be collected are—

(a) to enable the chief executive to perform the system performance function under **section 209B**; or

(b) to support any 1 or more of the following:

(i) the system performance framework:

(ii) digital platforms, systems, and tools, including plans and consenting documents:

(iii) a system performance report under **section 212**:

(iv) a strategic review under **section 213**:

(v) an independent review under **section 214**.

(3) The chief executive may specify—

(a) the form, manner, and time frame in which ~~an entity~~ the person must provide data; and

(b) if the same data is to be provided on a regular basis, the frequency of provision of the data.

(3A) If the chief executive collects data under this section from a local authority, the local authority must provide—

(a) the data that it holds on record; and

(b) any other data prescribed in regulations.

(3B) If the chief executive collects data under this section from a person that is not a local authority, the person must provide the data that it holds on record that is prescribed in regulations.

~~(4) In this Part, **entity** includes—~~

~~(a) a person contracted by a local authority; and~~

~~(b) a designating authority; and~~

~~(c) an independent hearings panel.~~

~~*System performance reporting*~~

212 Chief executive must produce system performance report every 3 years

(1) The chief executive must produce a system performance report at least every 3 years.

(2) The system performance report must—

~~(a) give effect to the purpose of the system performance framework; and~~

(a) report on the outcomes of the chief executive's monitoring of the system, having regard to the system performance function under **section 209B**; and

(b) address the matters required to be addressed by the system performance framework~~; and~~ under **section 210(3)(c)**.

~~(c) provide advice on—~~

~~(i) interventions outside of the control of regional councils to manage environmental limits in an efficient and effective way, and whether additional Government intervention is recommended: and~~

~~(ii) interventions that regional councils can implement to manage environmental limits; and~~

~~(d) set out the findings of the report.~~

~~(3) The chief executive must make reasonable endeavours to consult—~~

~~(a) Māori groups that the chief executive considers to be representative of relevant interests on the preparation and content of the system performance report; and~~

~~(b) if the report addresses system performance in relation to a particular locality, relevant iwi and hapū on content of the report affecting that locality.~~

(4) The chief executive must—

(a) provide the system performance report to the Minister as soon as practicable after its completion; and

(b) make the report publicly available no later than 20 working days after it is provided to the Minister.

~~*Strategic reviews*~~

213 Chief executive may undertake strategic review

(1) The chief executive may undertake a strategic review ~~of a matter to give effect to the purpose of the system performance framework~~ —

(a) at the request of the Minister; or

(b) at the request of 1 or more ~~entities~~ persons performing or exercising functions, duties, or powers under this Act or the **Natural Environment Act 2025**; or

(c) in relation to a matter that is identified in a system performance report or an independent review; or

(d) on their own initiative.

~~(2) If the chief executive receives more than 1 related requests, the chief executive must consider dealing with those requests in a single strategic review.~~

~~(3) When preparing a strategic review, the chief executive must, if the review focuses on a particular locality, make reasonable endeavours to identify and consult relevant iwi and hapū.~~

(2) The chief executive may undertake a strategic review in relation to any matter that—

(a) has an impact on whether the goals of this Act or the **Natural Environment Act 2025** will be achieved; or

(b) has a significant impact on the efficiency or effectiveness of the system.

(4) The chief executive must—

(a) provide a draft of the strategic review report to the chief executives of any agencies that have been involved in the development of the report; and

(b) allow a reasonable period for those chief executives to comment before it is finalised.

(5) The chief executive must—

(a) provide a report of the review to the Minister as soon as practicable after its completion; and

(b) ~~if the chief executive considers, following consultation described in **subsection (3)** that it is in the interest of supporting learning and continuous improvement,~~ make the ~~review~~ report publicly available no later than 20 working days after it is provided to the Minister, unless the chief executive considers that there is good reason, in accordance with the requirements of the system performance framework, to withhold the report.

~~*Independent reviews*~~

214 Minister may request independent review

(1) The Minister may, at any time, request an entity to undertake an independent review of the overall performance of the system established under this Act and the **Natural Environment Act 2025**, including all persons exercising powers, duties, and functions under ~~this Act, at any time~~ those Acts.

(2) An independent review must—

(a) provide a view of whether and how system outcomes are being achieved, who or what is driving those outcomes, and where targeted actions or interventions may be required; and

(b) provide recommendations to the Minister in a report.

(3) The Minister must publish the report on an internet site within 3 months of receiving it.

(4) The Minister must consider whether to request an independent review at least every 10 years, taking into account—

(a) the advice of the chief executive; and

(b) the findings of previous system performance reports and strategic reviews.

(5) The Environment Court and any Judges of the Environment Court are excluded from an independent review under this section.

Subpart 4—Environment Court and Planning Tribunal

215 Provisions applying to Environment Court

Schedule 9 ~~of the Planning Act **2025**~~ applies in relation to the Environment Court and its proceedings.

216 Provisions applying to Planning Tribunal

Schedule 10 ~~of the Planning Act **2025**~~ applies in relation to the Planning Tribunal, its establishment, and its proceedings.

Part 6
Enforcement and other matters

Subpart 1—Enforcement

~~*Duty to provide information*~~

217 Duty to give certain information

(1) This section applies if an enforcement officer has reasonable grounds to believe that a person (**person A**) is breaching, or has breached, an obligation under or provision of this Act~~ or the regulations made under a relevant empowering provision in this Act~~, a regulation, a national standard, a~~ plan~~ rule in a plan, ~~or~~ a planning consent, or a national rule.

(2) The enforcement officer may direct person A to give—

(a) their full name, address, ~~and~~ date of birth, and evidence of their identity (if that person is a natural person); or

(b) their full name and address (if that person is not a natural person).

(3) If person A is breaching, or has breached, the obligation or provision on behalf of another person (**person B**), the enforcement officer may also direct person A to give the officer the following information about person B:

(a) their full name, address, and date of birth (if that person is a natural person); or

(b) their full name and address (if that person is not a natural person).

(4) In the situation described in **subsection (3)**, the enforcement officer may also direct person B to give the officer the following information about person A:

(a) their full name, address, and date of birth (if that person is a natural person); or

(b) their full name and address (if that person is not a natural person).

Compare: 2023 No 46 s 726

Enforcement officers

218 Authorisation and responsibilities of enforcement officers

(1) A local authority may authorise the following to carry out all or any of the functions and powers as an enforcement officer under this Act:

(a) any of its officers; or

(b) any of the officers of any other local authority.

(2) A local authority may authorise any person who is either or both of the following to exercise or carry out all or any of the functions and powers of an enforcement officer under **sections 248 and 249** (which relate to excessive noise):

(a) the holder of a licence as a property guard issued under section 34 of the Private Security Personnel and Private Investigators Act 2010:

(b) employed by a person authorised under **paragraph (a)** and who is—

(i) the holder of a certificate of approval issued under section 40 of that Act; or

(ii) a person in respect of whom permission granted under section 37 of that Act is in force.

(2A) A person may be authorised as an enforcement officer under this section if the person has appropriate experience, technical competence, and qualifications relevant to the area of responsibilities proposed to be allocated to the person.

(3) The local authority must supply ~~every~~ an enforcement officer authorised under this section with a warrant, and that warrant must clearly state the functions and powers that the person concerned has been authorised to exercise and carry out under this Act.

(4) ~~Every~~ An enforcement officer authorised under this section who exercises or purports to exercise any power conferred on them by this Act must have with them, and must produce if required to do so, their warrant and evidence of identity.

(5) ~~Every~~ An enforcement officer who holds a warrant issued under this section must, on the termination of their appointment as such, surrender the warrant to the local authority.

Compare: 1991 No 69 s 38; 2023 No 46 s 725

Enforcement functions of EPA

219 Terms used in this section and sections 220 to 226

(1) In this section and **sections 220 to 226**,—

~~**enforceable undertaking** means an undertaking accepted by a local authority or the EPA under **clause 23 of Schedule 8**~~

enforcement action means—

(a) subject to **section 220(a)**, an inspection, investigation, or other activity carried out in accordance with this Act for the purpose of determining whether there is or has been a failure to comply with a requirement of an enforcement order or abatement notice; or

(b) an application for an enforcement order under **section 234**; or

(c) an application for an interim enforcement order under **section 238**; or

(d) the service of an abatement notice under **section 240**; or

(e) the filing of a charging document relating to an offence described in **section 254**; or

(f) the issuing of an infringement notice under **section ~~263~~ 265**; or

(g) a monetary benefit order made under **clause 29 of Schedule 8**; or

(h) an enforceable undertaking accepted under **clause 21 of Schedule 8**; or

(i) an application for a pecuniary penalty order under **clause 30 of Schedule 8**; or

(j) an inspection, investigation, or other activity carried out in accordance with this Act for the purpose of an enforcement action described in **paragraphs (b) to (f)**

enforcement function means a function of the EPA described in **section 220**

incident means an occurrence that may, directly or indirectly, be linked to—

(a) a contravention or possible contravention of a provision of this Act, any regulations, a rule in a plan, a national rule, or a planning consent; or

(b) a failure or possible failure to comply with a requirement of an enforcement order or an abatement notice

~~**interim enforcement order** means an order imposed under **section 237**~~

~~**pecuniary penalty** means a penalty imposed under **clause 30 of Schedule 8**~~

subsequent action—

(a) means a prosecution, proceeding, application, or other activity that the EPA or a local authority may carry out under this Act in relation to an enforcement action that has been executed; and

(b) includes an inspection, investigation, or other activity carried out in accordance with this Act for the purpose of an activity described in **paragraph (a)**.

(2) In **paragraph (a)** of the definition of enforcement action in **subsection (1)**, **other activity** includes, without limitation, an application for a declaration under **section 229**.

(3) In this section and **sections 220 to 226**, an enforcement action is **executed** when, as the case may be, the application for the enforcement order, monetary benefit order, or interim enforcement order is made, the abatement notice is served, the charge is laid, the pecuniary order is applied for, the enforceable undertaking is accepted, or the infringement notice is issued.

Compare: 1991 No 69 s 343E; 2023 No 46 s ~~733~~ 732

220 Enforcement functions of EPA

The EPA may perform any of the following enforcement functions if satisfied that the performance of the function is necessary or desirable to promote the purpose of this Act:

(a) the EPA may take any enforcement action under this Act, subject to confirming that the local authority is not taking an enforcement action of the

type set out in **paragraphs (b) to (i)** of the definition of enforcement action in **section 219(1)** for the same incident.:

(b) the EPA may, with the agreement of a local authority, assist the local authority with an enforcement action in relation to an incident and any subsequent action:

(c) the EPA may intervene in an enforcement action of a local authority in relation to an incident by taking over the enforcement action and taking any subsequent action:

(d) the EPA may take enforcement action against a regional council.

Compare: 1991 No 69 s 343F; 2023 No 46 s 733

221 Intervention by EPA

(1) If the EPA intervenes in an enforcement action of a local authority in relation to an incident,—

(a) the EPA must notify the chief executive of the local authority in writing of the incident to which the intervention relates and the date on which the intervention takes effect; and

(b) the local authority must,—

(i) on receipt of the notice, cease any enforcement action in relation to the incident, except for an enforcement action described in **paragraph (a) or (g)** of the definition of enforcement action in **section 219(1)**; and

(ii) from the date specified in the notice, cease all enforcement action in relation to the incident; and

(c) the EPA takes over all enforcement action in relation to the incident from the date specified in the notice; and

(d) only the EPA may take any enforcement action or subsequent action in relation to the incident unless **subsection (3)** applies.

(2) When intervening in an enforcement action of a local authority, the EPA must not intervene in relation to an enforcement action that the local authority has already executed in respect of a person.

(3) If the EPA decides to cease its intervention,—

(a) it must notify the chief executive of the local authority in writing of its decision and the date on which it takes effect; and

(b) it must specify in the notice the date on which the intervention will cease; and

(c) the local authority may, from the date referred to in **paragraph (b)**,—

(i) take an enforcement action or subsequent action in relation to the incident; or

(ii) resume any enforcement action that it had commenced before the intervention.

(4) To avoid doubt, **subsection (2)** does not prevent the EPA from taking an enforcement action in relation to another incident in respect of the same person.

Compare: 1991 No 69 s 343G; 2023 No 46 s 734

222 EPA may change enforcement functions

(1) The EPA may change its enforcement function in relation to an incident to another function described in **section 220** if the EPA considers that the circumstances require it.

(2) If the EPA decides to change to an intervention function described in **section 220(c)**, it must include its reasons for the change in the notice required under **section 221(1)**.

Compare: 1991 No 69 s 343H; 2023 No 46 s 735

223 EPA enforcement officers

(1) The EPA may authorise a person described in **subsection (2)** to be an enforcement officer for the purpose of carrying out its enforcement functions under this Act.

(2) A person may be authorised as an enforcement officer if the person—

(a) has appropriate experience, technical competence, and qualifications relevant to the area of responsibilities proposed to be allocated to the person; or

(b) is an employee of the EPA who is suitably qualified and trained.

(3) The EPA must supply each enforcement officer with a warrant that—

(a) states the full name of the person; and

(b) includes a summary of the powers conferred on the person under this Act.

(4) An enforcement officer may exercise the powers under this Act, in accordance with their warrant, only for the purposes for which they were appointed.

(5) An enforcement officer exercising a power under this Act must have with them, and must produce if required to do so, their warrant and evidence of their identity.

(6) An enforcement officer who holds a warrant issued under this section must, on the termination of the officer's appointment, surrender the warrant to the EPA.

Compare: 1991 No 69 s 343I; 2023 No 46 s 736

224 EPA may require information from local authority

(1) The EPA may require a local authority to provide information that the EPA requires for taking an enforcement action in relation to an incident.

(2) The EPA must notify the chief executive of the local authority in writing and specify the incident for which information is required.

(3) A local authority must provide the required information to the EPA as soon as is reasonably practicable, but no later than 10 working days after the chief executive is notified.

Compare: 1991 No 69 s 343J; 2023 No 46 s 737

225 Additional reporting requirements

(1) The annual report of the EPA under section 150 of the Crown Entities Act 2004 must include information about the performance of the EPA's enforcement functions, including the number and type of enforcement actions executed by the EPA.

(2) The EPA is not required to provide information under **subsection (1)** that would prejudice the maintenance of law, including the prevention, investigation, or detection of offences, or the right to a fair trial.

Compare: 1991 No 69 s 343K; 2023 No 46 s 738

226 Order for payment of EPA's costs in bringing ~~a~~ prosecution

(1) On the application of the EPA, the court may order a person convicted of an offence under this Act to pay to the EPA a sum that the court thinks just and reasonable towards the costs of the prosecution (including the costs of investigating the offence and any associated costs).

(2) If the court makes an order under **subsection (1)**, it must not make an order under section 4 of the Costs in Criminal Cases Act 1967.

(3) If the court makes an order under **subsection (1)** in respect of a Crown organisation, any costs and fees awarded must be paid from the funds of that organisation.

Compare: 1991 No 69 s 343L; 2023 No 46 s 739

Proceedings under this subpart

227 Hearing of proceedings ~~Proceedings to be heard by an Environment Judge~~

(1) All proceedings under this subpart must be heard by an Environment Judge sitting alone or by the Environment Court, except as provided in **subsections (2) and (3)**.

(2) Proceedings under **section 238** (which relates to interim enforcement orders) must be heard either by an Environment Judge sitting alone or—

(a) in the District Court; and

(b) except where otherwise directed by the Chief District Court Judge, by a District Court Judge who is an Environment Judge.

(3) Proceedings under **section 243 or 244** (which relate to appeals against abatement notices and the power to stay an order) that may be heard by an Environment Judge may also be heard by an Environment Commissioner.

(4) All proceedings under **section 254** (which relates to offences) and **section 263** (which relates to infringement offences) must be heard—

(a) in the District Court; and

(b) except where otherwise directed by the Chief District Court Judge, by a District Court Judge who is also an Environment Judge.

(5) An Environment Judge may transfer to the District Court any proceedings under this Part for enforcement action if the action is associated with proceedings under **section 254** for an offence and the Judge considers that the proceedings for enforcement action should be heard together with the proceedings in the District Court for the offence.

(6) This subpart does not apply to a protected customary right.

(7) However, **sections 228 to 231** (which relate to the Court making declarations) and **sections 275 to 278** (which enable emergency works) apply to the exercise of a protected customary right.

Compare: 1991 No 69 s 309; 2023 No 46 s 636

Declarations

228 Scope and effect of declaration

(1) A declaration may declare—

(a) the existence or extent of any function, power, right, or duty under this Act, including (without limitation) any duty imposed by a national instrument; or

(b) whether a provision or proposed provision of a land use plan, contrary to **section 80(2)**, does not, or is not likely to, implement a provision ~~or proposed provision~~ of a national instrument or the regional spatial plan; or

(c) whether or not an act or omission, or a proposed act or omission, contravenes or is likely to contravene this Act, regulations, a rule in a plan or proposed plan, or a planning consent; or

(d) whether or not an act or omission, or a proposed act or omission,—

(i) is a permitted activity, restricted discretionary activity, discretionary activity, or prohibited activity; or

(ii) breaches **section 20** (certain existing land uses allowed); or

~~(c) the point at which the landward boundary of the coastal marine area crosses any river; or~~

(f) whether or not a territorial authority has made and is continuing to make substantial progress or effort towards giving effect to a designation as required by **clause 49 of Schedule 5**; or

(g) any other issue or matter relating to the interpretation, administration, and enforcement of this Act, except for an issue as to whether any of **sections 123 to 130** have been, or will be, contravened.

(2) In the course of any proceedings, the Environment Court may make a declaration referred to in **subsection (1)** on its own initiative without an application from any party to the proceedings.

Compare: 1991 No 69 s 310; 2023 No 46 s 637

229 Application for declaration

~~Subject to **subsections (2) and (3)**, any~~ Any person may at any time apply to the Environment Court in the prescribed form for a declaration.

~~(2) No person (other than the consent authority, the EPA, or the Minister) may apply to the Environment Court for a declaration that a consent holder or any other person is contravening any condition of a planning consent or a rule in a plan or proposed plan that requires the holder to adopt the best practicable option to avoid or minimise any adverse effect of the discharge to which the consent or rule relates.~~

~~(3) No person (other than a local authority, consent authority, or the Minister of Conservation) may apply to the Environment Court for a declaration under **section 228(1)(c)**.~~

Compare: 1991 No 69 s 311

230 Notification of application

(1) The applicant for a declaration must serve notice of the application in the prescribed form on every person directly affected by the application.

(2) The notice must be served within 5 working days after the application is made to the court.

Compare: 1991 No 69 s 312

231 Decision on application

After hearing the applicant, and any person served with notice of the application, and any other person who has the right to be represented at proceedings under **clauses 53 to 54 of Schedule 9**~~,~~ who wishes to be heard, the court may—

(a) make the declaration sought by an application under **section 229**, with or without modification; or

(b) make any other declaration that it considers necessary or desirable; or

(c) decline to make a declaration.

Compare: 1991 No 69 s 313

Enforcement orders

232 Scope of enforcement order

(1) An enforcement order is an order made under **section 237** by the Environment Court or an Environment Judge sitting in the District Court that may do any 1 or more of the following:

(a) require a person to cease, or prohibit a person from commencing, anything done or to be done by or on behalf of that person, that, in the opinion of the court,—

(i) contravenes or is likely to contravene this Act, regulations, a rule in a plan, a rule in a proposed plan, or a planning consent; or

(ii) is or is likely to be noxious, dangerous, offensive, or objectionable to such an extent that it has or is likely to have an adverse effect on the built environment:

(b) require a person to do something that, in the opinion of the court, is necessary in order to—

(i) ensure compliance by or on behalf of that person with this Act, regulations, a rule in a plan, a rule in a proposed plan, or a planning consent; or

(ii) avoid, ~~minimise, or~~ remedy, or mitigate any actual or likely adverse effect on the built environment caused by or on behalf of that person:

~~(c) require a person to remedy or mitigate any adverse effect on the environment caused by or on behalf of that person:~~

(d) require a person to pay money to or reimburse any other person for any actual and reasonable costs and expenses ~~which~~ that the other person has incurred or is likely to incur in avoiding, remedying, or mitigating any adverse effect on the built environment, ~~where~~ if the person against whom the order is sought fails to comply with—

(i) an order under any other paragraph of this subsection; or

(ii) an abatement notice; or

(iii) a rule in a plan or a proposed plan or a planning consent; or

(iv) any of that person's other obligations under this Act:

(e) require a person to do something that, in the opinion of the court, is necessary in order to avoid, minimise, or remedy any actual or likely adverse effect on the built environment relating to any land of which the person is the owner or occupier:

(f) change or cancel a planning consent if, in the opinion of the court, the information made available to the territorial authority by the applicant

contained inaccuracies relevant to the enforcement order sought ~~which~~ that materially influenced the decision to grant the consent:

(g) revoke a planning consent (in whole or in part) or suspend a planning consent (for a specified period in whole or in part) if, in the opinion of the court, there has been significant non-compliance with this Act—

(i) that is ongoing or repeated; and

(ii) that, if the consent holder is not a natural person, has been or is the subject of an enforcement order or a conviction under this Act or, if the consent holder is a natural person, has been or is the subject of an enforcement order or a conviction under this Act within the previous 7 years:

(h) ~~where~~ if the court determines that ~~any~~ 1 or more of the requirements of ~~**Parts**~~ **Part 1 or 2 of Schedule 3** have not been observed in respect of a plan, do ~~any~~ 1 or more of the following:

(i) grant a dispensation from the need to comply with those requirements:

(ii) direct compliance with any of those requirements:

(iii) suspend the whole or any part of the plan from a particular date (which may be on or after the date of the order, but no such suspension affects any court order made before the date of the suspension order):

(i) require a person to take or refrain from taking any specified action so as to comply with any notice or covenant issued or entered into under a condition of a planning consent:

(j) make an adverse publicity order, a monetary benefit order, or a pecuniary penalty order (*see* **clauses 20, 29, and 30 of Schedule 8**)~~:~~.

~~(k) require a polluter of contaminated land to pay money to or reimburse the territorial authority or EPA for any actual or reasonable costs it has occurred for actions taken to prevent or remedy any adverse effects to the environment or to carry out remediation.~~

(2) For the purposes of **subsection (1)(d)**, **actual and reasonable costs** include the costs of investigation, supervision, and monitoring of the adverse effect on the built environment, and the costs of any actions required to avoid, minimise, or remedy the adverse effect.

(3) Except as provided in **section 237(3)**, an enforcement order may be made on such terms and conditions as the Environment Court thinks fit (including the payment of any administrative ~~charge under~~ ~~**section 194**~~ fees under **section 283B or 283C**, the provision of security, or the entry into a bond for performance).

(4) Without limiting **subsections (1) to (3)**, an order may require the restoration of any natural and physical resource to the state it was in before the adverse

effect occurred (including the planting or replanting of any tree or other vegetation).

(5) When making an enforcement order under **subsection (4)**, the court may order that the restrictions set out in ~~**sections**~~ **section 17 or 18** do not apply to the restoration activities, provided that the court is satisfied that the conditions of the order are adequate to avoid, minimise, or remedy any adverse effects on the built environment arising from those activities.

(6) When making an enforcement order under **subsection (1)(g)**, the court may, having regard to the nature of the non-compliance,—

(a) revoke the planning consent, and any planning consents associated with that consent that enable the same activity, in whole or in part, with effect on a specified date; or

(b) suspend the planning consent, and any planning consents associated with that consent that enable the same activity, in whole or in part, for a specified period without conditions or subject to any conditions that the court thinks fit.

(7) An enforcement order applies, if the court so states, to the personal representatives, successors, and assigns of a person to the same extent as it applies to that person.

Compare: 1991 No 69 s 314

233 Compliance with enforcement order

(1) ~~Where~~ If an enforcement order is made against a person, and that enforcement order is served on that person, that person must—

(a) comply with the order; and

(b) unless the order directs otherwise, pay all the costs and expenses of complying with the order.

(2) If a person against whom an enforcement order is made fails to comply with the order, any person may, with the consent of the Environment Court,—

(a) comply with the order on behalf of the person who fails to comply with the order, and for this purpose, enter upon any land or enter any structure (with a constable if the structure is a dwellinghouse); and

(b) sell or otherwise dispose of any structure or materials salvaged in complying with the order; and

(c) after allowing for any moneys received under **paragraph (b)**, if any, recover the costs and expenses of doing so as a debt due from that person.

(3) Any costs or expenses ~~which~~ that remain unpaid under **subsection (2)(c)** may be registered under subpart 5 of Part 3 of the Land Transfer Act 2017 as a charge on any land in respect of which an enforcement order is made.

(4) Failure to comply with an enforcement order is an offence under **section 254**.

Compare: 1991 No 69 s 315

234 Application for enforcement order

(1) Any person may at any time apply to the Environment Court in the prescribed form for an enforcement order of a kind specified in **section 232(1)(a) to (d)** ~~**paragraphs (a) to (d) of section 232(1)**~~, ~~or in~~ ~~**section 232(2)**~~.

(2) An application may at any time be made in the prescribed form to the Environment Court by—

(a) a local authority, a consent authority, or the EPA for an enforcement order of the kind specified in **section 232(1)(e)**; and

(b) a local authority, a consent authority, or the EPA for an enforcement order ~~under~~ of the kind specified in **section 232(1)(g)**; and

(c) a local authority or consent authority for an enforcement order of the kind specified in **section 232(1)(f)**.

(3) An application for an enforcement order under **section 232(1)(h)** may be lodged—

(a) by a local authority ~~(or the Minister of Conservation in regard to a regional coastal plan)~~ at any time; or

(b) by any other person, no later than 3 months after the date on which the ~~policy statement or~~ plan becomes operative.

(4) Any person who applies for an enforcement order under any provision of this section may request that the enforcement order be made on any terms and conditions permitted by **section 232(3) or (4)**.

~~(5) No person (other than the consent authority, the EPA, or the Minister) may apply to the Environment Court for an enforcement order to enforce any condition of a planning consent or a rule in a plan or proposed plan that requires the holder to adopt the best practicable option to avoid or minimise any adverse effect of the discharge to which the consent or rule relates.~~

Compare: 1991 No 69 s 316

235 Notification of application

(1) Except as provided in **section 238** (which relates to interim enforcement orders), ~~where~~ if an application for an enforcement order is made, the applicant must serve notice of the application in the prescribed form on every person directly affected by the application.

(2) The notice must be served within 5 working days after the application is made to the Environment Court.

Compare: 1991 No 69 s 317

236 Right to be heard

Except as provided in **section 238** (which relates to interim enforcement orders), before deciding an application for an enforcement order, the Environment Court must—

(a) hear the applicant; and

(b) hear any person against whom the order is sought who wishes to be heard, but only if that person notifies the Registrar that they wish to be heard within 15 working days after the date on which they were notified of the application.

Compare: 1991 No 69 s 318

237 Decision on application

(1) After considering an application for an enforcement order, the Environment Court may,—

(a) except as provided in **subsection (2)**, make any appropriate order under **section 232**; or

(b) refuse the application.

(2) No court may order that compensation or redress be paid or provided to any person for any loss or damage arising from the revocation or suspension of the person's planning consent under **section 232(1)(g)**.

(3) Except as provided in **subsection (4)**, the Environment Court must not make an enforcement order under **section 232(1)(a)(ii), (b)(ii), (c), (d)(iv), or (e)** against a person if—

(a) that person is acting in accordance with—

~~(i) a rule in a plan; or~~

~~(ii) a planning consent; or~~

~~(iii) a designation; and~~

(i) regulations; or

(ii) a national rule; or

(iii) a rule in a land use plan; or

(iv) a designation; or

(v) a planning consent; and

(b) the adverse effects in respect of which the order is sought were expressly recognised by the person who recommended the making of the regulations, approved the national rule, land use plan, or designation, or granted the planning consent, ~~or approved the designation,~~ at the time of the recommendation, approval or granting~~, as the case may be~~.

(4) The Environment Court may make an enforcement order if—

(a) the court considers it appropriate after having regard to the time that has elapsed and any change in circumstances since the recommendation, approval, or granting~~, as the case may be~~; or

(b) the person was acting in accordance with a planning consent that has been changed or cancelled under **section 232(1)~~(h)~~(f)**.

Compare: 1991 No 69 s 319

238 Interim enforcement order

(1) Except as provided in this section, the provisions of **sections 232 to 237** apply to the application for, and determination of, an interim enforcement order.

(2) Despite **subsection (1)**, no person may apply for an interim enforcement order under **section 232(1)(g)**.

(3) If an Environment Judge or a District Court Judge considers it necessary to do so, the Judge may make an interim enforcement order—

(a) without requiring service of notice in accordance with **section 235**; and

(b) without holding a hearing.

(4) Before making an interim enforcement order, the Environment Judge or the District Court Judge must consider—

(a) what the effect of not making the order would be on the environment; and

(b) whether the applicant has given an appropriate undertaking as to damages; and

(c) whether the Judge should hear the applicant or any person against whom the interim order is sought; and

(d) such other matters as the Judge thinks fit.

(5) The Judge must direct the applicant or another person to serve a copy of the interim enforcement order on the person against whom the order is made; and the order must take effect from when it is served or such later date as the order directs.

(6) A person against whom an interim enforcement order has been made and who was not heard by a Judge before the order was made~~,~~ may apply, as soon as practicable after the service of the order, to an Environment Judge or a District Court Judge to change or cancel the order~~:~~, and, after hearing from the person against whom the interim enforcement order was made, the applicant, and any other person the Judge thinks fit, the Environment Judge or the District Court Judge may confirm, change, or cancel the interim enforcement order.

(7) An interim enforcement order stays in force until an application for an enforcement order under **section 234** is determined, or until it is cancelled by an

Environment Judge or a District Court Judge under **subsection (6)**, or it is cancelled by the Environment Court under **section 239**.

Compare: 1991 No 69 s 320

239 Change or cancellation of enforcement order

(1) Without limiting **section 238(6)**, any person directly affected by an enforcement order may at any time apply to the Environment Court in the prescribed form to change or cancel the order.

(2) **Sections 235 to 237** (which relate to notification, hearing, and decision-making) apply to every application under **subsection (1)** as if it were an application for an enforcement order.

(3) No person may apply to change or cancel an order that revokes a planning consent on the grounds set out in **section 232(1)(g)**.

Compare: 1991 No 69 s 321

Abatement notices

239A Relevant authority defined

In **sections 240 to 246**, **relevant authority** means whichever of the following authorises an enforcement officer to issue an abatement notice:

(a) the local authority:

(b) the EPA.

240 Scope of abatement notice

(1) An abatement notice may be served on any person by an enforcement officer—

(a) requiring the person to cease, or prohibiting that person from starting, anything done or to be done by or on behalf of that person that, in the opinion of the enforcement officer,—

(i) contravenes or is likely to contravene this Act, a regulation, a national rule, ~~any regulations,~~ a rule in a plan or a proposed plan, or a planning consent; or

(ii) is or is likely to be noxious, dangerous, offensive, or objectionable to such an extent that it has or is likely to have an adverse effect on the environment:

(b) requiring that person to do something that, in the opinion of the enforcement officer, is necessary—

(i) to ensure compliance by or on behalf of that person with this Act, a national rule, a regulation, a rule in a plan or a proposed plan, or a planning consent; or

(ii) to avoid, minimise, or remedy any actual or likely adverse effect on the environment—

(A) caused by or on behalf of the person; or

(B) relating to any land of which the person is the owner or occupier:

(c) requiring a person who is contravening **section 24** to adopt the best practicable option to ensure that the emission of noise from their activity does not exceed a reasonable level~~.~~:

(d) requiring the person to take or refrain from taking any specified action so as to comply with any consent notice or covenant issued or entered into under a condition of a planning consent.

(2) If any person is under a duty not to use land in a manner that contravenes a rule in a proposed plan under **section ~~7(3)~~ 17**, an abatement notice may be issued to require a person—

(a) to cease, or prohibit that person from starting, anything done or to be done by or on behalf of that person that, in the opinion of the enforcement officer, contravenes or is likely to contravene a rule in a proposed plan; or

(b) to do something that, in the opinion of the enforcement officer, is necessary in order to ensure compliance by or on behalf of that person with a rule in a proposed plan.

(3) An abatement notice may be made subject to such conditions as the enforcement officer serving it thinks fit.

(4) An abatement notice must not be served unless the enforcement officer has reasonable grounds for believing that any of the circumstances in **subsection (1) or (2)** exist.

Compare: 1991 No 69 s 322; 2023 No 46 s 649

241 Compliance with abatement notice

(1) A person on whom an abatement notice is served must—

(a) comply with the notice within the period specified in the notice; and

(b) unless the notice directs otherwise, pay all the costs and expenses of complying with the notice.

(2) If a person against whom an abatement notice is made under **section 240(1)(c)** (which relates to the emission of noise) fails to comply with the notice, an enforcement officer may, without further notice, enter the place where the noise source is situated (with a constable if the place is a dwelling house) and—

(a) take ~~all~~ any reasonable steps ~~as~~ they consider necessary to cause the noise to be reduced to a reasonable level; and

(b) when accompanied by a constable, seize and impound the noise source.

(3) This section is subject to the rights of appeal in **section 243**.

Compare: 1991 No 69 s 323; 2023 No 46 s 650

242 Form and content of abatement notice

An abatement notice must be in the prescribed form and must state—

(a) the name of the person to whom it is addressed; and

(b) the reasons for the notice; and

(c) the action required to be taken or ceased or not undertaken; and

(d) the period within which the action must be taken or cease, which must be a reasonable period informed by the circumstances giving rise to the abatement notice; and

(e) the consequences of not complying with the notice or lodging a notice of appeal; and

(f) the rights of appeal under **section 243**; and

(g) in the case of a notice under **section 240(1)(c)**, the rights of an enforcement officer under **section 241** on the failure of the recipient to comply with the notice within the time specified in the notice; and

(h) the name and address of the relevant authority ~~local authority or the EPA whose enforcement officer issued the notice~~.

~~(2) For the purposes of **subsection (1)(d)**, the period within which the action must be taken or cease—~~

~~(a) must be a reasonable period informed by the circumstances giving rise to the abatement notice; but~~

~~(b) must not be less than 7 days after the date on which the abatement notice is served if—~~

~~(i) the abatement notice is within the scope of **section 240(1)(a)(ii)**; and~~

~~(ii) the person on whom it is served is complying with this Act, regulations, a rule in a plan, or a planning consent.~~

Compare: 1991 No 69 s 324; 2023 No 46 s 651

243 Appeals

(1) Any person on whom an abatement notice is served may appeal to the Environment Court against the whole or any part of the notice.

(2) Notice of an appeal must be in the prescribed form and must—

(a) state the reasons for the appeal and the relief sought; and

(b) state any matters required by regulations made under **section 281**; and

(c) be lodged with the Environment Court and served on the ~~local authority or the EPA (whose abatement notice is appealed against)~~ relevant author-

ity whose abatement notice is appealed against within 15 working days after service of the abatement notice on the appellant.

(3) Any powers ~~which~~ that may be exercised by an Environment Judge under this section or **section 244** may be exercised by an Environment Commissioner.

(4) The Environment Court must not confirm an abatement notice that is the subject of an appeal if—

(a) the person served with the abatement notice was acting in accordance with—

(i) a rule in a plan; or

(ii) a planning consent; or

(iii) a designation; and

(b) the adverse effects in respect of which the notice was served were expressly recognised by the person who approved the plan, notified the proposed plan, granted the planning consent, or approved the designation at the time of the approval, notification, or granting, as the case may be.

(5) However, the Environment Court may confirm an abatement notice under appeal in any case if the court considers it appropriate after having regard to the time that has elapsed and any change in circumstances since the approval, notification, or granting, as the case may be.

Compare: 1991 No 69 s 325; 2023 No 46 s 652

244 Environment Court may order stay of abatement notice

(1) An appeal against an abatement notice does not operate as a stay of the notice unless—

(a) the abatement notice is within the scope of **section 240(1)(a)(ii)** and the person against whom the notice is served is complying with this Act, regulations, a national rule ~~any regulation made under a relevant empowering provision in this Act (including a national rule)~~, a rule in a plan, or a planning consent; or

(b) a stay is granted by an Environment Judge under **subsection (6)**.

(2) Any person who appeals under **section 243** may also apply to an Environment Judge for a stay of the abatement notice pending the Environment Court's decision on the appeal.

(3) An application for a stay must be in the prescribed form and must—

(a) state the reasons why the person considers it is unreasonable for the person to comply with the abatement notice; and

(b) state the likely effect on the environment if the stay is granted; and

(c) be lodged with the Environment Court and served immediately on the ~~local authority or the EPA~~ relevant authority whose abatement notice is appealed against.

(4) If a person applies for a stay, an Environment Judge must consider the application for a stay as soon as practicable after the application has been lodged.

(5) Before granting a stay, an Environment Judge must consider—

(a) what the likely effect of granting a stay would be on the environment; and

(b) whether it is unreasonable for the person to comply with the abatement notice pending the decision on the appeal; and

(c) whether to hear—

(i) the applicant:

(ii) the~~ applicant~~ relevant authority whose abatement notice is appealed against; and

(d) such other matters as the Judge thinks fit.

(6) An Environment Judge may grant or refuse a stay and may impose any terms and conditions the Judge thinks fit.

(7) Any person to whom a stay is granted must serve a copy of it on the~~ local authority or the EPA~~ relevant authority whose abatement notice is appealed against, and the stay has no legal effect until served.

(8) Any stay remains in force until an order is made otherwise by the Environment Court.

Compare: 2023 No 46 s 653

245 Cancellation of abatement notice

~~(1) In this section, **relevant authority** means whichever of the following authorised the enforcement officer who issued the abatement notice:~~

~~(a) the local authority:~~

~~(b) the EPA.~~

(2) ~~Where~~ If a relevant authority considers that an abatement notice is no longer required, the relevant authority may cancel the abatement notice at any time.

(3) The relevant authority must give written notice of its decision under **subsection (2)** to cancel an abatement notice to any person subject to that abatement notice.

(4) Any person who is directly affected by an abatement notice may apply in writing to the relevant authority to change or cancel the abatement notice.

(5) The relevant authority must, as soon as practicable, consider the application having regard to the purpose for which the abatement notice was given, the effect of a change or cancellation on that purpose, and any other matter the

relevant authority thinks fit~~:~~, and the relevant authority may confirm, change, or cancel the abatement notice.

(6) The relevant authority must give written notice of its decision to the person who applied under **subsection (4)**.

(7) ~~Where~~ If the relevant authority, after considering an application made under **subsection (4)** by a person who is directly affected by an abatement notice, confirms that abatement notice or changes it in a way other than that sought by that person, that person may appeal to the Environment Court in accordance with **section 243(2)** against the whole or any part of the abatement notice.

Compare: 1991 No 69 s 325A; 2023 No 46 s 654

Restrictions relating to enforcement orders and abatement ~~orders~~ notices

246 Restrictions on certain applications for enforcement orders and abatement notices

(1) No person may apply to the Environment Court for an enforcement order under any of **section 232(1)(a) to (d)**, and no abatement notice may be served on any person, in respect of anything done or to be done,—

(a) by or on behalf of the Director of Maritime New Zealand under section 248 or 249 of the Maritime Transport Act 1994; or

(b) by or on behalf of any person in accordance with any instructions issued under either of those sections of that Act; or

(c) by or on behalf of any on-scene commander under section 305 or 311 of that Act or in accordance with a direction given under section 310 of that Act; or

(d) by or on behalf of the master or owner of any ship, or the owner or operator of any oil transfer site or offshore installation, or any other person, in accordance with a direction given under section 305 or 311 of that Act.

(2) No person may apply for an enforcement order under **section 232(1)(d)** in respect of any actual or reasonable costs and expenses~~, where~~ if the costs and expenses ~~which~~ that a person has incurred or is likely to incur constitute pollution damage in respect of which the owner of a CLC ship is liable in damages under Part 25 of the Maritime Transport Act 1994. No order relating to such damage may be made by the Environment Court or any other court in any proceedings (including prosecutions for offences) under this Act.

(3) In **subsection (2)**, **CLC ship** and **pollution damage** ~~and **CLC ship**~~ have the meanings given in section 342 of the Maritime Transport Act 1994.

Compare: 1991 No 69 s 325B; 2023 No 46 s 659

Excessive noise directions

247 Meaning of excessive noise

(1) In this Act, ~~the~~ **excessive noise** means any noise that is under human control and of such a nature as to unreasonably interfere with the peace, comfort, and convenience of any person (other than a person in or at the place from which the noise is being emitted), but does not include any noise emitted by any—

(a) aircraft being operated during, or immediately before or after, flight; or

(b) vehicle being driven on a road (within the meaning of section 2(1) of the Land Transport Act 1998); or

(c) train, other than when being tested (when stationary), maintained, loaded, or unloaded.

(2) Without limiting **subsection (1)**, **excessive noise**—

(a) includes noise that exceeds a standard for noise prescribed by a national rule; and

(b) may include noise emitted by—

(i) a musical instrument; or

(ii) an electrical appliance; or

(iii) a machine, however powered; or

(iv) a person or group of persons; or

(v) an explosion or vibration.

Compare: 1991 No 69 s 326; 2023 No 46 s 655

248 Issue and effect of excessive noise direction

(1) This section applies if an enforcement officer, or any constable acting on the request of an enforcement officer,—

(a) has received a complaint that excessive noise is being emitted from any place; and

(b) upon investigation of the complaint, is of the opinion that the noise is excessive.

(2) An enforcement officer, or any constable acting on the request of an enforcement officer, may direct the occupier of the place from which the sound is being emitted, or any other person who appears to be responsible for causing the excessive noise, to immediately reduce the noise to a reasonable level.

(3) A direction under **subsection (2)** may be given in writing or orally.

(4) Every direction under **subsection (2)** must prohibit the person to whom it is given, and every other person bound by the direction, from causing or contributing to the emission of excessive noise from or within the vicinity of the place at any time during the period of 8 days or any shorter period that the enforce-

ment officer or constable specifies, commencing at the time the direction is given.

(5) The powers under this section are in addition to the powers under **sections 240 to 243** to issue abatement notices relating to unreasonable noise and to seek an enforcement order under **section 234**.

Compare: 1991 No 69 s 327; 2023 No 46 s 656

249 Compliance with excessive noise direction

(1) ~~Every~~ A person who is given a direction under **section 248** must immediately comply with the direction.

(2) ~~Every~~ A person who knows or ought to know that a direction under **section 248** has been given in respect of a particular place must comply with that direction as if they were the recipient of it, while on or in the vicinity of that place.

(3) If a person against whom an excessive noise direction is made fails to comply immediately with the notice, an enforcement officer (accompanied by a constable) or a constable may enter the place without further notice and—

(a) seize and remove from the place any instrument, appliance, vehicle, aircraft, train, or machine (the **item**) that is producing or contributing to the excessive noise; or

(b) render the item inoperable by the removal of any part from it; or

(c) lock or seal the item so as to make it unusable.

(4) If a direction under **section 248** is unable to be given because there is no person occupying the place from which the sound is being emitted or the occupier of the place cannot reasonably be identified, and there is no other person who appears to be responsible for causing the excessive noise, an enforcement officer (accompanied by a constable) or a constable may enter the place without notice and—

(a) seize and remove the item from the place; or

(b) render the item inoperable by the removal of any part from it; or

(c) lock or seal the item so as to make it unusable.

(5) ~~Where any~~ If an enforcement officer or constable enters any place under **subsection (4)**, they must leave in that place, in a prominent position,—

(a) a copy of the relevant written excessive noise direction issued under **section 248**; and

(b) a written notice stating—

(i) the date and time of the entry:

(ii) the name of the person in charge of the entry:

(iii) the actions taken to ensure compliance with the excessive noise direction:

(iv) the address of the office at which inquiries may be made in relation to the entry.

(6) ~~Any~~ An enforcement officer or constable exercising any power under this section may use such assistance as is reasonably necessary.

(7) ~~Any~~ A constable may, in exercising any power under this section, use such force as is reasonable in the circumstances.

Compare: 1991 No 69 s 328; 2023 No 46 s 657

249A Return of property seized under section 241 or 249

(1) If any property is seized and impounded under **section 241 or 249**, the owner of the property or the person from whom it was seized may apply, at any time, to the relevant authority or police station where the property is held to have the property returned to them.

(2) If an application is made, the relevant authority or constable with authority to do so must arrange for the return of the property if—

(a) satisfied that the return of the property is not likely to lead to a resumption of the emission of noise beyond a reasonable level; and

(b) the applicant has paid all costs incurred by the relevant authority or police in seizing, impounding, transporting, and storing the property.

(3) If the relevant authority or constable with authority to do so refuses to return the property because they are not satisfied of the grounds specified in **subsection (2)(a)**, the applicant may make an application to the Environment Court, and **section 243(2)** applies as if—

(a) the reference to service of the abatement notice on the appellant were reference to any refusal under this section; and

(b) the time limit for lodging the application were 6 months from the date of seizure.

(4) The Environment Court, on an application under **subsection (3)**, may—

(a) order the return of the property subject to any conditions relating to the continued reduction of noise as it thinks fit; or

(b) refuse the application for the return of the property.

(5) The relevant authority or the police may dispose of the property, in accordance with **subsection (6)**, if—

(a) any property seized under **section 241 or 249** is not claimed within 6 months of its seizure; or

(b) the return of the property has been refused under **subsection (3)** and no application has been lodged within 6 months of the date of seizure; or

(c) the Environment Court has refused the return of the property under **subsection (4)(b)**.

(6) A local authority, consent authority, or constable wishing to dispose of property under **subsection (5)**—

(a) must give written notice to the person from whom the property was seized, if the person's address is known; and

(b) may sell or cause the property to be otherwise disposed of; and

(c) may, where any proceeds are realised, apply these to the payment of costs and expenses incurred in selling the property under this section and any costs incurred in seizing, impounding, transporting, and storing the property; and

(d) must, on demand, pay the remainder of the proceeds to the person from whom the property was seized.

(7) In this section, **relevant authority** means the local authority, the consent authority, or the EPA.

Powers of entry and search

250 Power of entry for inspection

(1) ~~Any~~ An enforcement officer, ~~specifically authorised in writing by a local authority or the EPA~~ who is authorised under **section 218 or 223** to do so, may at all reasonable times go on, into, under, or over any place or structure, except a dwellinghouse or marae, for the purpose of inspection to determine whether—

(a) this Act, any regulations, a national rule, a rule in a plan, or a planning consent is being complied with; or

(b) an enforcement order, interim enforcement order, abatement notice, or enforceable undertaking is being complied with; or

(c) ~~any~~ a person is contravening a rule in a proposed plan in a manner prohibited by **section 17**~~.~~.

(2) For the purposes of **subsection (1)**, an enforcement officer may—

(a) collect records of their inspection (including measurements, notes, sketches, drawings, photographs, and video recordings); and

(b) take samples of water, air, soil, or organic matter.

(3) If a sample is taken under **subsection (2)(b)**, an enforcement officer may also take a sample of any substance that the enforcement officer has reasonable cause to suspect is a contaminant of any water, air, soil, or organic matter.

(4) ~~Every~~ An enforcement officer who exercises ~~any~~ a power of entry under this section must produce for inspection their warrant of appointment ~~and written authorisation~~ upon initial entry and in response to any later reasonable request.

(5) If the owner or occupier of a place subject to inspection is not present at the time of the inspection, the enforcement officer must leave, in a prominent position at the place or attached to the structure, a written notice showing the date

and time of the inspection and the name of the officer carrying out the inspection.

(6) An enforcement officer may not enter land without the permission of the landowner if permission to enter the land is required by any other Act.

(7) An enforcement officer exercising ~~any~~ a power under this section may use any assistance that is reasonably necessary.

Compare: 1991 No 69 s 332; 2023 No 46 s 727~~; 1991 No 69 s 332~~

251 Power of entry for survey

(1) For the purposes of this Act, ~~any~~ an enforcement officer, ~~specifically authorised in writing by any local authority or consent authority~~ who is authorised under **section 218 or 223** to do so, may enter any place or structure to do all or any of the following:

(a) carry out surveys, investigations, tests, or measurements:

(b) collect records of their inspection (including the records referred to in **section 250(2)(a)**):

(c) take samples of any water, air, soil, or vegetation:

(d) enter or re-enter land (except a dwellinghouse or marae).

(2) The powers conferred by **subsection (1)** are exercisable at any reasonable time, with or without such assistance (including expert or technical assistance on the matter concerned), vehicles, appliances, machinery, and equipment as is reasonably necessary for that purpose.

(3) Reasonable written notice must be given to the occupier of ~~land~~ the place or structure to be entered under **subsection (1)**—

(a) that entry on to the ~~land~~ place or structure is authorised under this section:

(b) of the purpose for which entry is required:

(c) of how and when entry is to be made.

(4) ~~Every~~ An enforcement officer who exercises ~~any~~ a power of entry under this section must produce for inspection their warrant of appointment ~~and written authorisation~~ upon initial entry and in response to any later reasonable request.

Compare: 1991 No 69 s 333; 2023 No 46 s 728~~; 1991 No 69 s 333~~

252 Warrant for entry for search

(1) An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) ~~who~~, on an application made by a constable or an enforcement officer in the manner provided in subpart 3 of Part 4 of that Act, may issue a warrant authorising the entry and search of any place or vehicle if satisfied that there ~~is~~ are reasonable ~~ground~~ grounds for believing that there is in, on, under, or over any place or vehicle anything—~~—~~

(a) in respect of which an offence has been or is suspected of having been committed against this Act or regulations made under this Act that is punishable by imprisonment; or

(b) that ~~there is reasonable ground to believe~~ will be evidence of an offence against this Act or regulations that is punishable by imprisonment; or

(c) that ~~there is reasonable ground to believe~~ is intended to be used for the purpose of committing an offence against this Act or regulations that is punishable by imprisonment.

(2) ~~The provisions of~~ Part 4 of the Search and Surveillance Act 2012 ~~apply~~ applies for the purposes of this section.

(3) Despite **subsection (2)**, sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a constable.

Compare: 1991 No 69 s 334; 2023 No 46 ~~s~~ ss 729, 730; ~~1991 No 69 s 334~~

253 Direction and execution of warrant for entry for search

(1) If a warrant authorises the entry and search of a dwellinghouse or marae, it must be directed to and executed by ~~any police~~ a constable ~~generally~~.

(2) Except as provided in **subsection (1)**, every search warrant issued under **section 252** must be directed to ~~any~~ a constable ~~generally~~ or an enforcement officer ~~generally;~~.

(3) An enforcement officer must be accompanied by a constable during the initial entry of the place or vehicle to be searched.

(4) Subject to the agreement of the enforcement officer, the constable may leave the place or vehicle at any time after the initial execution of the search warrant.

Compare: 1991 No 69 s 335; 2023 No 46 s 731; ~~1991 No 69 s 335~~

Offences

254 Offences against this Act

(1) A person commits an offence against this Act if the person contravenes, or permits a contravention of, any of the following:

(a) **sections 17, 17A, and 18** (which impose duties and restrictions in relation to land, activities in the coastal marine area, and subdivision):

(b) any enforcement order:

~~(c) any condition of a planning consent:~~

(d) any abatement notice, other than a notice under **section 240(1)(c)**:

(e) any monetary benefit order made under **clause 29 of Schedule 8**:

(f) **clause ~~27~~ 25 of Schedule 8** (which imposes a duty to comply with an enforceable undertaking):

(g) any adverse publicity order made by a court under **clause ~~24~~ 20 of Schedule 8**:

(h) any requirement or duty in regulations made under **section 279** (emergency response regulations) that the person must comply with.

(2) A person commits an offence against this Act if the person contravenes, or permits a contravention of, any of the following:

(a) **section 217**, which relates to failure to provide certain information to an enforcement officer:

(b) **clause 17 of Schedule 9 or clause 30 of Schedule 10**, which ~~relates~~ relate to the protection of sensitive information:

(c) any direction under **section 248**:

(d) any abatement notice for unreasonable noise under **section 240(1)(c)**:

(e) any order (other than an order referred to in **subsection (1)**) made by the Environment Court.

(3) A person commits an offence against this Act if the person—

(a) wilfully obstructs, hinders, resists, or deceives any person in the execution of any powers conferred on that person by or under this Act:

(b) without sufficient cause, contravenes, or permits a contravention of, any summons or order to give evidence issued or made under **clause 69 of Schedule 9**:

(c) without sufficient cause, contravenes, or permits a contravention of, any provision (as provided in **Part 3 of Schedule 7**) specified in an instrument for the creation of an esplanade strip or in an easement for an access strip, or enters a strip that is closed under **clause ~~42~~ 48 of Schedule 7**.

Compare: 1991 No 69 s 338; 2023 No 46 s 701~~; 1991 No 69 s 338~~

Limitation periods

255 Limitation period for offences or pecuniary penalties under this Act

Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, the limitation period in respect of—

(a) an offence against this Act ends on the date that is 12 months after the date on which the contravention giving rise to the charge first became known, or should have become known, to the person on whose behalf the charging document is filed:

(b) an application for a pecuniary penalty order is 12 months after the date on which the contravention giving rise to the application first became known, or should have become known, to the person on whose behalf the application is made.

Compare: 1991 No 69 s 338(4); 2023 No 46 s 700~~; 1991 No 69 s 338(4)~~

Penalties

256 Penalties

(1) A person who commits an offence against **section 254(1)** is liable on conviction,—

(a) in the case of a natural person, to imprisonment for a term not exceeding 18 months or a fine not exceeding $1,000,000:

(b) in the case of a person other than a natural person, to a fine not exceeding $10,000,000.

(2) A person who commits an offence against **section 254(1)** is also liable on conviction, if the offence is a continuing one,—

(a) in the case of a natural person, to a fine not exceeding $10,000 for every day or part of a day during which the offence continues:

(b) in the case of a person other than a natural person, to a fine not exceeding $50,000 for every day or part of a day during which the offence continues.

(3) A person who commits an offence against **section 254(2)** is liable on conviction to a fine not exceeding $15,000~~,~~ and, if the offence is a continuing one, to a further fine not exceeding $1,500 for every day or part of a day during which the offence continues.

(4) A person who commits an offence against **section 254(3)** is liable on conviction to a fine not exceeding $5,000.

(5) A court may sentence any person who commits an offence against this Act to a sentence of community work, and the provisions of Part 2 of the Sentencing Act 2002, with all necessary modifications, apply accordingly.

(6) If a person is convicted of an offence against **section 254**, the court may, instead of or in addition to imposing~~ a fine or a term of imprisonment~~ a penalty under this section, make 1 or more of the following orders:

(a) the orders specified in **section 232**:

(b) an order requiring a consent authority to serve notice, under **section 168**, of the review of a planning consent held by the person, but only if the offence involves an act or omission that contravenes the consent.

(7) A court discharging an offender without conviction under section 106 of the Sentencing Act 2002 may make an enforcement order under **section 237** of this Act.

(8) The continued existence of anything, or the intermittent repetition of any actions, contrary to any provision of this Act is to be treated as a continuing offence.

Compare: 1991 No 69 s 339; 2023 No 46 s 706~~; 1991 No 69 s 339~~

257 Liability of principal for acts of agents

(1) ~~**Subsection (2)** applies if~~ If an offence is committed against this Act by a person (**person A**) acting as the agent or employee of another person (**person B**), person B is liable for the offence as if person B had personally committed it.

~~(2) Person B is liable for the offence as if person B had personally committed it, if it is proved that person B—~~

~~(a) authorised or consented to the act constituting the offence; or~~

~~(b) knew the offence was, or was to be, committed and failed to take all reasonable steps to prevent or stop it.~~

(3) **Subsection ~~(2)~~ (1)** does not prejudice the liability of person A.

(4) If proceedings are brought against person B under **subsection ~~(2)~~ (1)**, person B has a good defence if—

(a) person B proves,—

(i) in the case of a natural person (including a partner in a firm),—

(A) that person B did not know, and could not reasonably be expected to have known, that the offence was to be or was being committed; or

(B) that person B took all reasonable steps to prevent the commission of the offence; or

(ii) in the case of a person other than a natural person,—

(A) that neither the directors (if any) nor any person involved in the management of person B knew, or could reasonably be expected to have known, that the offence was to be or was being committed; or

(B) that person B took all reasonable steps to prevent the commission of the offence; and

(b) person B proves that they took all reasonable steps to remedy any effects of the act or omission giving rise to the offence.

(5) If a person other than a natural person is convicted of an offence against this Act, a director of the defendant (if any), or a person involved in the management of the defendant, is guilty of the same offence if it is proved—

(a) that the act or omission that constituted the offence took place with the person's authority, permission, or consent; and

(b) that the person knew, or could reasonably be expected to have known, that the offence was to be or was being committed and failed to take all reasonable steps to prevent or stop it.

Compare: 1991 No 69 s 340; 2023 No 46 s 702~~; 1991 No 69 s 340~~

258 Strict liability and defences

(1) In any prosecution for an offence set out in **section 254(1)** it is not necessary to prove that the defendant intended to commit the offence.

(2) It is a defence to prosecution of the kind referred to in **subsection (1)** if the defendant proves—

(a) that—

(i) the action or event to which the prosecution relates was necessary for the purposes of saving or protecting life or health, preventing serious damage to property, or avoiding an actual or likely adverse effect on the environment; and

(ii) the conduct of the defendant was reasonable in the circumstances; and

(iii) the effects of the action or event were adequately mitigated or remedied by the defendant after it occurred; or

(b) that the action or event to which the prosecution relates was due to an event beyond the control of the defendant, including natural disaster, mechanical failure, or sabotage, and in each case—

(i) the action or event could not reasonably have been foreseen or been provided against by the defendant; and

(ii) the effects of the action or event were adequately mitigated or remedied by the defendant after it occurred.

(3) Except with the leave of the court, **subsection (2)** does not apply unless, ~~within 7 days after the service of the summons or within such further time as the court may allow~~ at any time before pleas are entered or within such further time as the court may allow, the defendant delivers to the prosecutor a written notice—

(a) stating that the defendant intends to rely on **subsection (2)**; and

(b) specifying the facts that support the defendant's reliance on **subsection (2)**.

Compare: 1991 No 69 s 341; 2023 No 46 s 703~~; 1991 No 69 s 341~~

259 Burden of proving defences

Despite anything to the contrary in the Criminal Procedure Act 2011, the burden of proving that a defence in **section 258** applies lies on the defendant.

Compare: 2023 No 46 s 705

260 Fines to be paid to local authority or EPA instituting prosecution

(1) If a person is convicted of an offence under **section 254** and the court imposes a fine, the court must, if the proceedings in relation to the offence were commenced by or on behalf of a local authority or the EPA, order that the fine be paid to the local authority or the EPA.

(2) There must be deducted from every amount payable to a local authority or the EPA under **subsection (1)** a sum equal to 10% of that amount, and that sum must be credited to a Crown Bank Account.

(3) Despite anything in **subsection (2)**, if any money awarded by a court in respect of any loss or damage is recovered as a fine, and that fine is ordered to be paid to a local authority or the EPA under **subsection (1)**, no deduction may be made under **subsection (2)** in respect of that money.

(4) Subject to **subsection (2)**, an order of the court made under **subsection (1)** is sufficient authority for the Registrar receiving the fine to pay that fine to whichever of the local authority or the EPA~~, as the case may be,~~ that is entitled to it under the order.

(5) Nothing in section 73 of the Public Finance Act 1989 applies to any fine ordered to be paid to a local authority or the EPA under **subsection (1)**.

Compare: 1991 No 69 s 342; 2023 No 46 s 707~~; 1991 No 69 s 342~~

261 Insurance against fines unlawful

(1) To the extent that a contract of insurance indemnifies or purports to indemnify a person for the person's liability to pay a fine or an infringement fee under this Act,—

(a) the contract is of no effect; and

(b) no court or tribunal has jurisdiction to grant relief in respect of the contract, whether under sections 75 to 82 of the Contract and Commercial Law Act 2017 or otherwise.

(2) A person must not—

(a) enter into, or offer to enter into, a contract described in **subsection (1)**; or

(b) through a contract of insurance,—

(i) indemnify, or offer to indemnify, another person for the other person's liability to pay a fine or an infringement fee under this Act; or

(ii) be indemnified, or agree to be indemnified, by another person for that person's liability to pay a fine or an infringement fee under this Act; or

(iii) pay to another person, or receive from another person, an indemnity for a fine or an infringement fee under this Act.

(3) The prohibition in this section against insurance does not apply to legal or remediation costs connected with an activity under this Act.

(4) A person who contravenes **subsection (2)** commits an offence and is liable on conviction,—

(a) for an individual, to a fine not exceeding $50,000:

(b) for any other person, to a fine not exceeding $250,000.

(5) In this section, **contract of insurance** has the meaning given in section 7(1) of the Insurance (Prudential Supervision) Act 2010.

Compare: 1991 No 69 s 342A; 2023 No 46 s 708~~; 1991 No 69 s 342A~~

Infringement offences

262 ~~Infringement offences~~ Interpretation

In **sections 263 to 269**,—

infringement fee, in relation to an infringement offence, means the amount fixed by regulations made under **section 281** as the infringement fee for the offence

infringement offence means an offence specified as such in regulations made under **section 281**.

263 Infringement offences

(1) A person who is alleged to have committed an infringement offence may—

(a) be proceeded against by the filing of a charging document under section 14 of the Criminal Procedure Act 2011; or

(b) be issued with an infringement notice under **section 265**.

(2) Proceedings commenced in the way described in **subsection (1)(a)** do not require the leave of a District Court Judge or Registrar under section 21(1)(a) of the Summary Proceedings Act 1957.

(3) *See* section 21 of the Summary Proceedings Act 1957 for the procedure that applies if an infringement notice is issued.

Compare: 1991 No 69 s 343B; 2023 No 46 s 709~~; 1991 No 69 s 343B~~

264 Who may issue infringement notices

An enforcement officer may issue infringement notices under this Act.

Compare: 1991 No 69 s 343C(1); 2023 No 46 s 710~~; 1991 No 69 s 343C(1)~~

265 When infringement notice may be issued

An enforcement officer may issue an infringement notice to a person if the enforcement officer believes on reasonable grounds that the person is committing, or has committed, an infringement offence.

Compare: 1991 No 69 s 343C(1); 2023 No 46 s 711~~; 1991 No 69 s 343C(1)~~

266 Revocation of infringement notice before payment made

(1) The enforcement officer may revoke an infringement notice before—

(a) the infringement fee is paid; or

(b) an order for payment of a fine is made or deemed to be made by a court under section 21 of the Summary Proceedings Act 1957.

(2) The enforcement officer must take reasonable steps to ensure that the person to whom the notice was issued is made aware of the revocation of the notice.

(3) The revocation of an infringement notice before the infringement fee is paid is not a bar to any further action as described in **section 263(1)(a) or (b)** against the person to whom the notice was issued in respect of the same matter.

Compare: 2023 No 46 s 712

267 What infringement notice must contain

An infringement notice must be in the form prescribed ~~in~~ by regulations ~~made under **section 284**~~ and must contain the following particulars:

(a) details of the alleged infringement offence that fairly inform a person of the time, place, and nature of the alleged offence:

(b) the amount of the infringement fee:

(c) the address of the relevant authority:

(d) how the infringement fee may be paid:

(e) the time within which the infringement fee must be paid:

(f) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957:

(g) a statement that the person served with the notice has a right to request a hearing:

(h) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing:

(i) any other matters prescribed ~~in~~ by regulations ~~made under **section 284**~~.

Compare: 1991 No 69 s 343C(3); 2023 No 46 s 713~~; 1991 No 69 s 343C(3)~~

268 How infringement notice may be served

(1) An infringement notice may be served on the person who the enforcement officer believes is committing or has committed the infringement offence by—

(a) delivering it to the person or, if the person refuses to accept it, bringing it to the person's notice; or

(b) leaving it for the person at the person's last known place of residence with another person who appears to be of or over the age of 14 years; or

(c) leaving it for the person at the person's place of working or work with another person; or

(d) sending it to the person by prepaid post addressed to the person's last known place of residence or place of business or work; or

(e) sending it to an electronic address of the person.

(2) Unless the contrary is shown,—

(a) an infringement notice (or a copy of it) sent by prepaid post to a person under **subsection (1)** is to be treated as having been served on that person on the fifth working day after the date on which it was posted; and

(b) an infringement notice sent to a valid electronic address is to be treated as having been served at the time the electronic communication first entered an information system that is outside the control of the enforcement authority.

Compare: 1991 No 69 s 343C(2); 2023 No 46 s 714~~; 1991 No 69 s 343C(2)~~

269 Payment of infringement fees

(1) A local authority is entitled to retain all infringement fees received by it in respect of infringement offences where the infringement notice was issued by an enforcement officer of that authority.

(2) However, any infringement fee relating to an infringement notice issued by an enforcement officer appointed by the EPA may be retained by the EPA.

Compare: 1991 No 69 s 343D; 2023 No 46 s 715~~; 1991 No 69 s 343D~~

270 Reminder notices

A reminder notice must be in the form prescribed ~~in~~ by regulations ~~made under **section 284**~~ and must include the same particulars, or substantially the same particulars, as the infringement notice.

Compare: 1991 No 69 s 343C(4); 2023 No 46 s 716~~; 1991 No 69 s 343C(4)~~

271 Further enforcement matters

(1AA) **Schedule 8** sets out further provisions that relate to—

(a) financial assurances:

(b) adverse publicity orders:

(c) enforceable undertakings:

(d) monetary benefit orders:

(e) pecuniary penalty orders.

(1) **Schedule 8** has effect according to its terms.

Local authorities to have compliance and enforcement strategy

272 Local authorities to prepare compliance and enforcement strategy

A local authority must prepare and publish a compliance and enforcement strategy, in the prescribed manner and setting out the prescribed criteria, that takes into account relevant Treaty settlements, and voluntary or statutory agreements with local iwi, hapū, or Māori (including Mana Whakahono ā Rohe agreements).

~~(2) When developing a compliance and enforcement strategy, local authorities must work with iwi authorities and groups that represent hapū within the region.~~

Compare: 2023 No 46 s 56

Providing information and guidance

273 Local authority or EPA to publish information about their functions, duties, and powers

Local authorities and the EPA must publish on an internet site maintained by them or on their behalf that is accessible to the public free of charge—

(a) information about their functions, duties, and powers; and

(b) a register of all their enforcement activities that result in a conviction or court order, subject to any suppression order made by a court; and

(c) all decisions to accept enforceable undertakings, including the content of each enforceable undertaking and a summary of the reasons for the decision to accept it.

Compare: 2023 No 46 s 723

274 Functions, duties, and powers of Ministry

The chief executive must ensure that the Ministry prepares and issues guidance to assist local authorities and the EPA in the exercise of their enforcement functions, duties, and powers under this Act.

Compare: 2023 No 46 s 724

Subpart 2—Emergency works

275 Emergency works and power to take preventive or remedial action

~~(1) Where—~~

~~(a) any public work for which any person has financial responsibility; or~~

~~(b) any natural and physical resource or area for which a local authority or permit authority has jurisdiction under this Act; or~~

~~(c) any project or infrastructure operation for which any core infrastructure operator is approved as a designating authority under **clause 10 or 11 of Schedule 5**; or~~

~~(d) any service or system that any lifeline utility operates or provides—~~

~~is, in the opinion of the person, authority, core infrastructure operator, or lifeline utility, affected by or likely to be affected by—~~

~~(e) an adverse effect on the environment which requires immediate preventive measures; or~~

~~(f) an adverse effect on the environment which requires immediate remedial measures; or~~

~~(g) any sudden event causing or likely to cause loss of life, injury, or serious damage to property —~~

~~the provisions of **section 17** do not apply to any activity undertaken by or on behalf of that person, authority, core infrastructure operator, or lifeline utility to remove the cause of, or minimise any actual or likely adverse effect of, the emergency.~~

(1) **Subsection (1A)** applies if, in the opinion of the relevant authority, a relevant matter is affected by or likely to be affected by—

(a) an adverse effect on the environment that requires immediate preventive measures; or

(b) an adverse effect on the environment that requires immediate remedial measures; or

(c) a sudden event causing or likely to cause loss of life, injury, or serious damage to property.

(1A) **Sections 17 and 17A** do not apply to any activity undertaken by or on behalf of the relevant authority to remove the cause of, or mitigate any actual or likely adverse effect of, the emergency.

(2) ~~**Subsection (1)** applies~~ **Subsections (1) and (1A)** apply whether or not the adverse effect or sudden event was foreseeable.

~~(3) If a local authority or permit authority —~~

~~(a) has financial responsibility for any public work; or~~

~~(b) has jurisdiction under this Act in respect of any natural and physical resource or area —~~

~~which is, in the reasonable opinion of that local authority or permit authority, likely to be affected by any of the conditions described in **paragraphs (d) to (f) of subsection (1)**, the local authority or permit authority by its employees or agents may, without prior notice, enter any place (including a dwellinghouse when accompanied by a constable) and may take such action, or direct the occupier to take such action, as is immediately necessary and sufficient to remove the cause of, or minimise any actual or likely adverse effect of, the emergency.~~

~~(4) However, if the occupier cannot be found in the place, **subsection (3)** is satisfied, and the local authority or permit authority is not required to take further action to contact the occupier, if —~~

~~(a) there is displayed in a prominent place on the land a notice that gives the date of entry, the time of entry, the reasons for entry, and the contact details of a person who can provide further information; and~~

~~(b) as soon as practicable after entering the land, the local authority or permit authority serves written notice (containing the same information as~~

~~in **paragraph (a)**) on the person who is the ratepayer for the land for the purposes of the Local Government (Rating) Act 2002.~~

~~(5) **Section 17** does not apply to any action taken under **subsection (2)**.~~

~~(6) As soon as practicable after entering any place under this section, every person must identify themselves and inform the occupier of the place of the entry and the reasons for it.~~

(7) Nothing in this section authorises any person to do anything in relation to an emergency involving a marine oil spill or suspected marine oil spill within the meaning of section 281 of the Maritime Transport Act 1994.

~~(8) In this section and **section 276**, **lifeline utility** means a lifeline utility within the meaning of section 4 of the Civil Defence Emergency Management Act 2002 other than a lifeline utility that is a core infrastructure operator to which **subsection (1)(c)** applies.~~

(8) In this section and in **section 276**,—

lifeline utility means a lifeline utility as defined in section 4 of the Civil Defence Emergency Management Act 2002

relevant authority, in relation to a relevant matter, means the person referred to in the applicable paragraph of the definition of relevant matter

relevant matter means—

(a) a public work for which any person has financial responsibility; or

(b) an area for which a local authority or consent authority has jurisdiction under this Act; or

(c) a project or core infrastructure operation for which a core infrastructure operator is approved as a designating authority under **clause 10 of Schedule 5**; or

(d) a service or system that a lifeline utility operates or provides.

Compare: 1991 No 69 s 330(1), (1A), (4), (5)

275A Power to enter places and direct action in emergency

(1) **Subsections (2) and (3)** apply if,—

(a) in the reasonable opinion of a local authority, a public work that the local authority is financially responsible for is likely to be affected by any of the conditions described in **section 275(1)**; or

(b) in the reasonable opinion of a local authority or consent authority, an area for which the local authority or consent authority has jurisdiction under this Act is likely to be affected by any of the conditions described in **section 275(1)**.

(2) The local authority or consent authority (by its employees or agents) may, without prior notice,—

(a) enter any place (including a dwellinghouse if accompanied by a constable); and

(b) take any action, or direct the occupier to take any action, that is immediately necessary and sufficient to remove the cause of, or mitigate any actual or likely adverse effect of, the emergency.

(3) **Sections 17 and 17A** do not apply to any action taken under **subsection (2)**.

(4) As soon as is practicable after a person enters a place under this section, the person must—

(a) identify themselves to any occupier of the place; and

(b) inform the occupier of their entry and the reasons for it.

(5) However, if the occupier of the place cannot be found, the person (and the local authority or consent authority) is not required to take further action to contact the occupier if—

(a) a notice is displayed in a prominent location on the land that the place is on that gives—

(i) the date, time, and reasons for the entry; and

(ii) contact details for a person who can provide further information; and

(b) as soon as practicable after entering the place, the local authority or consent authority serves written notice (containing the information described in **paragraph (a)**) to the person who is the ratepayer (within the meaning of section 10 of the Local Government (Rating) Act 2002) for the land that the place is on.

(6) Nothing in this section authorises any person to do anything in relation to an emergency involving a marine oil spill or suspected marine oil spill within the meaning of section 281 of the Maritime Transport Act 1994.

Compare: 1991 No 69 s 330(2)–(4)

276 Planning consents for emergency works

(1) If an activity is undertaken under **section 275 or 275A**, the ~~person (other than the occupier), authority, core infrastructure operator, or lifeline utility who or which undertook~~ relevant authority that authorised the activity must ~~advise~~ notify the appropriate ~~permit~~ consent authority, within 7 working days, that the activity has been undertaken.

(2) If ~~such an~~ the activity, but for **section 275 or 275A**, ~~contravenes~~ would contravene **section 17 or 17A** and the adverse effects of the activity continue, then the ~~person (other than the occupier), authority, core infrastructure operator, or lifeline utility who or which undertook~~ relevant authority that authorised the activity must, within 30 working days of the notification under **subsection (1)**, apply in writing to the appropriate ~~permit~~ consent authority

for any ~~necessary~~ planning consents required ~~in respect of~~ for the activity ~~within 30 working days of the notification under **subsection (1)**~~.

(3) If the application is made within the time stated in **subsection (2)**, the activity may continue until the application ~~for a planning consent~~ is decided and any appeals have been finally determined.

Compare: 1991 No 69 s 330A

277 Emergency works under Civil Defence Emergency Management Act 2002

~~(1) If any activity is undertaken by any person exercising emergency powers during a state of emergency declared, or transition period notified, under the Civil Defence Emergency Management Act 2002, **section 17** does not apply to any activity undertaken by or on behalf of that person to remove the cause of, or minimise any actual or adverse effect of, the emergency.~~

(1) **Sections 17 and 17A** do not apply to an activity that is—

(a) undertaken by or on behalf of a person exercising emergency powers during a state of emergency declared, or a transition period notified, under the Civil Defence Emergency Management Act 2002; and

(b) undertaken to remove the cause of, or mitigate any actual or adverse effect of, the emergency.

(2) ~~If an activity is undertaken to which **subsection (1)** applies, the~~ The person who authorised the activity must ~~advise~~ notify the appropriate ~~permit~~ consent authority, within 7 working days, that the activity has been undertaken.

(3) If ~~such an~~ the activity, but for this section, would contravene **section 17 or 17A** and the adverse effects of the activity continue, the person who authorised the activity must, within 60 working days of the notification under **subsection (2)**, apply ~~in writing~~ to the appropriate ~~permit~~ consent authority for any necessary planning consents required ~~in respect of~~ for the activity ~~, within 60 working days of the notification under **subsection (2)**~~.

(4) If the application is made within the time stated in **subsection (3)**, the activity may continue until the application ~~for a planning consent~~ is decided and any appeals have been finally determined.

(5) A person does not commit an offence under **section 254(1)(a)** by acting in accordance with this section.

Compare: 1991 No 69 s 330B

278 Reimbursement or compensation for emergency works

(1) If the local authority or consent authority takes action under **section ~~275(3)~~ 275A(2)** because of the default of any person, the authority may require reimbursement from that person of its actual and reasonable costs (as defined in **section ~~232(1)(d)~~ 232(2)**).

(2) If the costs ~~required to be paid under **subsection (1)**~~ are not ~~duly~~ paid within 20 working days of being required under **subsection (1)**, the authority may seek an enforcement order under **section 232(1)(d)**.

(3) The following persons are entitled to compensation from the authority ~~in respect of~~ for any damage ~~which~~ that did not arise from any failure ~~of that person to abide by their~~ by those persons to comply with their duties under ~~the~~ this Act:

(a) every person having an estate or interest in land that is injuriously affected by the exercise of any power under **section ~~275(3)~~ 275A(2)**:

(b) every other person suffering any damage as a result of the exercise of that power.

(4) Any compensation under **subsection ~~(2)~~ (3)** must be claimed and determined in accordance with Part 5 of the Public Works Act 1981 and the provisions of that Act, so far as they apply and with all necessary modifications, apply accordingly.

Compare: 1991 No 69 s 331

279 Emergency response regulations

(1) The Governor-General may, by Order in Council ~~made on the recommendation of the Minister~~, make regulations ~~(**emergency response regulations**)~~ for the purpose of—

(a) responding to a natural hazard event or other emergency in an area; and

(b) enabling recovery efforts in the affected area (including any work required to improve the resilience or standard of assets).

~~(2) Before recommending emergency response regulations, the Minister must—~~

~~(a) be satisfied that the proposed regulations are necessary or desirable for the purpose of this Act:~~

~~(b) be satisfied that the proposed regulations are not broader than is reasonably necessary:~~

~~(c) consider the effects on the environment that could occur as a result of the proposed regulations and whether any adverse effects can be avoided, remedied, or minimised:~~

~~(d) consult the Minister for Emergency Management and Recovery:~~

~~(e) consult the Minister of Conservation if the regulations affect the coastal marine area:~~

~~(f) consult any affected councils and the relevant following groups and invite them to provide written comments about the proposed regulations:~~

~~(i) iwi authorities:~~

~~(ii) post-settlement governance entities:~~

~~(iii) ngā hapū o Ngāti Porou, as defined in section 10 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019:~~

~~(iv) iwi or hapū who are party to a Mana Whakahono a Rohe or joint management agreement that applies in the region:~~

~~(v) customary marine title groups (within the meaning of the Marine and Coastal Area (Takutai Moana) Act 2011):~~

~~(vi) protected customary rights groups (within the meaning of the Marine and Coastal Area (Takutai Moana) Act 2011):~~

~~(vii) applicant groups (within the meaning of the Marine and Coastal Area (Takutai Moana) Act 2011):~~

~~(g) have regard to any comments from affected councils and the groups referred to in **paragraph (f)**:~~

~~(h) provide a draft of the proposed regulations to the committee of the House of Representatives that is responsible for the review of secondary legislation:~~

~~(i) have regard to comments, if any, from the committee of the House of Representatives that is responsible for the review of secondary legislation.~~

~~(3) Before recommending emergency response regulations, the Minister may invite any other persons or representatives of persons that the Minister considers appropriate (including local community groups), or the public generally, to provide written comments about the proposed regulations.~~

~~(4) Comments referred to in **subsection (2)(i)** or written comments provided in response to an invitation from the Minister under **subsection (3)** must be provided within 5 working days after the draft is provided to the committee or the invitation is received, respectively, unless the Minister extends that period.~~

~~(5) Written comments provided in response to an invitation from the Minister under **subsection (2)(f)** must be provided within 10 working days after the invitation is received, unless the Minister extends that period.~~

(6) ~~Emergency response regulations~~ Regulations made under this section—

(a) may apply only to an area where, under the Civil Defence Emergency Management Act 2002, a state of national or local emergency has been declared or notice given of a local or national transition period; and

(b) may be made, or continue to apply to that area, after the declaration ceases to have effect or the transition period ends; and

(c) ~~expire~~ are revoked on the date that is 3 years after the first declaration is made or notice is given, or any earlier date specified in ~~the~~ regulations.

(7) ~~Emergency response regulations~~ Regulations made under this section may—

(a) permit, authorise, or prohibit specific activities~~, while noting that this will not give long-term existing use rights to those activities~~:

(b) modify or alter the plan development processes:

(c) apply a temporary stay to the processing or granting of certain types or categories of ~~permit~~ applications for planning consents ~~(processing and granting of permits)~~:

(d) limit or exclude rights of appeal (other than judicial review) in relation to decisions on planning consents, plan changes, or variations:

(e) extend the time frames under **sections 276 and 277** for lodging retrospective applications for planning consents for emergency works ~~under section 275~~:

(f) extend or shorten ~~permit~~ planning consent processing time frames.

(7A) A use of land or the coastal marine area that is permitted or authorised by regulations made under this section must not, for that reason, be treated as—

(a) a permitted activity, or a use that can be lawfully carried out without a planning consent, for the purposes of **section 22(1)(c)(ii), 22A(1)(a)(i) or (2)(a)(i), or 23(1)(b)(i)**; or

(b) a use that is lawfully established for the purposes of **section 20(1)(a), 22A(1)(a)(ii) or (2)(a)(ii), or 23(1)(b)(ii)**.

(8) ~~Emergency response regulations~~ Regulations made under this section may incorporate material by reference. **Section ~~54~~ 62A** applies as if ~~references~~ a reference in that section to ~~a~~ national ~~instrument~~ standards were ~~references~~ a reference to regulations made under this section.

(9) ~~Emergency response regulations~~ Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1991 No 69 s 331AA(1), (6)–(9)

279A Requirements for making emergency response regulations

(1) Regulations must not be made under **section 279** except on the recommendation of the Minister.

(2) Before recommending regulations under **section 279**, the Minister must—

(a) be satisfied that the proposed regulations are necessary or desirable for the purpose of this Act:

(b) be satisfied that the proposed regulations are not broader than is reasonably necessary:

(c) consider the effects on the environment that could occur as a result of the proposed regulations and whether any adverse effects can be avoided, remedied, or mitigated:

(d) consult the Minister responsible for administering the Civil Defence Emergency Management Act 2002:

(e) consult the Minister of Conservation if the regulations would affect the coastal marine area:

(f) consult any affected local authorities and the following groups, as relevant, and invite them to provide written comments about the proposed regulations:

(i) iwi authorities:

(ii) post-settlement governance entities:

(iii) ngā hapū o Ngāti Porou (as defined in section 10 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019):

(iv) iwi or hapū who are party to a Mana Whakahono ā Rohe or joint management agreement that applies in the region:

(v) customary marine title groups:

(vi) protected customary rights groups:

(vii) applicant groups (as defined in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011):

(g) have regard to any comments that are provided by the affected local authorities or groups referred to in **paragraph (f)** within—

(i) 10 working days of the date on which the Minister invites comments; or

(ii) any longer period specified by the Minister in writing:

(h) provide a draft of the proposed regulations to the committee of the House of Representatives that is responsible for the review of secondary legislation (the **committee**):

(i) have regard to any comments that are provided by the committee within—

(i) 5 working days of the date on which the Minister provided the draft; or

(ii) any longer period specified by the Minister in writing.

(3) Before recommending regulations under **section 279**, the Minister may—

(a) invite any other persons that the Minister considers appropriate (including local community groups), or the public generally, to provide written comments about the proposed regulations; and

(b) have regard to any comments that are provided by them within—

(i) 5 working days of the date on which the Minister invites comments; or

(ii) any longer period specified by the Minister in writing.

Compare: 1991 No 69 s 331AA(2)–(4)

280 Annual review of emergency response regulations

The Minister must, within 12 months after any ~~regulation~~ regulations made under **section 279** ~~comes~~ come into force, and once in every 12 months after that while the ~~regulation remains~~ regulations remain in force,—

(a) ~~carry out a~~ review ~~of~~ the operation and effectiveness of the ~~regulation~~ regulations; and

(b) prepare a report on the review; and

(c) present the report to the House of Representatives as soon as practicable after it has been completed; and

(d) make public the outcomes of the review.

Compare: 1991 No 69 s 331AB

Subpart 3—Regulations

281 Regulations

(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) providing for anything this Act ~~or provisions in the **Natural Environment Act 2025** that are applied to this Act say~~ says may or must be provided for by regulations:

(aa) prescribing, for the purposes of any provision of this Act that requires a thing to be done in the manner prescribed by regulations, the manner in which the thing must be done, including prescribing—

(i) by whom, where, and how the thing must be done:

(ii) by when the thing must be done, including by setting a deadline:

(iii) the form that must be used for doing the thing:

(iv) information or other evidence that must be provided in connection with the thing, including requirements that the information or evidence must comply with:

(v) requirements for serving notice in connection with the thing:

(ab) prescribing, for the purpose of any provision of this Act that requires a thing to be in the form prescribed by regulations, the form to be used:

~~(b) providing direction to support the preparation of regional spatial plans, including direction on the role of central government in supporting regional spatial planning:~~

(c) prescribing the manner or content of applications, notices, or any other documentation or information as may be required under this Act, including the service of notices:

~~(d) prescribing the manner and content of forms for esplanade strips and access strips:~~

~~(e) prescribing the methods of making an application or requirement for a designation, the persons to be served, the times of service, and the form of application and notice required:~~

(f) requiring the payment of fees or charges in connection with—

(i) an application, notice, or request provided for under this Act:

(ii) the performance or exercise of any function, power, or duty under this Act:

(g) prescribing any of the following in relation to fees or charges required under **paragraph (f)**:

(i) the fee or charge payable or the methods for calculating fees or charges:

(ii) the persons liable to pay the fees or charges:

(iii) the persons to whom the fees or charges must be paid:

(iv) when the fees or charges must be paid:

(v) the circumstances in which the fees or charges may be refunded, remitted, or waived (wholly or partly):

~~(h) prescribing, for the purpose of the Registrar deciding whether to waive, reduce, or postpone the payment of a fee under **clause 88 of Schedule 9**, the criteria that the Registrar must apply to—~~

~~(i) assess a person's ability to pay a fee; and~~

~~(ii) identify proceedings that concern matters of public interest:~~

(i) ~~prescribing~~ specifying the offences under this Act that constitute infringement offences ~~against this Act:~~ and prescribing infringement fees for those offences—

(i) not exceeding $2,000, in the case of a natural person:

(ii) not exceeding $4,000, in the case of a person other than a natural person:

~~(j) prescribing infringement fees (which may be different fees for different offences)—~~

~~(i) not exceeding $2,000, in the case of a natural person, for an infringement offence prescribed under this subsection:~~

~~(ii) not exceeding $4,000, in the case of a person other than a natural person, for an infringement offence prescribed under this subsection:~~

~~(k) prescribing, in relation to infringement offences against this Act, the form and content of infringement notices and reminder notices:~~

(ka) prescribing standards, methods, and other requirements for the use of data or digital technology in the processes under this Act:

(l) deeming to be included in any land use plan or proposed land use plan rules that may apply generally or specifically and that may specify activities as restricted discretionary activities, discretionary activities, or prohibited activities:

~~(m) providing for any project or work to be a core infrastructure operator for the purpose of **clause 9 of Schedule 5**:~~

~~(n) prescribing transitional and savings provisions relating to the coming into force of this Act, which may be in addition to or in place of any of the provisions of **Schedule 1**:~~

~~(o) prescribing criteria for the exercise, in a particular hearing or class of hearing, of the power to give directions to provide evidence within time limits:~~

(p) providing for discounts on administrative ~~charges~~ fees imposed under **section ~~194~~ 283B** when local authorities do not meet time limits set under this Act:

(q) prescribing, for the purposes of **section 186(2)(b)**,—

(i) matters by reference to which monitoring must be carried out:

(ii) standards, methods, or requirements applying to the monitoring, which may differ depending on what is being monitored:

(r) requiring local authorities to provide information gathered under **sections 186 and 188** to the Minister, and prescribing the content of the information to be provided and the manner in which, and time limits by which, it must be provided:

(s) providing for anything incidental that is necessary for carrying out, or giving full effect to, this Act.

(1A) Regulations made under **subsection (1)**—

(a) may apply generally; or

(b) may apply or be applied from time to time by the Minister by notice—

(i) within any specified district or region of any local authority or within any specified part of New Zealand:

(iii) to any specified class or classes of persons.

~~(2) All regulations made under **subsection (1)(n)** that are still in force on the day that is 5 years after the date of commencement of this Act expire at the close of that day.~~

(2A) Regulations may be made under **subsection (1)(l)** only on the Minister's recommendation after being satisfied that the regulations are necessary or desirable for either or both of the following:

(a) to implement New Zealand's obligations under any international convention, protocol, or agreement to which New Zealand is a party:

(b) to enable New Zealand to become a party to any international convention, protocol, or agreement.

(3) Regulations made under ~~this section~~ **subsection (1)** may incorporate material by reference. **Section ~~51~~ 62A** applies as if ~~its references~~ a reference to national ~~instruments~~ standards in that section were ~~references~~ a reference to regulations made under ~~this section~~ **subsection (1)**.

~~(4) Regulations made under **subsection (1)** are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).~~

(4) The following are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements):

(a) regulations made under **subsection (1)**:

(b) a notice made under **subsection (1A)(b)**.

Compare: 1991 No 69 s 360

282 Regulations relating to ~~consent processing~~ consent-processing time frames and procedures

(1) The Governor-General may, by Order in Council, make regulations that provide for time frames and other procedural matters relating to the processing ~~an application~~ of applications for ~~a planning consent.~~—

(a) a planning consent:

(b) a certificate of compliance:

(c) an existing use certificate.

(2) Regulations under **subsection (1)** may—

(a) prescribe maximum processing time frames for applications ~~for planning consents~~ that are shorter than the maximum processing time frames specified in **section 117**:

(b) prescribe time frames for any step involved in the processing of an application (including in relation to submissions, hearings, and decision-making), if a time frame for that step has not been specified in the Act:

(c) prescribe matters and time periods that must be excluded from the calculation of the maximum processing time frame under **section 117 or paragraph (a)**:

(d) prescribe requirements that apply to a request for an extension to a specified time period:

(e) provide for any other procedural matter that relates to the processing of an application.

(3) Regulations under **subsection (1)** may apply—

(a) generally throughout New Zealand~~,~~ or specifically to 1 or more districts or regions:

(b) to all types of planning consents~~,~~ or ~~only~~ to a particular class of planning consents ~~of a particular type or relating to a particular activity~~.

(4) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

282A Regulations relating to hearings processes and hearings authorities

(1) The Governor-General may, by Order in Council, make regulations prescribing—

(a) requirements relating to the efficient control of any hearing or class of hearings held under this Act by a hearings authority:

(b) eligibility requirements for persons to be appointed as hearings commissioners under this Act, including requirements that those persons must be accredited:

(c) other procedural requirements relating to hearings or hearings authorities.

(2) Without limiting **subsection (1)**, regulations under this section may prescribe—

(a) requirements relating to—

(i) the provision of evidence or other information within time limits:

(ii) the order of business at a hearing:

(iii) cross-examination (including by prohibiting cross-examination or limiting the conduct of it):

(iv) the term of an independent hearings panel and of individual members:

(b) requirements that evidence or submissions be—

(i) recorded:

(ii) taken as read:

(iii) limited to matters in dispute:

(iv) presented within a time limit:

(c) powers and duties of the chairperson of an independent hearings panel:

(d) powers to remove members of an independent hearings panel or hearings commissioners for just cause.

(3) Regulations under this section may prescribe different requirements for—

(a) different hearings authorities:

(b) different hearings or classes of hearings.

(4) In this section, **hearings authority** has the meaning given in **section 286B**.

(5) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Planning consent levy

283 Regulations relating to planning consent levy

(1) The Governor-General may, by Order in Council, on the recommendation of the Minister, make regulations prescribing a levy on planning consents and permitted activities registered under **section 180**.

(2) The Minister may recommend the making of regulations under this section to fund the following functions under this Act:

(a) the development and review of national ~~directions~~ instruments:

(b) ~~preparing and maintaining the~~ system performance ~~framework~~ monitoring, including associated data collection.

(3) Before recommending the making of regulations under this section ~~**subsection (2)**~~, the Minister must—

(a) follow the process set out in **section ~~46~~57**, as if the recommendation for regulations were for a proposed national ~~direction~~ instrument; and

(b) seek and consider economic and financial advice relating to the levy from relevant central government agencies and local authorities ~~relating to the levy~~.

(4) Regulations made under this section may—

(a) set different levy rates for different consents and permitted activities; and

(b) prescribe the amount of the levy or a method for calculating the amount; and

(c) specify who is liable to pay the levy; and

(d) provide for refunds of, exemptions from, or waivers of a levy, in whole or in part, in any class of case, including prescribing any criteria that must be met for a refund, an exemption, or a waiver to apply; and

~~(e) identify any proportion of the levy that may be retained or transferred to persons specified in the regulations; and~~

~~(f) specify how any proportion transferred under **paragraph (e)** may be used by the specified person, including any conditions that must be satisfied before the transferred portion of the levy is used.~~

(g) in relation to levies,—

(i) provide for matters relating to the non-payment of levies:

(ii) set the prescribed rate of interest payable on any unpaid amount of levy:

(iii) specify the department, consent authority, or other agency responsible for enforcing levies; and

(h) set out reporting obligations of central government and consent authorities in relation to levies set under this section.

(4A) The Minister must ensure that the rates are set so that the levy does not exceed the anticipated costs of the functions specified in **subsection (2)**.

(4B) The following are exempt from any levies prescribed by regulations made under this section:

(a) a protected customary rights group—

(i) when exercising a protected customary right for which they are not liable under section 52(2) of the Marine and Coastal Area (Takutai Moana) Act 2011; and

(ii) when exercising any other protected customary right under that Act:

(b) a customary marine title group—

(i) when exercising a customary right for which they are not liable under section 60(2) of that Act; and

(ii) when undertaking an activity in relation to their customary marine title area.

(5) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Regulations relating to transitional, savings, and related provisions

283A Transitional and savings provisions for orderly implementation of this Act and Natural Environment Act 2025

(1) The Governor-General may, by Order in Council, on the recommendation of the Minister, make regulations for all or any of the following purposes:

(a) providing that, subject to any conditions stated in regulations, transitional or savings provisions prescribed by the regulations that relate to the implementation of this Act or the **Natural Environment Act 2025** (in addition to, or in substitution for, any other transitional, savings, or related provisions in **Schedule 1**) apply during the whole or any part of the period ending on the relevant date:

(b) providing that, subject to any conditions stated in the regulations, specified provisions of this Act (including definitions and any transitional, savings, or related provisions in **Schedule 1**) or the **Natural Environment Act 2025**, or provisions of other legislation amended, revoked, or repealed by this Act, do not apply, or continue to apply or apply with modifications or additions, or both, during the whole or any part of the period ending on the relevant date.

(2) If regulations made under this section extend the time frame specified in **clause 5 of Schedule 1** that applies to a planning instrument described in that clause, the extension must not affect the order in which a key instrument is to be issued, notified, or decided as set out in that clause.

(3) The Minister must, before recommending regulations under this section, be satisfied that the regulations—

(a) are necessary or desirable for the orderly implementation of this Act or the **Natural Environment Act 2025**; and

(b) are consistent with the purposes of this Act or the **Natural Environment Act 2025**.

(4) All regulations made under this section that are still in force on the relevant date are revoked at the close of that day.

(5) Nothing in **Schedule 1** limits this section.

(6) In this section, **relevant date** means the day that is 5 years after the date this Act receives Royal assent.

(7) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 2023 No 35 s 466

Subpart 4—Miscellaneous

Collection and spending of levy

283AA Collection and spending of planning consent levy

(1) This section applies to any money liable to be paid from any levy imposed by regulations made under **section 283**.

(2) Consent authorities must collect the money.

(3) Consent authorities must pay the money collected to the Ministry.

(4) The money collected may only be used for the purposes described in **section 283(2)(a) and (b)**.

(5) The person liable to pay the levy must pay interest on any unpaid amount of levy at the prescribed rate in accordance with the regulations.

(6) The money, including any interest due under **subsection (5)**, is a debt due to the entity owed the levy from the person liable to pay the levy and may be recovered in a court of competent jurisdiction.

Administrative fees

283B Administrative fees

(1) A local authority may fix fees payable for all or any of the following:

(a) fees payable by a requester for a change request under **clause 49 or 49A of Schedule 3** for the local authority carrying out its functions under **Part 2 of Schedule 3** in relation to that change request (including the preparation of any plan change):

(b) fees payable by an applicant for a planning consent (including an applicant for a certificate of compliance, an existing use certificate, or an application made jointly with an application to exchange reserve land) for the local authority carrying out its functions as consent authority for that application:

(c) fees payable by an applicant for a planning consent who requests under **section 136** that the application be heard by 1 or more hearings commissioners, for the cost of the application being heard and decided in accordance with that request:

(d) fees payable by the holder of a planning consent for the local authority carrying out its functions as consent authority in reviewing the conditions of that consent if the review of the conditions is carried out—

(i) at the request of the consent holder; or

(ii) under **section 168(1)(a), (b), (d), or (2)**:

(e) fees payable by holder of a planning consent (including a holder of a certificate of compliance or an existing use certificate) for either or both of the following:

(i) the local authority carrying out its monitoring, enforcement, and compliance functions in relation to planning consents, certificates of compliance, and existing use certificates:

(ii) the performance by a territorial authority of its obligations under **section 186** (which relates to monitoring and information gathering):

(f) fees payable by a person carrying out a permitted activity for the local authority carrying out its monitoring, enforcement, and compliance functions relating to the person's compliance with a rule in a land use plan (or a rule in a proposed land use plan that has legal effect) that relates to the permitted activity, but this paragraph does not apply to a rule that permits the same activity as is permitted by a national rule:

(g) fees payable by a designating authority for a territorial authority carrying out any of its functions under this Act relating to a designation or proposed designation of the designating authority:

(h) fees payable by a person who, in the opinion of an enforcement officer, has contravened this Act for the local authority carrying out any function necessary to determine whether the contravention has occurred:

(i) fees payable by a person who is the subject of an abatement notice or an enforcement order for the local authority carrying out its compliance and enforcement functions relating to the notice or order:

(j) fees payable by persons liable to pay a planning consent levy for the cost of the local authority collecting that levy:

(k) fees payable by persons requesting information about land use plans, proposed land use plans, or planning consents for the local authority providing that information:

(l) fees payable by persons requesting documents for the local authority providing those documents:

(m) any other fee authorised by regulations made for the purposes of this subsection.

(2) Fees fixed under this section must be—

(a) prescribed as a specific amount in the instrument setting the fee; or

(b) ascertained in a manner prescribed by that instrument.

(3) A local authority may fix different fees for different costs it incurs in the performance of its various functions, powers, and duties under this Act—

(a) in relation to different areas or different classes of person; or

(b) if any activity undertaken by the person liable to pay the fee reduces the costs to the local authority.

(4) Fees fixed under this section must be made—

(a) in the manner set out in section 150 of the Local Government Act 2002 (which, among other matters, requires the fees to be set by a bylaw); and

(b) after—

(i) considering the matters in **section 283D(2) and (3)**; and

(ii) using the special consultative procedure set out in section 83 of the Local Government Act 2002.

(5) However, **subsection (4)(a) and (b)(ii)** does not apply in relation to a fee set by the Minister of Conservation when exercising the functions, powers, or duties of a local authority conferred on them by **section 183** in relation to certain offshore islands.

(6) A fee set under this section by the Minister of Conservation exercising the functions, powers, or duties of a local authority conferred on them by **section 183** is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(7) *See also* section 161A(1) of the Local Government Act 2002, which provides that a bylaw that is made by a local authority is secondary legislation.

Compare: 1991 No 69 ss 36(1)–(4), 36AAA(4)

283C Additional administrative fees

(1) If a fee fixed under **section 283B** is, in any particular case, inadequate to enable a local authority to recover its actual and reasonable costs for the matter concerned, the local authority may (after considering the criteria in **section 283D(2) and (3)**) require the person who is liable to pay the fee to also pay an additional fee to the local authority.

(2) A local authority must, on request by any person liable to pay a fee fixed under **section 283B**, provide an estimate of any additional fee likely to be imposed under this section.

(3) A person may apply to the Planning Tribunal to review a decision to require an additional fee under this section.

Compare: 1991 No 69 s 36(5)–(7)

283D Considerations for fixing administrative fees

(1) This section sets out the matters that a local authority must have regard to before fixing a fee under **section 283B** or requiring an additional fee under **section 283C**.

(2) The sole purpose of a fee or additional fee is to recover the reasonable costs incurred by the local authority in respect of the activity to which the fee relates.

(3) A person should be required to pay a fee or additional fee only—

(a) to the extent that the benefit of the local authority's actions to which the fee relates is obtained by those persons as distinct from the community of the local authority as a whole; or

(b) where the need for the local authority's actions to which the fee relates results from the actions of that person; or

(c) in the case of a fee relating to a territorial authority's monitoring functions under **section 186(1)(a)** (which relates to monitoring its district),—

(i) to the extent that the monitoring relates to the likely effects on the built environment of that person's activities; or

(ii) to the extent that the likely benefit to those persons of the monitoring exceeds the likely benefit of the monitoring to the community of the territorial authority as a whole.

Compare: 1991 No 69 s 36AAA(1)–(3)

283E Other matters relating to administrative fees

(1) A local authority may, in any particular case and in its absolute discretion, refund or waive the whole or any part of—

(a) a fee fixed under **section 283B** that would otherwise be payable; or

(b) an additional fee required under **section 283C**.

(2) If a fee fixed under **section 283B** or additional fee required under **section 283C** is payable to a local authority, the local authority need not perform the action to which the fee relates until the fee has been paid in full.

(3) However, **subsection (2)** does not apply to a fee or additional fee to which **section 283B(1)(d)(iii)** applies (which relates to a review of the conditions of a planning consent required by an order of the Environment Court).

(4) A local authority must, in the manner prescribed by regulations, make publicly available an up-to-date list of fees fixed under **section 283B**.

Compare: 1991 No 69 s 36AAB

283F Discounts on administrative fees

(1) A local authority may, after following the special consultative procedure set out in section 83 of the Local Government Act 2002, adopt a policy for discounting fees imposed under **section 283B** in circumstances where—

(a) an application for a planning consent or an application to change or cancel the conditions of a consent is not processed within the time frames set out in this Act; and

(b) responsibility for the failure sits with the local authority.

(2) The policy must specify—

(a) the discount, or the method for ascertaining the discount, that would be given for any fees paid or owing; and

(b) the procedure an applicant must follow to obtain the discount.

(3) A local authority must provide a discount on an administrative fee imposed under **section 283B** as follows:

(a) if the local authority has not adopted a policy for discounts under **subsection (1)**, if regulations made under **section 281(1)(p)** require the local authority to provide a discount:

(b) if the local authority has adopted a policy under **subsection (1)**, it must provide a discount under whichever of the policy or regulations under **section 281(1)(p)** are more generous in the particular case.

Compare: 1991 No 69 s 36AA

~~*Waiver and extension of time limits*~~ *Extensions and waivers*

284 Power ~~of waiver and extension of~~ to extend time limits or waive requirements

(1) A consent authority or a local authority may—

(a) extend a time period specified in this Act or in regulations~~, whether or not the time period has expired~~ up to a period not exceeding twice the maximum time period specified in this Act or regulations:

(b) waive a failure to comply with a requirement under this Act, regulations, or a land use plan for the time or method of service of documents.

~~(2) If a person is required to provide information under this Act, regulations, or a plan and the information is inaccurate or omitted, or a procedural requirement is omitted, the consent authority or local authority may—~~

~~(a) waive compliance with the requirement; or~~

~~(b) direct that the omission or inaccuracy be rectified on such terms as the consent authority or local authority thinks fit.~~

~~(3) This section is subject to **sections 285 and 286**.~~

(2) A consent authority or local authority must not extend a time limit or waive a requirement under this section unless it has first taken into account—

(a) the interests of any person who, in its opinion, may be directly affected by the extension or waiver; and

(b) the interests of the community in achieving adequate assessment of the effects of the proposal; and

(c) its obligations under **section 13(1)(b)**; and

(d) in the case of an extension or a waiver relating to an application for a planning consent, an application to change or cancel the condition of a planning consent, or a review of a planning consent, whether the extension or waiver will assist the consent authority in its consideration of the application under **subpart 4 of Part 4**.

(3) In addition to the requirements in **subsection (2)**, a consent authority must not extend a time period relating to an application for a planning consent, an application to change or cancel a condition of a planning consent, or a review of a planning consent, unless—

(a) the applicant agrees; or

(b) special circumstances apply (including special circumstances existing by reason of the scale or complexity of the matter, but excluding any circumstances relating to lack of staff capacity or lack of availability of experts).

(4) A time period may be extended under this section whether or not the period has expired.

(5) A consent authority or local authority must ensure that every person who, in its opinion, is directly affected by an extension or waiver under this section is notified of the extension or waiver.

(6) A person that has applied for a planning consent may apply to the Planning Tribunal to review a decision of a consent authority to extend a time period on the basis of special circumstances.

Compare: 1991 No 69 ss 37(1), 37A

~~285 Requirements for waivers and extensions~~

~~(1) A consent authority or local authority must not extend a time limit or waive compliance with a time limit, a method of service, or the service of a document under **section 287** unless it has taken into account—~~

~~(a) the interests of any person who, in its opinion, may be directly affected by the extension or waiver; and~~

~~(b) the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and~~

~~(c) its duty under **section 13** to act in a timely and cost-effective manner; and~~

~~(d) if the extension or waiver relates to an application for planning consent, whether the extension or waiver will assist the consent authority in its consideration of the application under **subpart 4 of Part 4**.~~

~~(2) A time period that is extended under **section 284** must not exceed twice the maximum time period specified in this Act.~~

~~(3) **Subsection (4)** applies to an extension of a time limit imposed on a consent authority in respect of—~~

~~(a) an application for planning consent; or~~

~~(b) an application to change or cancel a condition of a planning consent; or~~

~~(c) a review of a planning consent.~~

~~(4) In addition to the requirements specified in **subsections (1) and (2)**, a consent authority may extend a time period under **section 284** only if—~~

~~(a) special circumstances apply (including special circumstances existing by reason of the scale or complexity of the matter); or~~

~~(b) the applicant agrees to the extension.~~

~~(5) A consent authority or a local authority must ensure that every person who, in its opinion, is directly affected by the extension of a time limit or the waiver of compliance with a time limit, a method of service, or the service of a document is notified of the extension or waiver.~~

~~(6) For the purposes of **subsection (4)(a)**, **special circumstances** do not include—~~

~~(a) lack of staffing capacity; or~~

~~(b) lack of availability of, or access to, experts.~~

286 Matters for which time period must not be extended or waived

A consent authority or local authority must not, under **section 284**,—

(a) waive or extend a time period for the purpose of providing more time for a pre-request aquaculture agreement to be negotiated under section 186ZM of the Fisheries Act 1996; or

(b) extend the time period for processing and deciding an application for a planning consent for a ~~wood processing~~ wood-processing activity or specified energy activity (*see* **section 118**).

Compare: 1991 No 69 s 37(1A), (1B)

286A Waiver or direction relating to information

(1) This section applies if—

(a) a person is required to provide information under this Act; and

(b) the information is not provided, or is inaccurate, or an associated procedural requirement is not complied with.

(2) The consent authority or local authority may—

(a) waive compliance with the requirement; or

(b) direct that the omission or inaccuracy be rectified on terms that the consent authority or local authority thinks fit.

Compare: 1991 No 69 s 37(2)

Provisions relating to decisions and hearings

286B Meaning of hearings authority

In **sections 286C and 286D**, **hearings authority** means—

(a) an independent hearings panel, in relation to—

(i) a draft regional spatial plan (including a change to a regional spatial plan):

(ii) a proposed land use plan (including a plan change or variation):

(iii) a private plan change; and

(b) a consent authority or independent hearings commissioner, in relation to any of the following:

(i) an application for a planning consent:

(ii) an application to change or cancel a condition of a planning consent:

(iii) a review of the conditions of a planning consent; and

(c) a recommending authority in relation to a proposed designation (including an alteration to a designation).

286C Hearings report

(1) This section and **section 286D** apply to the following:

(a) an independent hearings panel making recommendations on a draft regional spatial plan (including a change to a regional spatial plan):

(b) an independent hearings panel making recommendations on a proposed land use plan (including a plan change or variation) or a private plan change:

(c) a consent authority or hearings commissioner making a decision on any of the following:

(i) an application for a planning consent:

(ii) an application to change or cancel a condition of a planning consent:

(iii) a review of the conditions of a planning consent:

(d) a recommending authority making a recommendation on a proposed designation (including an alteration to a designation).

(2) At any reasonable time before a hearing (or, if no hearing is to be held, before the relevant decision or recommendation is made), a hearings authority may require the preparation of a report on any information provided by—

(a) a submitter (in the case of a draft regional spatial plan or proposed land use plan); or

(b) the requester or a submitter (in the case of a private plan change); or

(c) the applicant or a submitter (in the case of an application for a planning consent); or

(d) the consent holder or a submitter (in the case of an application to change or cancel a condition of a planning consent, or a review of the conditions of a planning consent); or

(e) the designating authority or a submitter (in the case of a proposed designation).

(3) The hearings authority may—

(a) require an officer of the local authority (or, in the case of a draft regional spatial plan, a member of the secretariat) to prepare the report; or

(b) commission a consultant or any other person employed for that purpose to prepare the report.

(4) A report does not need to repeat information included in any application or submission in relation to the matter under consideration, but may instead adopt all or part of that information by referring to it.

(5) The hearings authority may consider a report—

(a) at any hearing; or

(b) when making the decision or recommendation if no hearing is held.

(6) The hearings authority must, within the time frame prescribed by regulations, provide an electronic copy of a report to—

(a) the applicant, requester, consent holder, or designating authority (as the case requires); and

(b) every submitter on the matter under consideration.

(7) The authority may waive compliance with **subsection (6)** if it is satisfied that there is no material prejudice, or is not aware of any material prejudice, to any person who should have been provided with a copy of the report under that subsection.

Compare: 1991 No 69 s 42A

286D Hearing to be held in public and orders protecting sensitive information

(1) A hearing held by a hearings authority must be held in public.

(2) A hearings authority may, at their own initiative or on the application of any party to a proceedings, make an order protecting sensitive information if satisfied that—

(a) the order is necessary to avoid—

(i) serious offence to tikanga Māori or to avoid the disclosure of the location of any wāhi tapu; or

(ii) the disclosure of a trade secret or unreasonable prejudice to the commercial position of the person who supplied, or is the subject of, the information; and

(b) in the circumstances, the importance of avoiding such offence, disclosure, or prejudice outweighs the public interest in making that information available; and

(c) any requirements prescribed by regulations are met.

(3) An order protecting sensitive information may—

(a) require that all or part of any hearing at which the information is likely to be referred to must be held with the public excluded:

(b) prohibit or restrict the publication or communication of any information supplied to or obtained by the relevant authority in the course of any proceedings, whether or not the information is material to those proceedings.

(4) An authority may make an order under **subsection (3)(b)** that applies—

(a) indefinitely or until a date fixed by the hearings authority as appropriate in the circumstances, if the order relates to a matter described in **subsection (2)(a)(i)**; or

(b) until the close of the relevant proceedings but no longer, in any other case.

(5) If an order made under **subsection (3)(b)** ends, the provisions of the Local Government Official Information and Meetings Act 1987 apply to the information that was subject to the order.

(6) A party to any proceedings may apply to the Environment Court under **clause 17(1)(a) of Schedule 9**—

(a) for an order cancelling or varying any order made under this section; or

(b) for an order protecting sensitive information, if a relevant authority has declined to make an order under this section.

Compare: 1991 No 69 s 42

Service of documents

287 Service of documents

(1) A notice or any other document required or authorised to be served on or given to a person for the purposes of this Act may be served or given by—

(a) delivering it to the person (other than a Minister of the Crown); or

(b) leaving it at the person's usual or last known place of residence or business or at the address specified by the person in any notice, application, or other document given under this Act; or

(c) sending it by post to the person's usual or last known place of residence or business or to the address specified by the person in any notice, application, or other document given under this Act; or

(d) ~~emailing~~ sending it to the person at an ~~email~~ electronic address that is used by the person; or

(e) complying with a means of service prescribed ~~in~~ by regulations ~~made under **section 284**~~; or

(f) in the case of a notice or other document to be served on a Crown organisation, by—

(i) delivering it at the organisation's head office or principal place of operation; or

(ii) sending it to an electronic address that the organisation has specified for its head office or principal place of operation; or

(iii) a method agreed between the organisation and the person serving the notice or document.

~~(2) However, if the document is to be served on a person to commence, or in the course of, court proceedings, **subsection (1)** does not apply if the court, whether expressly or in its rules or practices, requires a different method of service.~~

(2) However, **subsection (1)** does not apply if—

(a) the notice or other document is to be served on a person to commence, or in the course of, court proceedings; and

(b) the court, either expressly or in its rules or practices, requires a different method of service.

(3) Nothing in **subsection (1)** overrides ~~the provisions of~~ the Electronic Courts and Tribunals Act 2016.

(4) ~~Where~~ If a notice or other document is to be served on or given to a Minister of the Crown for the purposes of this Act, service on the chief executive of the appropriate department of the public service in accordance with **subsection (1)** is treated as service on the Minister.

(5) ~~Where~~ If a notice or other document is to be served on or given to a body (whether incorporated or not) for the purposes of this Act, service on an officer of the body, or on the registered office of the body, in accordance with **subsection (1)** is treated as service on the body.

(6) ~~Where~~ If a notice or other document is to be served on or given to a partnership for the purposes of this Act, service on any one of the partners in accordance with **subsections (1) and (5)** is treated as service on the partnership.

~~(7) Despite **subsection (1)**, if a notice or other document is to be served on a Crown organisation for the purposes of this Act, it may be served—~~

~~(a) by delivering it at the organisation's head office or principal place of business; or~~

~~(b) by sending it to the fax number or electronic address that the organisation has specified for its head office or principal place of business; or~~

~~(c) by a method agreed between the organisation and the person serving the notice or document.~~

(8) ~~Where~~ If a notice or other document is sent by post to a person in accordance with **subsection (1)(c)**, it is treated as, in the absence of proof to the contrary, being received by the person at the time at which the letter would have been delivered in the ordinary course of the post.

Compare: 1991 No 69 s 352

Crown's existing rights to resources to continue

288 Crown's existing rights to resources to continue

~~Without limiting the Legislation Act 2019, the~~ The repeal by this Act ~~or the Crown Minerals Act 1991~~ of any ~~enactment~~ legislation does not affect any right, interest, or title, to any land or water acquired, accrued, established by, or vested in, the Crown before the date on which this ~~Act~~ section comes into force, and every such right, interest, and title continues after that date as if ~~those enactments~~ that legislation had not been repealed.

Compare: 1991 No 69 s 354

~~*Vesting of reclaimed land*~~

~~**289 Vesting of reclaimed land**~~

~~(1) Any person may apply to the Minister for Land Information for any right, title, or interest in any land to be vested in that person if the land—~~

~~(a) forms part of a riverbed or lakebed that is Crown land; and~~

~~(b) has been reclaimed or is proposed to be reclaimed.~~

~~(2) The Minister for Land Information may, if they think fit, by notice in the *Gazette*, vest in the applicant any right, title, or interest in any area of reclaimed~~

~~land that forms part of a riverbed or lakebed that is not within the coastal marine area and that is Crown land of after —~~

~~(a) determining an appropriate price (if any) to be paid by the applicant; and~~

~~(b) ensuring that the regional council has issued a certificate under **clause 72 of Schedule 7**.~~

~~(3) Every *Gazette* notice published under **subsection (2)** must —~~

~~(a) state the name of the person or local authority in whom or which the right, title, or interest is vested, and accurately describe the position and extent of the reclaimed land; and~~

~~(b) describe the right, title, or interest vested; and~~

~~(c) refer to any encumbrances or restrictions imposed on the applicant's right, title, or interest in the land; and~~

~~(d) be sent by the relevant Minister to the Registrar-General of Land, with a request that a record of title be issued accordingly; and~~

~~(e) be registered, without fee, by the Registrar-General of Land as soon as practicable after receipt from the Minister.~~

~~(4) The Registrar-General of Land must, in accordance with a request made under **subsection (3)(d)**, issue an appropriate record of title in respect of the right, title, or interest in the land vested by the *Gazette* notice.~~

~~(5) For the purposes of this section, references to land that forms part of a riverbed or lakebed include land which was part of that bed before it was reclaimed.~~

~~Compare: 1991 No 69 s 355~~

Matters may be determined by arbitration

290 Matters may be determined by arbitration

~~(1) Except as provided in **subsection (2)**, if —~~

~~(a) any persons are unable to agree about any matter in respect of which any of those persons has a right of appeal under this Act; and~~

~~(b) every person who has such a right of appeal agrees —~~

~~any of those persons may apply to the Environment Court for an order authorising the matter to be determined by arbitration, under the Arbitration Act 1996, on such terms and conditions as the court considers appropriate.~~

~~(2) No person may apply to the Environment Court for an order under **subsection (1)** in relation to any of the following matters:~~

~~(a) any matter relating to a proposed designation or designation:~~

~~(b) any matter relating to a proposed land use plan.~~

(1) If any persons are unable to agree about any matter in respect of which any of those persons has a right of appeal under this Act, any of those persons may

apply to the Environment Court for an order that the matter be determined by arbitration under the Arbitration Act 1996 (an **order for arbitration**).

(2) However, a person—

(a) may only apply for an order for arbitration if every person who has the right of appeal, and the person who would be the respondent in any appeal, agree; and

(b) must not apply for an order for arbitration for an appeal relating to a proposed land use plan, or a designation or proposed designation.

(2A) The Environment Court may grant an order for arbitration on terms that court considers appropriate.

(3) If an order ~~under **subsection (1)**~~ for arbitration is made, no person may~~, in relation to the matter to which the order relates,~~ lodge or proceed with any appeal on the matter to which the order relates without the leave of the ~~court~~ Environment Court.

(4) Subject to the terms of ~~any~~ the order ~~made under **subsection (1)**~~ for arbitration, the arbitrator has the same powers, duties, and discretions ~~in respect of any decision to which the order relates~~ as the ~~consent authority~~ person who made ~~that~~ the decision and may, in their award, confirm, amend, or cancel ~~any such~~ the decision ~~accordingly~~.

(5) Except as otherwise expressly provided, ~~nothing in~~ this section ~~limits~~ does not limit the right of any persons to refer to arbitration any disputed matter arising under this Act.

Compare: 1991 No 69 s 356

~~Collection and spending of planning consent levy~~

~~291 Collection and spending of planning consent levy~~

~~(1) This section applies to any money liable to be paid from any levy imposed by regulations made under **section 283**.~~

~~(2) Consent authorities must collect the money.~~

~~(3) Consent authorities must pay the money collected to the Ministry for the Environment.~~

~~(4) The money collected may only be used for the purposes described in **section 283(2)**.~~

~~Joint regional and district planning documents~~

~~292 Joint regional and district planning documents~~

~~(1) The purpose of this section is to encourage local authorities to work together to prepare, implement, and administer planning documents.~~

~~(2) Each local authority must, from time to time, consider whether preparing, implementing, and administering planning documents with another local authority in accordance with **subsections (3) to (7)**—~~

~~(a) would better enable the implementation of national instruments:~~

~~(b) would be appropriate in order to address any significant cross-boundary issues relating to the use, development, or protection of natural and physical resources that arise or are likely to arise.~~

~~(3) A local authority may prepare, implement, and administer a document that meets the requirements of 2 or more of the following:~~

~~(a) a regional spatial plan:~~

~~(b) a natural environment plan under the **Natural Environment Act 2025**:~~

~~(c) a land use plan.~~

~~(4) Two or more local authorities may prepare, implement, and administer a joint regional spatial plan for the whole or any part of their combined regions.~~

~~(5) Two or more territorial authorities may prepare, implement, and administer a joint land use plan for the whole or any part of their combined districts.~~

~~(6) One or more regional councils or territorial authorities may prepare, implement, and administer a joint regional spatial plan and land use plan for the whole or any part of their respective regions or districts.~~

~~(7) A regional council and all of the territorial authorities within the region may prepare, implement, and administer a document that meets the requirements of the following:~~

~~(a) a regional spatial plan:~~

~~(b) a natural environment plan under the **Natural Environment Act 2025**:~~

~~(c) either—~~

~~(i) a land use plan for each of the territorial authorities; or~~

~~(ii) a joint land use plan for their combined districts.~~

~~293 Requirements for joint regional and district planning documents~~

~~(1) This section sets out the requirements that apply to local authorities preparing or amending a joint planning document in accordance with **section 292**.~~

~~(2) The relevant local authorities must apply the following requirements as relevant for the documents comprising the joint planning document:~~

~~(a) for a regional spatial plan, the requirements of **subpart 1 of Part 3** of this Act:~~

~~(b) for a natural environment plan, the requirements of **subpart 1 of Part 3 of the Natural Environment Act 2025**:~~

~~(c) for a land use plan, the requirements of **subpart 2 of Part 3** of this Act.~~

~~(3) A joint planning document—~~

~~(a) must be prepared in accordance with **Schedules 2 and 3**, as applicable; and~~

~~(b) must clearly identify—~~

~~(i) the provisions of the document that are the regional spatial plan, the natural environment plan, and the land use plan, as the case may be; and~~

~~(ii) which local authority is responsible for observing, and enforcing the observance of, each provision of the document.~~

~~(4) A joint planning document approved by a local authority is deemed, for the purposes of this Act, to be a plan separately prepared and approved by that authority for its region or district, as the case may be.~~

~~(5) **Subsection (4)** applies whether or not the joint document is approved by any of the other local authorities concerned.~~

~~(6) Clauses 30 and 30A of Schedule 7 of the Local Government Act 2002 apply to the appointment and conduct of any joint committee set up for the purposes of preparing, implementing, or administering a combined document under this section and **section 292**.~~

Amendments to other legislation

~~**294 Amendments to other legislation**~~

~~(1) Amend the legislation specified in **Part 1 of Schedule 11** on the date that is 1 month after this Act receives Royal assent.~~

~~(2) Amend the legislation specified in **Part 2 of Schedule 11** on the date specified by Order in Council under **clause 34(1) of Schedule 1**.~~

~~(3) Amend the legislation specified in **Parts 3 and 4 of Schedule 11** on the specified transition date as defined in **clause 4(5) of Schedule 1**.~~

294 Amendments to other legislation

(1) Amend the legislation specified in **Part 1 of Schedule 11** as set out in that part.

(2) Amend the Resource Management Act 1991 as set out in **Part 2 of Schedule 11**.

(3) Amend the Resource Management Act 1991 as set out in **Part 3 of Schedule 11**.

(4) Amend the legislation specified in **Part 4 of Schedule 11** as set out in that part.

(5) Amend the legislation specified in **Part 5 of Schedule 11** as set out in that part.

Hearings to be held in public and protection of sensitive information

295 Hearing to be held in public and orders protecting sensitive information

(1) A hearing held under this Act by a relevant authority must be held in public.

(2) A relevant authority may, at their own initiative or on the application of any party to a proceedings, make an order protecting sensitive information if satisfied that—

(a) the order is necessary—

(i) to avoid serious offence to tikanga Māori or to avoid the disclosure of the location of any wāhi tapu; or

(ii) to avoid the disclosure of a trade secret or unreasonable prejudice to the commercial position of the person who supplied, or is the subject of, the information; and

(b) in the circumstances, the importance of avoiding such offence, disclosure, or prejudice outweighs the public interest in making that information available; and

(c) any prescribed requirements are met.

(3) An order protecting sensitive information may—

(a) require that all or part of any hearing at which the information is likely to be referred to must be held with the public excluded:

(b) prohibit or restrict the publication or communication of any information supplied to or obtained by the relevant authority in the course of any proceedings, whether or not the information is material to those proceedings.

(4) A relevant authority may make an order **subsection (3)(b)** that applies—

(a) indefinitely or until a date fixed by the hearings authority as appropriate in the circumstances, if the order relates to a matter described in **subsection (2)(a)(i)**; or

(b) until the close of the relevant proceedings but no longer, in any other case.

(5) If an order made under **subsection (3)(b)** ends, the provisions of the Local Government Official Information and Meetings Act 1987 apply to the information that was subject to the order.

(6) A party any proceedings may apply to the Environment Court under **clause 17(1)(a) of Schedule 9**—

(a) for an order cancelling or varying any order made under this section; or

(b) for an order protecting sensitive information, if a relevant authority has declined to make an order under this section.

(7) In this section, **relevant authority**—

~~(a) means—~~

~~(i) a local authority; or~~

~~(ii) any other person or body authorised to hold a hearing under this Act; but~~

~~(b) does not include the Planning Tribunal, the Environment Court, or any other court.~~

~~Compare: 1991 No 69 s 42~~

Schedule 1
Transitional, savings, and related provisions

s 5

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Part 1
Provisions relating to this Act as enacted

1 Interpretation

(1) In this Part, unless the context otherwise requires,—

~~**local authority** means a regional council or territorial authority~~

new legislation means this Act and the **Natural Environment Act 2025**

resource consent means a resource consent under the RMA

RMA means the Resource Management Act 1991

RMA instruments means any of the following instruments made or issued under the RMA and in effect immediately before the specified transition date:

(a) a national policy statement:

(b) a regional policy statement:

(c) a regional coastal plan:

(d) a district plan (including any heritage orders):

(e) a plan change or variation:

(f) a proposed plan:

(g) a regional plan:

(h) national planning standards:

(i) a national environmental standard:

(j) a combined document:

(k) the Chatham Islands Council's resource management document:

(l) heritage authority approvals:

(m) secondary legislation made under the RMA

~~**specified transition date** has the meaning given in **clause 4(5)**~~

specified transition date means—

(a) the date specified in an order made under **clause 4(1)(a)** on which the new legislation applies to the whole of New Zealand; or

(b) the date specified in an order made under **clause 4(1)(b)** on which the new legislation applies to 1 or more specified regions or areas

transition period means the period—

(a) commencing 1 month after this Act receives Royal assent; and

(b) ending on the close of the day before the specified transition date.

~~**RMA** means the Resource Management Act 1991~~

~~**RMA planning instruments** means regional policy statements, district plans, regional plans, national policy statements, national environmental standards, and national planning standards.~~

(2) In this schedule, a resource consent or an approval granted or deemed to be granted under the RMA is **current** if it has not expired, lapsed, or been cancelled or surrendered under that Act.

2 Guide to this schedule ~~Explainer~~

(1) When this Act and the **Natural Environment Act 2025** receive Royal assent,—

(a) activity under ~~the~~ those Acts will be ~~focussed~~ focused on making national instruments and preparing planning instruments; and

(b) the RMA continues to apply.

(2) The transition period will start 1 month after Royal assent and end on the day before the specified transition date. During ~~this~~ the transition period,—

(a) the RMA continues to apply subject to the amendments made to it in **Part 1 of Schedule 11**; and

(b) national instruments will be issued, regional spatial plans will be notified and decided, and land use plans and natural environment plans will be prepared (in that order).

(3) The new legislation will apply—

(a) nationally on a specified transition date set by Order in Council if the Minister is satisfied that—

(i) all regional spatial plans have been decided; and

(ii) all proposed land use plans and natural environment plans have been notified; or

(b) in a region or area on a specified transition date set by Order in Council if the Minister is satisfied that it is necessary or desirable to facilitate an orderly transition to the new system as soon as reasonably practicable and that the following has occurred (as applicable):

(i) the regional spatial plan for the region has been decided; and

(ii) the proposed natural environment plan and each proposed land use plan in the region has been notified; and

(iii) the proposed plan for the area (that is not a region or district) has been notified.

(4) If the new legislation applies nationally, on and from the specified transition date,—

(a) the RMA, including all RMA planning instruments, ceases to apply; and

(b) the rest of this Act and the **Natural Environment Act 2025** apply; and

(c) the rules in all notified land use plans and natural environment plans have legal effect; and

(d) all land use plans and natural environment plans that have been decided are made operative.

(5) If the new legislation applies to a region or an area, on and from the specified transition date,—

(a) the consequences described in **subclause (4)(a) to (d)** apply; but

(b) only in relation to the region or area specified in the Order in Council.

(6) This clause is only a guide to the general scheme and effect of this schedule.

~~(3) When the Minister is satisfied that the plans making up the combined plan for each region have been notified, an Order in Council will be made that specifies the transition date. That Order in Council brings an end to the transition period by—~~

~~(a) repealing the RMA; and~~

~~(b) bringing into force the remaining provisions of the Act; and~~

~~(c) giving legal effect to all land use plans and natural environment plans.~~

~~(4) This clause is only a guide.~~

3 Commencement of transition period

(1) The transition period commences on the date that is 1 month after this Act receives Royal assent.

(2) On the commencement of the transition period,—

(a) the amendments to the RMA set out in **Part 1 of Schedule 11** come into force; and

(b) the RMA, as amended by **Part 1 of Schedule 11**, continues in force.

~~4 Ending of transition period~~

~~(1) The Governor-General may, by Order in Council, on the recommendation of the Minister,—~~

~~(a) specify the date on which the transition period ends for all regions; or~~

(b) specify the date on which the transition period ends for 1 or more specified regions if the Minister is satisfied that it is no longer feasible to delay the application of the rest of this Act and the **Natural Environment Act 2025** in those regions.

(2) The date specified in an Order in Council made under **subclause (1)(a) or (b)** must be a date—

(a) later than 31 December 2027; and

(b) no sooner than 6 weeks after the Order in Council comes into force.

(3) If an Order in Council made under **subclause (1)(a)** specifies the date on which the transition period ends for all regions, on that date,—

(a) all notified plans that make up the combined plan for each region have legal effect; and

(b) the provisions described in **section 2(1)(b)** come into force; and

(c) the RMA ceases to apply; and

(d) all RMA planning instruments cease to have legal effect.

(4) If an Order in Council made under **subclause (1)(b)** specifies the date on which the transition period ends for 1 or more specified regions, on that date,—

(a) all notified plans that make up the combined plan for each specified region have legal effect; and

(b) the provisions described in **section 2(1)(b)** come into force but applies to the specified region only; and

(c) the RMA ceases to apply to the specified region; and

(d) all RMA planning instruments cease to have legal effect in the specified region.

(5) The **specified transition date** is the sooner of the following:

(a) the date specified by the Order in Council made under **subclause (1)(a)**:

(b) the date specified in the final Order in Council made under **subclause (1)(b)**.

(6) The RMA is repealed and all RMA planning instruments are revoked on the specified transition date.

(7) In this section,—

final Order in Council means the Order in Council under **subclause (1)(b)** that will result in all notified plans that make up the combined plan for each region having legal effect

combined plan means the combined plan required by **section 63**.

4 Order in Council specifying when new legislation applies nationally or to specified regions or areas

(1) The Governor General may, by Order in Council, on the recommendation of the Minister,—

(a) specify the date on which the new legislation will apply to the whole of New Zealand; or

(b) specify the date on which the new legislation will apply to 1 or more specified regions or areas.

(2) The Minister may not make a recommendation under **subclause (1)(a)** unless both the following have occurred:

(a) all regional spatial plans have been decided under **clause 25 of Schedule 2**; and

(b) all proposed land use plans and natural environment plans have been notified for submissions under **clause 15 of Schedule 3**.

(3) The Minister may not make a recommendation under **subclause (1)(b)** unless—

(a) the Minister is satisfied that the order is necessary or desirable to facilitate an orderly transition from the RMA to the new legislation as soon as reasonably practicable; and

(b) the following (as applicable) have occurred in respect of the region or area to which the order will apply:

(i) the regional spatial plan has been decided under **clause 25 of Schedule 2**; and

(ii) the proposed land use plan has been notified for submissions under **clause 15 of Schedule 3**; and

(iii) the proposed natural environment plan has been notified for submissions under **clause 15 of Schedule 3**; and

(c) if a district straddles 2 or more regions, the Minister is satisfied that the order enables all parts of the district to be subject to the new legislation at the same time.

(4) The date specified in an order made under **subclause (1)(a) or (b)** must be a date that is—

(a) after 31 December 2027; and

(b) no earlier than 6 weeks after the order is made.

(5) An Order in Council made under this clause is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

4A Effect of orders under clause 4

(1) If an order made under **clause 4(1)(a)** specifies the date on which the new legislation applies to the whole of New Zealand, on and from that date,—

(a) national rules apply; and

(b) the rules in every proposed land use plan, proposed natural environment plan, or other proposed plan have legal effect despite **clause 45 and Part 3 of Schedule 3**; and

(c) any proposed land use plan, proposed natural environment plan, or proposed plan provision that would otherwise have been made operative in accordance with **clause 45 or 61 of Schedule 3** is made operative; and

(d) the provisions described in **section 2(2)** of this Act and **section 2(2) of the Natural Environment Act 2025** apply; and

(e) the RMA, including all RMA instruments, ceases to apply.

(2) If an order made under **subclause (4)(1)(b)** specifies the date on which the new legislation applies to a specified region or area, on and from that date,—

(a) national rules apply to the specified region or area; and

(b) despite **clause 45 and Part 3 of Schedule 3**, the following rules have legal effect:

(i) rules in a proposed natural environment plan for a specified region and any proposed land use plan in the specified region; and

(ii) the rules in a proposed plan for the area (that is not a region or district):

(c) any of the following that apply within a specified region or area that would otherwise have been made operative in accordance with **clause 45 or 61 of Schedule 4** is made operative:

(i) a proposed natural environment plan:

(ii) a proposed land use plan:

(iii) a proposed plan for an area (that is not a region or district):

(iv) a provision in a plan described in any of **subparagraphs (i) to (iii)**:

(d) the provisions described in **section 2(2)** of this Act and **section 2(2) of the Natural Environment Act 2025** apply to the specified region or area; and

(e) the RMA, including all RMA instruments, ceases to apply to the specified region or area.

(3) If an order made under **clause 4(1)(b)** is the final order, the following paragraphs apply instead of **subclause (2)(d) and (e)**:

(a) the provisions described in **section 2(2)** of this Act and **section 2(2) of the Natural Environment Act 2025** apply on the date specified in the order; and

(b) the RMA, including all RMA instruments, ceases to apply on that date.

(4) **Subclauses (1)(e), (2)(e), and (3)(b)** do not limit sections 31 to 34 of the Legislation Act 2019.

4AA Changes do not apply to region or area that has not transitioned

(1) This clause applies if—

(a) an order has been made under **clause 4(1)(b)** in relation to 1 or more specified regions or an area; and

(b) the provisions referred to in **section 2(2)** of this Act and **section 2(2)** of the **National Environment Act 2025** have come into force; but

(c) the new legislation does not yet apply to another region or area under **clause 4A(2)** (**the region or area that has not transitioned**).

(2) The provisions referred to in **section 2(2)** of this Act and **section 2(2)** of the **National Environment Act 2025** do not apply to the region or area that has not transitioned.

(3) The provisions of legislation that are amended, revoked, or repealed by **Part 4 of Schedule 11** continue to apply to the region or area that has not transitioned as if the legislation had not been amended, revoked, or repealed.

4B Application of requirement to have instrument in place at all times

A requirement in this Act or the **Natural Environment Act 2025** that there must always be an instrument or that an instrument be always or at all times in place is subject to **clause 5**.

4C References in other legislation to proposed plans that have legal effect

(1) This clause applies if any legislation other than this Act or the **Natural Environment Act 2025** refers to a land use plan or natural environment plan.

(2) A proposed land use plan or proposed natural environment plan that has legal effect under **clause 4A** must be treated as operative for the purposes of that other legislation.

First key instruments

5 First key instruments under this Act and Natural Environment Act 2025

First set of national instruments under both Acts to be issued

(1) No later than ~~9~~ 12 months after this Act receives Royal assent, the Minister must take reasonable steps to ensure that—

(a) the national policy direction under this Act ~~must be~~ is issued; and

(b) the national policy direction under the **Natural Environment Act 2025** ~~must be~~ is issued.

(1A) National standards under this Act or the **Natural Environment Act 2025** may not be issued until after national policy direction under this Act or the **Natural Environment Act 2025** (as the case may be) is issued.

~~(2) After the first national policy direction is issued under this Act,—~~

~~(a) national standards setting the evidence base supporting combined plans required by **section 58** must be issued within 9 months after Royal assent:~~

~~(b) national standards on standardised provisions required by **section 58** must be issued within 18 months after Royal assent.~~

~~(3) After the first national policy direction is issued under the **Natural Environment Act 2025**—~~

~~(a) national standards required by **section 6.5(a), (b), and (d)** of that Act must be issued within 9 months after Royal assent; and~~

~~(b) national standards required by section 6.5(e) of that Act must be issued within 18 months after Royal assent ; and~~

~~(c) national standards required by section 6.8(1)(b) of that Act must be issued within 9 months after Royal assent.~~

(2) After the first national policy direction is issued under this Act, the Minister must take reasonable steps to ensure that,—

(a) within 12 months after this Act receives Royal assent, national standards providing direction on the structure and form of regional spatial plans are issued; and

(b) within 21 months after this Act receives Royal assent, national standards that contain plan provisions to support the development of land use plans are issued.

(3) After the first national policy direction is issued under the **Natural Environment Act 2025**, the Minister must take reasonable steps to ensure that,—

(a) within 18 months after that Act receives Royal assent, the following are issued:

(i) national standards required by **section 49(1)(a) to (d)** of that Act (mandatory domains for human health limits):

(ii) national standards required by **section 58A** of that Act (methodologies for setting ecosystem health limits); and

(b) within 21 months after that Act receives Royal assent, national standards that contain plan provisions to support the development of natural environment plans are issued.

Regional spatial plan to be notified

~~(4) After the first national policy direction is issued under this Act, a draft regional spatial plan for each region—~~

~~(a) must be publicly notified within—~~

~~(i) 15 months after Royal assent; or~~

~~(ii) 6 months after the first national policy direction is issued; and~~

~~(b) must be decided (in accordance with **sections 22 and 23**) within 6 months after it is publicly notified.~~

(4) After the first national policy direction is issued under this Act, the spatial plan committee and the local authorities of each region must take reasonable steps to ensure that—

(a) the draft regional spatial plan for the region is notified for submissions under **clause 18 of Schedule 2** by the later of the following dates:

(i) 21 months after Royal assent:

(ii) 9 months after national policy direction is issued under this Act and national policy direction is issued under the **Natural Environment Act 2025**; and

(b) the local authorities make and publish their decisions under **clause 25 of Schedule 2** within 9 months after the draft regional spatial plan is notified for submissions.

Land use plan and natural environment plan to be notified

(5) Within 9 months after ~~a~~ decisions on a regional spatial plan for a region ~~is decided~~ are made and published under **clause 25 of Schedule 2**,—

(a) each territorial authority in that region must notify a proposed land use plan for public submissions under **clause 15 of Schedule 3**; and

(b) ~~each~~ the regional council of the region must notify a proposed natural environment plan, and a proposed land use plan for the coastal marine area, for public submissions under **clause 15 of Schedule 3**.

(6) ~~However, a~~ A territorial authority that is located in 2 or more regions must notify a proposed land use plan for public submissions within 9 months after decisions on the last relevant regional spatial plan ~~is decided~~ are made and published under **clause 25 of Schedule 2**.

(7) If a proposed land use plan or proposed natural environment plan is required for an area that does not require a regional spatial plan, the plan must be notified within 39 months after this Act receives Royal assent.

~~**6 Extension of time frame for first key instruments**~~

~~(1) The Governor-General may, by Order in Council, on the recommendation of the Minister extend the time frame specified in **clause 5** that applies to a planning instrument described in that clause.~~

~~(2) However, any such extension must not affect the order in which a key instrument is to be issued, notified, or decided as set out in **clause 5**.~~

~~(3) An Order in Council under this section is secondary legislation.~~

~~**7 Process for national instruments that come into force within 9 months of Royal assent**~~

~~(1) This section applies to a national instrument that—~~

~~(a) is required by **clause (5)(1), (2), or (3)** to come into force within 9 months after Royal assent; or~~

~~(b) would otherwise come into force within 9 months after Royal assent.~~

~~(3) The national instrument must be made in accordance with **section 46** of this Act or **section 70 of the Natural Environment Act 2025** (as the case requires), except that—~~

~~(a) **section 46(1)** of this Act or **section 70(1) of the Natural Environment Act 2025** (as the case requires) does not apply; and~~

~~(b) those notified (under either Act) must be given 20 working days to make submissions on the subject matter of the proposal unless the Minister considers that further time is needed.~~

7A Incorporating information from RMA documents into first regional spatial plan for region

(1) The first regional spatial plan and first draft regional spatial plan for a region may incorporate any of the following from an RMA document:

(a) information about the state or characteristics of the built environment or natural environment, including information about infrastructure:

(b) information that reflects decisions about whether areas or features of the built environment or natural environment have particular characteristics, should be classified in a particular way, or meet criteria of a similar nature.

(2) However, information must not be incorporated into a regional spatial plan unless the spatial plan committee and local authorities of the region—

(a) are satisfied that the information is consistent with the requirements of this Act that apply to the preparation of regional spatial plans, including the obligation under **section 67B(3)(a)** to implement relevant national instruments under this Act and relevant national instruments under the **Natural Environment Act 2025**; and

(b) have considered whether, in the period since the relevant RMA document was prepared,—

(i) any significant new information has become available that supersedes the information in the RMA document:

(ii) there has been a significant change in circumstances since the RMA document was prepared (for example, a major environmental or economic event).

(3) If information is incorporated into a draft regional spatial plan,—

(a) the spatial plan committee, local authorities, and the Minister need not comply with **section 67C** in relation to the information; and

(b) the spatial plan committee, local authorities, independent hearings panel, and the Minister need not consider or respond to any submission or evidence received on the information when hearing or making recommendations on the draft regional spatial plan, except to the extent the submission or evidence relates to the matters described in **subclause (2)**.

(4) The local authorities of the region must reconsider the matters in **subclause (2)** before making a decision on an independent hearings panel recommendation that relates to content incorporated under this clause.

(5) In this clause, **RMA document** means any of the following documents as defined in section 2(1) of the RMA:

(a) a national policy statement:

(b) the New Zealand coastal policy statement:

(c) a national environmental standard:

(d) a regional policy statement:

(e) a regional plan:

(f) a regional coastal plan:

(g) a district plan.

8 Independent hearings panel for first land use plans and natural environment plan

(1) This ~~section~~ clause applies in relation to the preparation of the first land use plans and natural environment plan in a region.

~~(2) The relevant local authorities must—~~

~~(a) jointly appoint an independent hearings panel for the region; and~~

~~(b) before appointing the panel, be satisfied that the members of the panel collectively meet the requirements of any applicable direction under **Schedule 4** of this Act.~~

~~(3) The independent hearings panel appointed under this clause must be assigned to—~~

~~(a) the first proposed land use plan for each district in a region; and~~

~~(b) the first proposed natural environment plan for the region.~~

(2) The relevant local authorities must jointly appoint (under **clause 6 of Schedule 4**) one independent hearings panel to hear—

(a) the first proposed land use plan for each district in a region; and

(b) the first proposed land use plan for the coastal marine area within the region; and

(c) the first proposed natural environment plan for the region.

(3) However, if the district of a territorial authority is located in 2 or more regions, the territorial authority must comply with **subclause (2)(a)** in relation to at least one of those regions.

~~(4) The relevant local authorities must, as soon as reasonably practicable after the panel is assigned,—~~

~~(a) advise the Minister of the names of the panel members; and~~

~~(b) publish (in the prescribed manner) the names of the members.~~

(5) In this ~~section~~ clause, **relevant local authorities** means, in relation to a region,—

(a) the regional council; and

(b) each territorial authority whose district is in all or part of the region.

8A Proposed plans notified before specified transition date

A proposed land use plan or proposed natural environment plan that is notified before the specified transition date—

(a) cannot have legal effect before that date despite **clause 58 of Schedule 3**; and

(b) cannot be made operative before that date despite **clause 45 or 61 of Schedule 3**.

9 References to designations during transition period

(1) This clause applies ~~to~~ during the transition period for the purpose of preparation for the first regional spatial plans and land use plans.

(2) Unless the context otherwise requires,—

~~(a) a reference in this Act to a designating authority must be read as a requiring authority under the RMA:~~

(b) a reference in this Act to a proposed designation must be read as including a reference to a ~~notice of~~ requirement for a designation under the RMA:

(c) a reference in this Act to an existing designation must be read as a reference to an existing designation in a district plan under the RMA.

~~**10 Spatial plans under Local Government (Auckland Council) Act 2009**~~

~~(1) This clause applies when Auckland Council gives public notice that it has adopted its first regional spatial plan under **clause 1 of Schedule 5**.~~

~~(2) Part 6 of the Local Government (Auckland Council) Act 2009 is repealed on the date that notice is given.~~

10 When spatial plans under Local Government (Auckland Council) Act 2009 cease to apply

Part 6 of the Local Government (Auckland Council) Act 2009 ceases to apply on the date—

(a) on which Auckland Council adopts its first regional spatial plan under **clause 34 of Schedule 2**; and

(b) specified in the public notice given under that clause.

~~*Application for consents and notices of requirement before transition period*~~

~~**11 Consent applications and notices of requirement lodged before transition period**~~

~~The following applies to an application under the RMA for a resource consent or a notice of requirement that is lodged before the commencement of the transition period:~~

~~(a) the application or notice must continue to be processed and determined under the RMA as it was immediately before this Act received Royal assent; and~~

~~(b) if the application or notice is determined before the specified transition date, the application or notice, if granted, must be treated as an application or notice granted under the RMA; but~~

~~(c) if the application is determined after the specified transition date and a resource consent is granted, on the date that the consent comes into force—~~

~~(i) in the case of a land use consent or subdivision consent, the consent is treated as a land use consent or subdivision consent under this Act; and~~

~~(ii) in the case of a regional land use consent, discharge permit, water permit, coastal permit, the consent is treated as a land use permit, discharge permit, water permit, or coastal permit (as applicable) granted under the **Natural Environment Act 2025**.~~

Application for consents and notices of requirement during transition period

~~**12 Determination of consent applications and notices of requirement lodged during transition period**~~

~~(1) This clause—~~

~~(a) applies to an application for a resource consent or a notice of requirement under the RMA that is lodged during the transition period; and~~

~~(b) continues to apply to the application notice if it is not determined by the specified transition date.~~

~~(2) The application or notice must continue to be processed and determined under the RMA as amended by **Part 1 of Schedule 9**.~~

12 Meaning of determined for purposes of clauses 12A to 12F

In **clauses 12A to 12F**, unless the context otherwise requires, **determined**,—

(a) in relation to an application for a resource consent, means the application has been granted or declined and—

(i) the time for lodging appeals in the Environment Court has expired and no appeals have been lodged; or

(ii) the Environment Court has determined all appeals or all appellants have withdrawn their appeals; and

(b) in relation to the issue of a notice of requirement, means—

(i) the time for lodging appeals in the Environment Court has expired and no appeals have been lodged; or

(ii) the Environment Court has determined all appeals or all appellants have withdrawn their appeals.

12A Resource consent applications lodged before transition period

(1) If an application for a resource consent under the RMA is lodged before the date of commencement of the transition period and is not determined before that date, the application must continue to be processed and determined under the RMA as in force immediately before this Act received Royal assent.

(2) *See* **clauses 14 to 16**, which provide for the transition of resource consents that have been granted and are current on the specified transition date.

12B Resource consent applications lodged during transition period

(1) If an application for a resource consent under the RMA is lodged during the transition period, the application must be processed and determined under the RMA as in force at the time the application is lodged.

(2) *See* **clauses 14 to 16**, which provide for the transition of resource consents that have been granted and are current on the specified transition date.

(3) *See also* **Schedule 11**, which contains amendments to the RMA that commence at different times.

12C Notices of requirement issued before transition period

If a notice of requirement for a designation under the RMA is issued before the date of commencement of the transition period and is not determined before that date, the notice must continue to be processed and determined under the RMA as in force immediately before this Act received Royal assent.

12D Notices of requirement issued during transition period

If a notice of requirement for a designation under the RMA is issued during the transition period and is not determined before the specified transition date, the notice must continue to be processed and determined under the RMA as in force at the time that the notice is issued.

12E Designations confirmed before and after specified transition date

(1) This clause applies if a notice of requirement referred to in **clause 12C or 12D** is issued for a designation under the RMA.

(2) If the designation is confirmed and included in the district plan under section 175 of the RMA before the specified transition date, the designation continues as a designation under the RMA (*see* **clause 26**).

(3) If a designation is confirmed under the RMA and not included in a district plan on or after the specified transition date,—

(a) the designation must be included in an operative land use plan and, if applicable, a proposed land use plan under **clause 30 of Schedule 5**; and

(b) if there is no operative land use plan,—

(i) the designation must be treated as if it were included in an operative land use plan under **clause 30 of Schedule 5**; and

(ii) the designation cannot be altered by decisions on the proposed land use plan; and

(c) the designation must be treated as a designation under this Act.

12F Pending applications to be requiring authority

(1) If an application to become a requiring authority under Part 8 of the RMA is lodged before the specified transition date but not determined by that date, the application must continue to be processed in accordance with section 167 of the RMA as in force at the time the application is lodged.

(2) *See* **clause 27**.

Enforcement processes during transition period

13 Enforcement processes under RMA continued

(1) To avoid doubt, any enforcement process commenced under the RMA, before the specified transition date ~~end of the transition period, in relation to the matter to which an application for consent or notice of requirement applies~~ must be continued under the RMA as it was immediately before this Act received Royal assent.

(2) In this clause, **enforcement process** means any abatement notice, infringement notice, enforcement order, or prosecution under the RMA.

13A Compliance history

A consent authority or permit authority may have regard to any previous or current abatement notices, enforcement orders, infringement notices, pecuniary penalties, or convictions under the RMA in accordance with **section 145** of this Act or **section 162 of the Natural Environment Act 2025**.

13B Enforcement officers

An enforcement officer authorised under section 38 or 343I of the RMA may continue to carry out all or any of the functions and powers of an enforcement officer under that Act or **section 218 or 223** of this Act or **section 244 or 249 of the Natural Environment Act 2025**.

13C Enforcement orders

(1) An enforcement order under sections 314 to 321 of the RMA that is in effect immediately before the specified transition date continues to have effect after that date as if it were an enforcement order under **sections 232 to 239** of this Act or **sections 258 to 265 of the Natural Environment Act 2025** (whichever is applicable).

(2) If an application for an enforcement order under the RMA is lodged, but not decided, before the specified transition date, the court must decide the application under the RMA and the order continues to have effect after the specified transition date as if it were an enforcement order under **sections 232 to 239** of this Act or **sections 258 to 265 of the Natural Environment Act 2025**.

(3) If an enforcement order is sought after the specified transition date in respect of conduct to which the RMA applied that occurred before that date, the court may make the order under this Act or the **Natural Environment Act 2025**.

(4) Under **subclauses (1) to (3)**, the court must be satisfied that the conduct in respect of which the order is sought is within the scope of an enforcement order that could be made under both the RMA and either this Act or the **Natural Environment Act 2025**.

(5) **Sections 232 to 239** of this Act or **sections 258 to 265 of the Natural Environment Act 2025** apply to an order made under this clause.

13D Abatement notices

(1) An abatement notice issued under section 322 of the RMA that is in effect immediately before the specified transition date continues to have effect after that date as if it were an abatement notice under **section 240** of this Act or **section 266 of the Natural Environment Act 2025** (whichever is applicable).

(2) If an abatement notice is sought after the specified transition date in respect of conduct to which the RMA applied that occurred before that date, the abate-

ment notice may be made under this Act or the **Natural Environment Act 2025**.

(3) The conduct in respect of which the abatement notice is sought must be within the scope of an abatement notice that could be made under both the RMA and either this Act or the **Natural Environment Act 2025**.

13E Water shortage directions

(1) A water shortage direction issued under section 329 of the RMA that is in effect immediately before the specified transition date continues to have effect after that date as if it were a water shortage direction under **section 272 of the Natural Environment Act 2025**.

(2) The direction may be amended or revoked under section 329(3) of the RMA or **section 272(3) of the Natural Environment Act 2025**.

13F Excessive noise directions

(1) An excessive noise direction issued under section 327 of the RMA that is in effect immediately before the specified transition date continues to have effect after that date as if it were an excessive noise direction under **section 248** of this Act.

(2) The direction is subject to the maximum duration specified in section 327(3) of the RMA and **section 248(4)** of this Act.

13G Warrant for entry for search

A warrant authorising the entry and search of any place or vehicle issued by an issuing officer under section 334 of the RMA that is in effect immediately before the specified transition date continues to have effect after that date as if it were a warrant issued under **section 252** of this Act or **section 276 of the Natural Environment Act 2025**, subject to any conditions imposed by the issuing officer in the RMA warrant.

13H Offences and infringement offences

(1) Proceedings for an offence committed under section 338 of the RMA before the specified transition date may be commenced and completed after that date as if that Act continued to apply, subject to the limitation period in section 338(4) of that Act.

(2) An infringement notice issued for an infringement offence under section 343C of the RMA that is in effect immediately before the specified transition date may be enforced after that date as if that Act continued to apply.

Status of consents, permits, and approvals on specified transition date

14 District land use consents and subdivision consents ~~How resource consents and approvals treated on specified transition date~~

~~(1) This clause applies to a land use consent granted by a territorial authority, a subdivision consent, or approval that —~~

~~(a) is granted or deemed to be granted under the RMA before or during the transition period; and~~

~~(b) has not expired on the specified transition date.~~

(1) **Subclause (2)** applies to a land use consent or a subdivision consent that—

(a) is granted or deemed to be granted under the RMA by a territorial authority; and

(b) commences before the specified transition date; and

(c) is current on the specified transition date.

(2) On the specified transition date, the land use consent~~,~~ or subdivision consent~~, or approval —~~

(a) ~~is~~ must be treated as a land use consent~~,~~ or subdivision consent~~, or approval (as applicable)~~ granted under this Act; and

(b) has the same terms and conditions that it had immediately before the specified transition date, except where its duration is extended by **clause 17**.

(3) If a land use consent or subdivision consent is granted or deemed to be granted under the RMA and commences after the specified transition date, on the commencement date, the consent—

(a) must be treated as a land use consent or subdivision consent granted under this Act; and

(b) has the same terms and conditions that it had immediately before the commencement date, except where its duration is extended by **clause 17**.

(4) This clause is subject to **clause 16A**.

15 Regional land use consents, discharge permits, water permits, and coastal permits

~~(1) A regional land use consent, discharge permit, water permit, or coastal permit that is granted under the RMA before the specified transition date is, on the specified transition date, —~~

~~(a) is treated as a land use permit, discharge permit, water permit, or coastal permit (as applicable) granted under the **Natural Environment Act 2025**; and~~

~~(b) has the same terms and conditions it had immediately before the specified transition date, except where its duration is extended by **clause 17**.~~

(1) If a regional land use consent, discharge permit, water permit, or coastal permit is granted or deemed to be granted under the RMA before the specified transition date and is current on that date, the following consequences apply on and from the specified transition date:

(a) the consent or permit must be treated as a land use permit, discharge permit, water permit, or coastal permit (as applicable) granted under the **Natural Environment Act 2025**; and

(b) the consent or permit has the same terms and conditions that it had immediately before the specified transition date, except where its duration is extended by **clause 17**.

(2) If a regional land use consent, discharge permit, water permit, or coastal permit granted or deemed to be granted under the RMA commences on a date after the specified transition date,—

(a) the consequences described in **subclause (1)(a) and (b)** apply to the consent or permit on the commencement date of the consent or permit; and

(b) **clause 17** applies as if the reference to a specified transition date were a reference to the commencement date of the consent or permit.

(4) This clause is subject to **clause 16A**.

16 Resource consents treated as planning ~~consent~~ consents and natural ~~environment permit~~ resource permits

(1) ~~This clause applies~~ **Subclauses (2) and (2B) to (4)** apply to a resource consent that—

(a) is granted or deemed to be granted under the RMA before ~~or during~~ the transition period; and

(b) ~~has not expired~~ is current on the specified transition date; and

(c) authorises activities that are regulated under both this Act and the **Natural Environment Act 2025**.

(2) On and from the specified transition date, the resource consent—

(a) must be treated as—

(i) a land use consent or subdivision consent (as applicable) granted under this Act; and

(ii) a land use permit, discharge permit, water permit, or coastal permit (as applicable) granted under the **Natural Environment Act 2025**; and

(b) has the same terms and conditions, including its expiry date, that it had immediately before the specified transition date, except where its duration is extended by **clause 17**.

(2A) **Subclauses (2B) to (4)** apply to a resource consent that—

(a) is granted or deemed to be granted under the RMA before the transition period; and

(b) commences on or after the specified transition date; and

(c) authorises activities that are regulated under both this Act and the **Natural Environment Act 2025**.

(2B) On the commencement date of the resource consent, the consent—

(a) must be treated as—

(i) a land use consent or subdivision consent (as applicable) granted under this Act; and

(ii) a land use permit, discharge permit, water permit, or coastal permit (as applicable) granted under the **Natural Environment Act 2025**; and

(b) has the same terms and conditions, including its expiry date, that it had immediately before the commencement date, except where its duration is extended by **clause 17**.

(3) ~~An~~ On and from the specified transition date or the commencement date of the resource consent (if **subclause 2A** applies), an application to vary ~~the~~ any conditions of the resource consent or a ~~council-initiated~~ council-initiated review of those conditions must be considered or carried out—

(a) by the regional council or territorial authority whose functions relate to the conditions; and

(b) in accordance with this Act or the **Natural Environment Act 2025** as applicable.

(4) If the resource consent includes conditions relating to activities or effects that, under this Act or the **Natural Environment Act 2025**, fall within the functions of an authority other than the relevant authority with those functions under the RMA, each condition is treated as a condition administered under the provisions of this Act or the **Natural Environment Act 2025** (as applicable) that regulate the relevant activity or effect.

(5) This clause is subject to **clause 16A**.

16A Clauses 14 to 16 do not affect completion of certain RMA processes

(1) Nothing in **clauses 14 to 16** affects the completion of a process under Part 6 of the RMA that—

(a) relates to a land use consent, subdivision consent, land use permit, discharge permit, water permit, or coastal permit (as applicable); and

(b) was initiated before the specified transition date.

(2) The process must be completed in accordance with Part 6 of the RMA, and, to avoid doubt, may result in changes to the conditions of the consent or permit.

Compare: 2023 No 46 Schedule 1 cl 18(5)

17 Duration of certain existing resource consents extended

(1) This clause applies to a resource consent that is due to expire during the period—

(a) commencing on the date this Act receives Royal assent; and

(b) ending 24 months after the specified transition date or on a date not later than 48 months after the specified transition date that is specified in regulations made under **clause 32**.

(2) The duration of the resource consent is extended to the date that is 24 months after the specified transition date or the later date specified in the regulations.

~~(3) Despite **subclause (2)**, if the resource consent relates to water, the total duration of the consent cannot exceed 35 years.~~

(3) However, if the resource consent relates to water (other than for an activity associated with constructing or operating a wastewater network, as defined in section 5 of the Water Services Act 2021), the consent expires on the earlier of the date that—

(a) applies under **subclause (1)(b)**:

(b) is 35 years after the date the consent commenced.

(4) Any conditions applying to the resource consent continue to apply unless a change to a condition is required as a consequence of extending the duration of the consent.

(5) ~~The~~ No later than 3 months after the specified transition date, the consent authority must update the resource consent to record the extended expiry date under this clause~~, no later than 3 months after the specified transition date~~.

(6) In **subclause (3)**, a resource consent **relates to water** if it is—

(a) a water permit within the meaning of section 87 of the RMA:

(b) a discharge permit (within the meaning of section 87 of the RMA) authorising—

(i) the discharge of a contaminant or water into water; or

(ii) the discharge of a contaminant onto or into land in the circumstances described in section 15(1)(b) of the RMA:

(c) a land use consent under section 9 of the RMA that includes associated discharges.

(7) This clause does not apply to an extant wastewater consent within the meaning of section 139B of the RMA.

17A Existing building works where building consent issued before specified transition date

(1) **Subclause (2)** applies if a building consent for a building work or intended use of a building is issued (and any amendments incorporated into that building consent) in accordance with the Building Act 2004 before a region's specified transition date.

(2) **Section 22** applies to the building work or intended use of a building as if a reference in **section 22(1)(c)** to—

(a) a national rule was a reference to a national environmental standard under the RMA; and

(b) a rule in a land use plan was a reference to a rule in district plan under the RMA; and

(c) a rule in a proposed land use plan that has legal effect was a reference to a rule in a proposed district plan that has legal effect under the RMA; and

(d) a planning consent was a reference to a resource consent under the RMA.

(3) In this clause, **building work** and **intended use** have the meanings given in **section 22**.

~~**18 Replacement consents**~~

~~(1) To avoid doubt, **section 164** applies to a resource consent to which **clause 17** applies.~~

~~(2) If an application to replace a resource consent to which **clause 17** applies is made under this Act or the **Natural Environment Act 2025** and the applicant seeks to suspend the processing of the application under the relevant provision,—~~

~~(a) the territorial authority or regional council must not return the application or continue to process the application until after the new expiry date provided under **clause 17**; and~~

~~(b) **paragraph (a)** applies regardless of whether the application was made before, on, or after Royal assent.~~

~~(3) In this clause, **relevant provision** means—~~

~~(a) **section 164** in the case of an application for a planning consent; or~~

~~(b) **section 164** as applied by **section 181** of the Natural Environment Act 2025, in the case of a natural resources permit.~~

18 When existing consents may continue to be relied on

A person who, immediately before the specified transition date, is operating under an existing resource consent in reliance on section 124 of the RMA may,

on and from the specified transition date, continue to operate under that consent—

(a) in reliance on **section 164** of this Act in the case of an application for a planning consent; and

(b) in reliance on **section 164** of this Act as applied by **section 181 of the Natural Environment Act 2025**, in the case of an application for a natural resource permit.

18A Suspension of applications to replace resource consents to which clause 17 applies

(1) If an application to replace a resource consent to which **clause 17** applies is made under this Act or the **Natural Environment Act 2025** and the applicant seeks to suspend the processing of the application,—

(a) the territorial authority or regional council must not return the application or continue to process the application until after the new expiry date provided under **clause 17**; and

(b) **paragraph (a)** applies regardless of whether the application was made before, on, or after this Act receives Royal assent.

(2) If the application is suspended at the applicant's request, the consent authority may later remove the suspension and process the application at the applicant's request.

18B Certain notices under RMA treated as notice under this Act or Natural Environment Act 2025

(1) On a region's specified transition date,—

(a) a notice given under section 87BA of the RMA for an activity in the region before that date is treated as a notice given under **section 177(1)(d)** of this Act; and

(b) a notice given under section 87BB of the RMA for an activity in the region before that date is treated as a notice given under—

(i) **section 177(1)(d)** of this Act, if the notice authorises activities that are regulated under this Act; or

(ii) **section 199(1)(d) of the Natural Environment Act 2025**, if the notice authorises activities that are regulated under that Act.

(2) **Subclause (3)** applies to a consent authority if it—

(a) receives a proposal for an activity under section 87BA of the RMA before the region's specified transition date but has not made a decision under section 87BA(2)(a) or (b) by that date; or

(b) commences consideration of whether a particular activity is a permitted activity under section 87BB of the RMA but has not made a decision under section 87BB(1)(d) by that date.

(3) If this subclause applies,—

(a) the consent authority must continue to make the decision under section 87BA(2)(a) or (b) of the RMA or, if applicable, under section 87BB(1)(d) of the RMA; and

(b) if the consent authority decides to give a notice under section 87BA or 87BB of the RMA, on the date the notice is given, the notice is treated as a notice given under **section 177(1)(d)** of this Act or **section 199(1)(d) of the Natural Environment Act 2025**.

(4) The commencement of the region's specified transition date does not affect any calculation of time in relation to the notice.

Compare: 2023 No 46 Schedule 1 cl 21

18C Certificates of compliance

(1) On a region's specified transition date, the RMA ceases to apply to the processing and determination of any request made on or after that date for a certificate of compliance under section 139 of the RMA for an activity in the region.

(2) No request made on or after the region's specified transition date for a certificate of compliance under the RMA may be processed.

(3) If a certificate of compliance under the RMA is issued for an activity in a region and is in force on the region's specified transition date, the certificate—

(a) is, on that date, treated as being issued under—

(i) **section 178** of this Act, if the certificate relates to an activity that is regulated under this Act; and

(ii) **section 200 of the Natural Environment Act 2025**, if the certificate relates to an activity that is regulated under that Act; and

(b) lapses on the date on which it would have lapsed under the RMA.

(4) If a certificate of compliance commenced under the RMA is issued on or after the region's specified transition date,—

(a) on the date that the certificate is issued, the certificate is treated as a certificate of compliance issued under—

(i) **section 178** of this Act, if the certificate relates to an activity that is regulated under this Act; and

(ii) **section 200 of the Natural Environment Act 2025**, if the certificate relates to an activity that is regulated under that Act; and

(b) the certificate lapses on the date on which it would have lapsed under the RMA.

Compare: 2023 No 46 Schedule 1 cl 23

18D Existing use certificates

(1) On a region's specified transition date, the RMA ceases to apply to the processing and determination of any request made on or after that date for a certificate of existing use under section 139A of the RMA relating to land in the region.

(2) No request made on or after the region's specified transition date for a certificate of compliance under the RMA may be processed.

(3) If a certificate of existing use relating to land in a region is issued under the RMA and is in force on the region's specified transition date, the certificate—

(a) is, on that date, treated as being issued under—

(i) **section 179** of this Act, if the certificate relates to an activity that is regulated under this Act; and

(ii) **section 201 of the Natural Environment Act 2025**, if the certificate relates to an activity that is regulated under that Act; and

(b) lapses on the date on which it would have lapsed under the RMA.

(4) If a certificate of existing use under the RMA is issued on or after the region's specified transition date,—

(a) on the date that the certificate is issued, the certificate is treated as a certificate of existing use issued under—

(i) **section 179** of this Act, if the certificate relates to an activity that is regulated under this Act; and

(ii) **section 201 of the Natural Environment Act 2025**, if the certificate relates to an activity that is regulated under that Act; and

(b) the certificate lapses on the date on which it would have lapsed under the RMA.

Compare: 2023 No 46 Schedule 1 cl 23

18E Authorisations issued under RMA

(1) If a region's specified transition date has occurred, the holder of an authorisation granted under section 161 of the RMA may, within the time period specified in **subclause (2)**, use their authorisation to apply for a coastal permit under the relevant rule in the natural environment plan for the region.

(2) The time period—

(a) commences on the region's specified transition date; and

(b) ends on the date that the authorisation lapses or would have lapsed under section 164 of the RMA.

Compare: 2023 No 46 Schedule 1 cl 77

18F Suspension of coastal permit applications for aquaculture activities

(1) If, before a region's specified transition date, a notice has been issued under section 165ZD or 165ZDA of the RMA suspending coastal permit applications for aquaculture activities in the region, the notice—

(a) continues to have effect after the region's specified transition date; and

(b) must be treated as if it were a notice issued under **clause 28 or 31 of Schedule 3 of the Natural Environment Act 2025**, with any necessary modifications; and

(c) ceases to have effect when the notice expires or on the expiry of any further notice referred to in **clause 32(1) of Schedule 3** of that Act.

(2) If, before a region's specified transition date, a request has been made under section 165ZB(1) of the RMA to suspend coastal permit applications for aquaculture activities in the region, the request—

(a) continues to have effect after the region's specified transition date; and

(b) must be treated as if it were a request under **clause 27 of Schedule 3 of the Natural Environment Act 2025**, with any necessary modifications.

(3) In this clause, **coastal permit applications for aquaculture activities** means applications for coastal permits to occupy space in a coastal marine area for the purpose of aquaculture activities.

Compare: 2023 No 46 Schedule 1 cl 78

18G Continued application of Fisheries Act 1996 to aquaculture decisions relevant to coastal permit applications

(1) This clause applies if an application under the RMA for a coastal permit for aquaculture activities in a region—

(a) is made before the region's specified transition date but not determined by that date; and

(b) is subject to an aquaculture decision by the chief executive of the Ministry responsible for the administration of the Fisheries Act 1996.

(2) The Fisheries Act 1996 (as it was immediately before the commencement of this clause) continues to apply in respect of the aquaculture decision until the decision is made and any judicial review under section 186J of that Act has concluded.

Compare: 2023 No 46 Schedule 1 cl 81

18H Authorisations under section 13 of Maori Commercial Aquaculture Claims Settlement Act 2004

(1) This clause applies to an authorisation for space in an aquaculture settlement area in a region that is provided for under section 13 of the Maori Commercial

Aquaculture Claims Settlement Act 2004 before the region's specified transition date.

(2) The holder of the authorisation may use the authorisation to apply for a coastal permit under the **Natural Environment Act 2025** on or after the region's specified transition date.

Compare: 2023 No 46 Schedule 1 cl 82

Transfers of power, agreements, and arrangements under RMA

19 ~~Transfer~~ Existing transfer of powers by regional council or territorial authority under RMA

A transfer of a power or function by a regional council or a territorial authority that ~~is given effect to before Royal assent~~ exists immediately before the specified transition date—

(a) continues to have effect as if this Act had not been enacted; but

(b) must be treated as if it were a transfer of function or power that is equivalent to a ~~power or~~ function or power under the **Natural Environment Act 2025** or this Act.

20 Existing joint management agreements

(1) A joint management agreement made under the RMA that exists immediately before the specified transition date continues in effect.

(2) However, the agreement must be treated as if it were a joint management agreement that relates to functions that are equivalent functions under—

(a) this Act; or

(b) the **Natural Environment Act 2025**.

21 Mana Whakahono ā Rohe

(1) A Mana Whakahono ā Rohe ~~arrangement~~ that exists ~~or has been initiated~~ immediately before this Act ~~received~~ receives Royal assent continues in effect.

(1A) A Mana Whakahono ā Rohe initiated immediately before this Act receives Royal assent and entered into before the specified transition date continues in effect.

(1B) The contents of a Mana Whakahono ā Rohe that continues in effect must be treated as follows:

(a) until the specified transition date, contents that relate to a function under the RMA that has no corresponding function in this Act or the **Natural Environment Act 2025** continue to have effect under the RMA:

(b) on and from the specified transition date, contents that relate to a function under the RMA that has a corresponding function under this Act or the **Natural Environment Act 2025** must be treated as having that corresponding function.

~~(2) However, the contents of the Mana Whakahono ā Rohe arrangement that relate to functions under the RMA must be treated as relating to equivalent functions under—~~

~~(a) this Act; or~~

~~(b) the **Natural Environment Act 2025**.~~

(2) A Mana Whakahono ā Rohe initiated immediately before this Act receives Royal assent but not entered into before the specified transition date has no effect under this clause.

(3) ~~A~~ **Mana Whakahono ā Rohe** ~~**arrangement**~~ means ~~a Mana Whakahono ā Rohe~~ an iwi participation arrangement entered into under subpart 2 of Part 5 of the RMA.

21A Restriction on amending Mana Whakahono ā Rohe

(1) On and after the date on which this Act receives Royal assent, any reference to RMA functions in a Mana Whakahono ā Rohe continued in effect by **clause 21** may be amended only for the purpose stated in **subclause (2)**.

(2) A reference to an RMA function may be amended to refer to a corresponding function under this Act or the **Natural Environment Act 2025**.

21B Administration of Mana Whakahono ā Rohe

(1) This clause applies for the purposes of transitioning Mana Whakahono ā Rohe to the new system.

Interpretation

(2) **Mana Whakahono ā Rohe** means an iwi participation arrangement entered into under subpart 2 of Part 5 of the RMA that has effect under **clause 21**.

Purpose of Mana Whakahono ā Rohe

(3) The purpose of a Mana Whakahono ā Rohe is to provide a mechanism for iwi authorities and local authorities to discuss, agree, and record ways in which tangata whenua may, through their iwi authorities, participate in resource management and decision-making processes under this Act and the **Natural Environment Act 2025**.

Guiding principles

(4) In implementing a Mana Whakahono ā Rohe, the participating authorities must use their best endeavours—

(a) to achieve the purpose of the Mana Whakahono ā Rohe in an enduring manner:

(b) to enhance the opportunities for collaboration amongst the participating authorities, including by promoting—

(i) the use of integrated processes:

(ii) co-ordination of the resources required to undertake the obligations and responsibilities of the parties to the Mana Whakahono ā Rohe:

(c) to work together in good faith and in a spirit of co-operation:

(d) to communicate with each other in an open, transparent, and honest manner:

(e) to recognise and acknowledge the benefit of working together by sharing their respective vision and expertise:

(f) to commit to meeting statutory time frames and minimise delays and costs associated with the statutory processes:

(g) to recognise that a Mana Whakahono ā Rohe under this subpart does not limit the requirements of any relevant iwi participation legislation or the agreements associated with that legislation.

Review and monitoring

(5) The following provisions apply in relation to review and monitoring:

(a) a local authority that is a party to a Mana Whakahono ā Rohe under **clause 21** must review its policies and processes to ensure that they are consistent with the Mana Whakahono ā Rohe:

(b) the review must be completed by a date agreed by the participating authorities:

(c) every sixth anniversary after the date of a Mana Whakahono ā Rohe, or at any other time by agreement, the participating authorities must jointly review the effectiveness of the Mana Whakahono ā Rohe, having regard to the purpose of a Mana Whakahono ā Rohe and the guiding principles:

(d) the obligations under this clause are in addition to the obligations of a local authority under—

(i) **section 207 of this Act** (the provision of information to the Minister):

(ii) **sections 186 and 188** of this Act (monitoring and record keeping).

(6) Any additional reporting may be undertaken by agreement of the participating authorities.

Contents of Mana Whakahono ā Rohe

(7) Unless the participating authorities agree,—

(a) the contents of a Mana Whakahono ā Rohe must not be altered; and

(b) a Mana Whakahono ā Rohe must not be terminated.

Relationship with iwi participation legislation

(8) A Mana Whakahono ā Rohe does not limit any relevant provision of any iwi participation legislation or any agreement under that legislation.

Continuation of regulations, instruments, approvals, and other matters under the RMA

~~**22 Emergency response regulations**~~

~~Regulations made under section 331AA of the RMA that are in force immediately before the specified transition date continue in force until the date on which those regulations would expire in accordance with that section as if that section were still in force.~~

22 Emergency response regulations continued

Regulations made under section 331AA of the RMA that are in force immediately before the specified transition date—

(a) continue in force as if made under this Act and the **Natural Environment Act 2025**; but

(b) expire on the date on which those regulations would expire in accordance with section 331AA of the RMA.

22A Applications for water conservation orders

(1) This clause applies to an application for a water conservation order under the RMA if, immediately before the specified transition date, the application has not proceeded to the point where there is no further right of appeal.

(2) The application must proceed and be determined in accordance with the RMA, as if this Act and the **Natural Environment Act 2025** had not been enacted.

(3) In this clause, an **application for a water conservation order** includes an application to revoke or amend a water conservation order.

Compare: 2023 No 46 Schedule 1 cl 49

23 Water conservation orders

(1) The following water conservation orders, if in force immediately before the specified transition date, continue in force until revoked or varied by an order made under **clause 15 of Schedule 4 of the Natural Environment Act 2025**:

(a) National Water Conservation (Ahuriri River) Order 1990:

(b) National Water Conservation (Grey River) Order 1991:

(c) National Water Conservation (Lake Wairarapa) Order 1989:

(d) National Water Conservation (Manganuioteao River) Order 1989:

(e) National Water Conservation (Motu River) Order 1984:

(ea) National Water Conservation (Rakaia River) Order 1988:

(f) National Water Conservation (Te Waihora/Lake Ellesmere) Order 1990:

~~(g) National Water Conservation (Rakaia River) Order 1988:~~

(h) Te Puna Waiora o Te Waikoropupū Springs and Wharepapa Arthur Marble Aquifer Water Conservation Order 2023:

(i) Water Conservation (Buller River) Order 2001:

(j) Water Conservation (Kawarau) Order 1997:

(k) Water Conservation (Mataura River) Order 1997:

(l) Water Conservation (Mohaka River) Order 2004:

(m) Water Conservation (Motueka River) Order 2004:

(n) Water Conservation (Oreti River) Order 2008:

(o) Water Conservation (Rangitata River) Order 2006:

(p) Water Conservation (Rangitikei River) Order 1993.

(2) A water conservation order that is not listed in **subclause (1)** and that is in force immediately before the specified transition date continues in force until revoked or varied by an order made under **clause 15 of Schedule 4 of the Natural Environment Act 2025**.

24 Freshwater farms plans and related matters

(1) An Order in Council made under section 217C of the RMA that is in force immediately before the specified transition date continues in force as if it were made under **clause ~~5~~ 3 of Schedule 5 ~~of the Natural Environment Act 2025~~**.

(2) A freshwater farm plan certified in accordance with regulations made under section 217M of the RMA and in effect immediately before the specified transition date must be treated as a freshwater farm plan certified in accordance with regulations made under **clause 15 of Schedule 5**.

(3) A person who, immediately before the specified transition date, is a certifier or an auditor appointed by a regional council under section 217K of the RMA must be treated as a certifier or an auditor appointed under **clause 12 of Schedule 5**.

(4) An organisation that, immediately before the specified transition date, is an industry organisation appointed by the Minister under section 217KA of the RMA must be treated as an industry organisation appointed under **clause 13 of Schedule 5**.

(5) The Resource Management (Freshwater Farm Plans) Regulations 2023 are continued after the specified transition date as if made under **clause ~~12~~ 15 of Schedule 5**.

(6) In this clause, **Schedule 5** means **Schedule 5 of the Natural Environment Act 2025**.

25 Continuation of specified regulations under RMA

(1) The regulations specified in **subclause (2)** are continued after the specified transition date as if made under both~~:~~—

(a) **section 307 of the Natural Environment Act 2025**; and

(b) **section 281** of this Act.

(2) The regulations referred to in **subclause (1)** are:

~~(a) Resource Management (Forms, Fees, and Procedure) Regulations 2003:~~

~~(b) Resource Management (Discount on Administrative Charges) Regulations 2010:~~

(c) Resource Management (Infringement Offences) Regulations 1999.

(3) The following regulations are continued after the specified transition date as if made under **section 307 of the Natural Environment Act 2025**:

(a) Resource Management (Measurement and Reporting of Water Takes) Regulations 2010:

(b) Resource Management (Marine Pollution) Regulations 1998:

(c) Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991:

(d) Resource Management (Stock Exclusion) Regulations 2020:

(e) Resource Management (Exemption) Regulations 2017:

(f) Resource Management (Exemption) Regulations 1996.

~~(4) The Resource Management (Network Utility Operations) Regulations 2016 are continued after the specified transition date as if made under **section 281** of this Act.~~

(4) The Resource Management (Network Utility Operations) Regulations 2016—

(a) are continued on and from the specified transition date as if made under **section 281** of this Act; and

(b) apply with all necessary modifications as if a reference to a network utility operation for the purposes of section 166 of the RMA were a reference to a core infrastructure operation under **clause 9 of Schedule 5** of this Act.

(5) RMA terms and expressions used in secondary legislation continued by this clause must be treated as having the same meaning as the corresponding terms and expressions used in this Act or the **Natural Environment Act 2025**, unless the context otherwise requires.

Coastal matters

25A Application of Marine and Coastal Area (Takutai Moana) Act 2011

(1) If a matter is carried out in a region under the RMA, the provisions of the Marine and Coastal Area (Takutai Moana) Act 2011 (if any) that apply to that matter are the provisions of that Act as it was immediately before the day after this Act receives Royal assent.

(2) If a matter is carried out in a region under this Act or the **Natural Environment Act 2025**, the provisions of the Marine and Coastal Area (Takutai Moana) Act 2011 (if any) that apply to that matter are the provisions of that Act as amended by this Act.

25B Processes relating to Marine and Coastal Area (Takutai Moana) Act 2011 commenced before specified transition date

(1) **Subclause (2)** applies if an applicant makes a request under section 67 of the Marine and Coastal Area (Takutai Moana) Act 2011 in respect of a resource consent that—

(a) has been applied for under the RMA before the specified transition date but has not been determined by that date; or

(b) has been granted under the RMA but has not commenced by the specified transition date.

(2) The 40-working-day time period in which a customary marine title group must notify its decision to the applicant under section 67 of the Marine and Coastal Area (Takutai Moana) Act 2011 is not affected by the occurrence of the specified transition date.

(3) If, before the specified transition date, a customary marine title group notifies its decision in writing on a request for permission under section 67 of the Marine and Coastal Area (Takutai Moana) Act 2011, the exercise of the RMA permission right by the group is treated as an exercise of a permission under this Act or the **Natural Environment Act 2025**.

(4) A written approval given before a specified transition date by a protected customary rights group under section 55(2)(a) of the Marine and Coastal Area (Takutai Moana) Act 2011 continues to have effect after the specified transition date.

(5) **Subclause (6)** applies if,—

(a) before a specified transition date, an applicant for a resource consent notifies applicant groups about their application and seeks their views under sections 62(2) and (3) and 62A of the Marine and Coastal Area (Takutai Moana) Act 2011; and

(b) after the specified transition date, the applicant lodges the application for the resource consent.

(6) The process commenced under those sections referred to in **subclause (5)** must be completed by the applicant regardless of the occurrence of the specified transition date and any views obtained from applicant groups under that process continue to have effect after that date.

(7) If a resource consent granted under the RMA for an activity in a region has not commenced by the specified transition date, any process relating to the resource consent that is commenced under the RMA in relation to Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011 but is not completed by that date must continue in accordance with Part 3 of that Act as it was immediately before commencement.

(8) The occurrence of a specified transition date does not affect the obligations of an applicant for a resource consent under section 62A of the Marine and Coastal Area (Takutai Moana) Act 2011 in respect of an activity in the region.

25C Coastal occupation charges

A coastal occupation charge that is provided for in a regional coastal plan and has effect immediately before the specified transition date continues to have effect after that date until the date on which a natural resource levy is imposed by regulations made under **section 313** of the **Natural Environment Act 2025**.

Designations and requiring authority approvals

~~**26 Designations**~~

~~(1) A designation in place immediately before the specified transition date must be treated as a designation under **Schedule 5** of this Act.~~

~~(2) A requirement for a designation in progress immediately before the specified transition date must be treated as a proposed designation under this Act.~~

26 Designations

(1) A designation in place immediately before the specified transition date—

(a) must, on and from the specified transition date, be treated as a designation under **Schedule 5** of this Act; and

(b) has the same terms and conditions that it had immediately before the specified transition date.

(2) However, a designation continued by **subclause (1)** ceases to have legal effect when the relevant land use plan under this Act becomes operative.

(3) An outline plan of works of a designation continued by **subclause (1)** that is in effect immediately before the specified transition date must be treated as a construction project plan under **Schedule 5** of this Act.

(4) A requirement for a designation in progress immediately before the specified transition date—

(a) must, for the purposes of **clause 5 of Schedule 5** only, be treated as a proposed designation under this Act on and from the specified transition date; and

(b) is otherwise subject to **clauses 12C to 12E** (as applicable).

(5) In **subclause (4)**, a requirement for a designation is in progress if its notice of requirement has been notified under the RMA but not—

(a) confirmed and included in a district plan under section 175 of the RMA; or

(b) withdrawn or cancelled.

~~**27 Requiring authority status**~~

~~(1) An entity that is a requiring authority immediately before the specified transition date continues as a designating authority approved under **Part 2 of Schedule 5** of this Act.~~

~~(2) To avoid doubt, this clause includes any entity that has been deemed to be a requiring authority under the RMA.~~

27 Requiring authorities continued as designating authorities

(1) An entity that is a requiring authority under the RMA immediately before the date on which this Act receives Royal assent continues as a designating authority—

(a) approved under **Part 2 of Schedule 5** of this Act; and

(b) in relation to the matters specified in the entity's approval as a requiring authority under the RMA.

(2) The entity's approval as a designating authority continues in force for the purpose of **subclause (1)** and must, with all necessary modifications, be treated as an approval granted under **clause 10 of Schedule 5**.

(3) An entity that is approved as requiring authority under the RMA after this Act receives Royal assent must, with all necessary modifications, be treated as a designating authority approved under **clause 10 of Schedule 5**.

(4) No designating authority to which this clause applies may give notice of a proposed designation under **clause 13 of Schedule 5** until after the specified transition date.

~~**28 Requiring authority approvals**~~

~~The following approvals, if in force immediately before the specified transition date, continue in force under **Part 2 of Schedule 5** of this Act:~~

~~(a) Resource Management (Approval of Auckland International Airport Limited as Requiring Authority) Order 1993:~~

~~(b) Resource Management (Approval of Broadcast Communications Limited as Requiring Authority) Order 1992:~~

~~(e) Resource Management (Approval of New Zealand Rail Limited as Requiring Authority) Order 1992:~~

~~(d) Resource Management (Approval of New Zealand Transport Agency as Requiring Authority) Order 1992:~~

~~(e) Resource Management (Approval of Queenstown Airport Corporation Limited as Requiring Authority) Order 1992:~~

~~(f) Resource Management (Approval of Transpower New Zealand Limited as Requiring Authority) Order 1992:~~

~~(g) Resource Management (Approval of Waikato Regional Airport Limited as Requiring Authority) Order 1992:~~

~~(h) Resource Management (Approval of Wellington International Airport Limited as Requiring Authority) Order 1992:~~

~~(i) Resource Management (Approval of Auckland Electric Power Board as Requiring Authority) Order 1992.~~

~~*Subdivisions*~~

~~29~~ ~~Records of title may be issued in relation to certain survey plans~~

~~(1) The Registrar-General of Land may issue a record of title for any land that is shown as a separate allotment on a survey plan in accordance with **clause 31(1) of Schedule 6** if satisfied that one of the following applies:~~

~~(a) the record of title is issued to enable effect to be given to any agreement for sale and purchase, agreement to lease, or other contract to create an interest in land or a building or part of a building made before the commencement of the Resource Management Act 1991:~~

~~(b) the survey plan —~~

~~(i) has been deposited in accordance with section 306 of the Local Government Act 1974; or~~

~~(ii) was a Crown plan to which section 306(7) of the Local Government Act 1974 applied:~~

~~(c) the survey plan has been approved under Part 25 of the Municipal Corporations Act 1954:~~

~~(d) the survey plan —~~

~~(i) has been approved under Part 2 of the Counties Amendment Act 1961; or~~

~~(ii) did not require the approval of the Council under that Part and was deposited under the Land Transfer Act 2017 after that Part came into force:~~

~~(e) the territorial authority has given a certificate, signed by the principal administrative officer or other authorised officer, to the effect that the~~

~~allotment is in accordance with a permission or permissions granted under Part 2 or Part 4 of the Town and Country Planning Act 1977.~~

~~(2) This clause overrides **clause 31(2) of Schedule 6**.~~

~~Compare: 1991 No 69 ss 226(1); 2023 No 46 s 591~~

Continuation of Environment Court

30 Continuation of Environment Court

(1) A person who is a Judge of the Environment Court, an Environment Commissioner, a Deputy Environment Commissioner, a Registrar, or other officer of the court immediately before the ~~commencement of this clause~~ specified commencement date continues to hold their office subject to this Act.

~~(2) All proceedings in progress or pending in the Environment Court operating under the RMA immediately before the commencement of this clause must be continued, completed, and enforced under that Act.~~

(3) All jurisdictions, offices, appointments, Orders in Council, orders, warrants, rules, regulations, seals, forms, books, records, and instruments that relate to the Environment Court and originated under the RMA have full effect as if they had originated under the corresponding provisions of this Act and, as necessary, must be treated as having originated under this Act.

Jurisdiction of Planning Tribunal in relation to certain decisions under RMA

31 Planning Tribunal has jurisdiction to review specified RMA decisions

(1) **Part ~~2~~3 of Schedule 11** comes into force on a date specified by Order in Council made under **section 2(4)** (the **appointed date**).

(2) On and from the appointed date,—

(a) a right of objection to the consent authority under specified sections of the RMA is replaced with a right of review to the Planning Tribunal (*see* **Part ~~2~~3 of Schedule 11**); and

(b) a review of a specified decision must be carried out in accordance with **Schedule 10** of this Act instead of the RMA; and

(c) any appeal or review of a decision ~~for~~ of the Planning Tribunal in reviewing a specified decision~~,~~ must be made under **Schedule 10**.

(3) A right of review conferred under specified sections of the RMA may be exercised only in respect of specified decisions made on or after the appointed date.

(4) The Planning Tribunal has jurisdiction to review a specified decision in accordance with **Schedule 10**, which applies as if a reference to a consent or permit were a reference to a resource consent.

(4A) Despite **subclause (2)**, the following must continue to be dealt with by a consent authority:

(a) an objection lodged with the consent authority that is pending immediately before the appointed date:

(b) an objection lodged on or after the appointed date that relates to an event that occurred before that date.

(5) In this ~~section~~ clause, **specified sections** means sections 357(1), (3), (6), or (7) and 357A(1) of the RMA.

Miscellaneous

32 Regulations may make consequential amendments to other secondary legislation

(1) The Governor-General may, by Order in Council made on recommendation of the Minister, make regulations that amend any secondary legislation to make amendments that are consequential on the passing of this Act and the **Natural Environment Act 2025**.

(2) The same set of regulations made under this clause may amend 1 or more instruments that are secondary legislation.

(3) Regulations made under this clause may make transitional and savings provisions as necessary to reflect in the secondary legislation the transition from the RMA to this Act and the **Natural Environment Act 2025**.

(4) This clause does not limit section 41 of the Legislation Act 2019.

(5) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 2023 No 46 Schedule 1 cl 86

33 Amendment of RMA national direction instruments to remove redundant or duplicative provisions

(1) During the transition period,—

(a) the Minister for the Environment may amend a national environmental standard, a national policy statement, or a national planning instrument as if section 44(3), 53(2)(a), or 58H(2) of the RMA apply:

(b) the Minister of Conservation may amend the New Zealand coastal policy statement or provisions of the national planning standards that relate to the coastal marine area as if section 53(2)(a) or 58H(2) of the RMA apply.

(2) The Minister must be satisfied that—

(a) the content would be more efficiently addressed through the processes in this Act or the **Natural Environment Act 2025**; or

(b) the content is redundant because of the transition from the RMA to this Act and the **Natural Environment Act 2025**.

Compare: 2023 No 46 Schedule 1 cl 14

34 Heritage protection authority approvals and orders

(1) All approvals under section 188 of the RMA of heritage protection authorities in effect immediately before the specified transition date cease to apply.

(2) A territorial authority must have regard to whether and how any heritage order in effect in its district or region immediately before the specified transition date should be reflected in rules or policies, when preparing its first land use plan.

35 Reference includes initial national rules

A reference in another Act to a national environmental standard under the RMA must be treated as including a reference to any applicable initial national rule.

36 Application of clause 4.1(1) disapplied

The suspension of the requirement for regional councils to map areas of highly productive land in their regions until 31 December 2027 in clause 4.1(2) of the National Policy Statement for Highly Productive Land 2022 is further suspended until the specified transition date.

37 Relief where land previously subject to similar RMA rule becomes subject to specified rule

(1) This clause applies if—

(a) the first proposed plan includes a specified rule that applies to land; and

(b) that land was subject to an RMA rule that had a similar impact to the specified rule.

(2) If this clause applies, when the first proposed plan is made operative, a person who owns land to which the specified rule applies is eligible for relief under the relief framework in the plan if—

(a) the specified rule has a significant adverse impact on the reasonable use of that land; and

(b) the land has not changed ownership between the time that the RMA rule was first notified and the time that the first proposed plan is notified.

(3) In this clause,—

first proposed plan means the first proposed land use plan or proposed natural environment plan

RMA rule means a rule in an operative district plan or regional plan under the RMA for the district or region in which the land is located.

38 Agreement under RMA defining landward boundary of coastal marine area

An agreement under **section 2(1)** of the RMA, or a declaration under **section 310(e)** of the RMA, that determines the mouth of a river for the purposes of defining the landward boundary of the coastal marine area—

(a) continues to have effect for the purposes of defining the landward boundary of the coastal marine area under this Act and the **Natural Environment Act 2025**; and

(b) ceases to have effect on the date that the mouth of the river is determined in accordance with **section 332 of the Natural Environment Act 2025**.

Schedule 2
~~Spatial~~ Regional spatial plans

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1 Interpretation

In this schedule, unless the context otherwise requires,—

notify for submissions, in relation to a draft regional spatial plan, means to notify the draft regional spatial plan for public submissions in accordance with **clause 18**

process agreement means an agreement under **clause 4**

submitter, in relation to a draft regional spatial plan, means a person who made a submission on the draft regional spatial plan.

2 Iwi participation legislation and Mana Whakahono ā Rohe

The local authorities and spatial plan committee of a region must prepare and change their regional spatial plan in accordance with any applicable—

(a) iwi participation legislation or agreement under that legislation; and

(b) Mana Whakahono ā Rohe.

Compare: 1991 No 69 Schedule 1 cls 1A, 1B

3 Preparing draft regional spatial plan

The local authorities of a region begin the preparation or change of a regional spatial plan by—

(a) preparing a process agreement for that draft regional spatial plan under **clause 4**; and

(b) directing the region's spatial plan committee to prepare a draft regional spatial plan.

Compare: 1991 No 69 Schedule 1 cl 2(1)

4 Process agreement for preparing regional spatial plan

(1) The local authorities of a region must work together to prepare a document (a **process agreement**) that sets out their agreement on the following matters in relation to a draft regional spatial plan:

(a) how the local authorities will work together and work with the spatial plan committee:

(b) whether there will be any division of responsibilities between the local authorities for making decisions on certain matters or parts of the draft regional spatial plan (for example, if a particular territorial authority will be the sole decision maker on certain content relating to its district), or if all decisions will be made unanimously:

(c) how the spatial plan committee must carry out the consultation required by **clauses 8 and 9**, including by identifying who the local authorities consider to be relevant infrastructure providers, representatives of the development sector, representatives of other sector groups, and representatives of the wider community for the purposes of **clause 8(1)(a)(vi)**:

(d) how the secretariat for the draft regional spatial plan will be established and managed:

(e) processes to ensure that each local authority complies with any obligations under iwi participation legislation (including any agreements under that legislation), any existing joint management agreements, and any Mana Whakahono ā Rohe:

(f) any other matter prescribed in regulations.

(2) The local authorities must—

(a) prepare the process agreement in accordance with any requirements prescribed by regulations, and within the time frame (if any) prescribed by regulations; and

(b) publish the process agreement in the manner prescribed by regulations.

(3) The local authorities may amend a process agreement at any time by agreement, and must publish any amended process agreement in the manner prescribed by regulations.

(4) The spatial plan committee and local authorities of the region must comply with the process agreement.

(5) **Subclause (4)** is subject to the other provisions of this Act and any other legislation.

5 Inter-regional content

(1) The local authorities of a region may agree with the local authorities of 1 or more adjacent regions that their respective draft regional spatial plans will include common content that applies to each of those regions (**inter-regional content**).

(2) If the local authorities of adjacent regions agree to prepare inter-regional content,—

(a) the local authorities of the adjacent regions must record that agreement in the process agreements for their respective draft regional spatial plans; and

(b) the spatial plan committees of the adjacent regions must jointly prepare the inter-regional content and include it in the draft regional spatial plans of each region; and

(c) the local authorities of the adjacent regions must jointly approve the inter-regional content for notification under **clause 17(2)**; and

(d) the independent hearings panels for each draft regional spatial plan—

(i) may hold joint hearings on the inter-regional content; and

(ii) may make their recommendations under **clause 23** jointly on the inter-regional content; and

(e) the local authorities of the regions must make their decisions under **clause 25** jointly on the inter-regional content.

(3) If the local authorities or spatial plan committees of the adjacent regions are not able to agree on a matter that this clause requires them to do jointly,—

(a) they must follow the dispute resolution process that is prescribed by regulations; and

(b) **section 74B** applies to them with all necessary modifications.

(4) This clause does not apply if the local authorities of the regions prepare a joint regional spatial plan in accordance with **section 74E**.

6 Documents and other matters to have regard to when preparing draft regional spatial plan

(1) When preparing a draft regional spatial plan, a spatial plan committee—

(a) must have regard to—

(i) any government policy statement or other document that is prescribed by regulations for the purposes of this subparagraph; and

(ii) the land use plans (if any) prepared under this Act for each district within the region; and

(iii) the natural environment plan (if any) prepared under the **Natural Environment Act 2025** for the region; and

(iv) the long-term plan (including the infrastructure strategy and the financial strategy) prepared under the Local Government Act 2002 of every local authority in the region; and

(v) the regional land transport plan prepared under the Land Transport Management Act 2003 for the region; and

(vi) a strategy report prepared under the New Zealand Infrastructure Commission/Te Waihanga Act 2019 and any statement of the Government's response to that strategy report under section 18 of that Act; and

(vii) any plan relating to adapting to the effects of climate change prepared by a local authority in the region; and

(viii) regulations or bylaws under any Act relating to ensuring the sustainability, or the conservation or management, of fisheries resources (including regulations or bylaws relating to taiāpure, mahinga mātaitai, or other non-commercial Māori customary fishing); and

(ix) any statutory acknowledgement that applies in the region; and

(x) any plan prepared under section 14 of the Maori Commercial Aquaculture Claims Settlement Act 2004; and

(xi) any planning document recognised by an iwi authority lodged with 1 or more of the local authorities in the region; and

(b) may have regard to any other document or matter that the spatial plan committee considers relevant.

(2) In relation to a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 and lodged under section 86 of that Act, a spatial plan committee preparing a draft regional spatial plan must—

(a) recognise and provide for the matters in that document, to the extent that they relate to the relevant customary marine title area; and

(b) take into account the matters in that document, to the extent that they relate to a part of the common marine and coastal area outside the customary marine title area of the relevant group.

7 Incorporation of information from land use plan or natural environment plan

(1) A regional spatial plan or draft regional spatial plan may incorporate any of the following from the region's operative land use plan or natural environment plan:

(a) information about the state and characteristics of the built environment or natural environment, including information about infrastructure:

(b) information that reflects decisions about whether areas or features of the environment have particular characteristics, should be classified in a particular way, or meet related criteria that are set out in a national instrument or other legislation:

(c) ecosystem health limits or interim limits that are set in a natural environment plan.

(2) Before incorporating content into a draft regional spatial plan under this clause, the spatial plan committee must consider whether, in the period since the relevant provision of the land use plan or natural environment plan became operative,—

(a) any significant new information has become available that supersedes the information used to determine the content in the land use plan or natural environment plan:

(b) there has been a significant change in circumstances since that provision was decided (for example, a major environmental or economic event).

(3) The local authorities of a region must consider the matters in **subclause (2)**—

(a) before approving for notification a draft regional spatial plan that includes content incorporated under this clause; and

(b) before making a decision on an independent hearings panel recommendation that relates to content incorporated under this clause.

(4) If information is incorporated under this clause,—

(a) the spatial plan committee need not comply with **section 67C** in relation to the information; and

(b) the independent hearings panel need not consider or respond to any submission or evidence received on the information when hearing or making recommendations on the draft regional spatial plan, except to the extent the submission or evidence relates to the matters described in **subclause (2)**.

8 Pre-notification consultation on draft regional spatial plan

(1) Before a draft regional spatial plan is notified for submissions, a spatial plan committee must consult—

(a) on the subject matter of the draft regional spatial plan with—

(i) the Minister; and

(ii) any other Minister of the Crown whose portfolio may be affected by the draft regional spatial plan; and

(iii) the regional council of any adjacent region, and all territorial authorities whose district (or part of its district) is within an adjacent region; and

(iv) tangata whenua of the region who may be affected, through iwi authorities; and

(v) water organisations under the Local Government (Water Services) Act 2025 who may be affected; and

(vi) relevant infrastructure providers, representatives of the development sector, representatives of other sector groups, and representatives of the wider community as identified by the local authorities in the process agreement; and

(vii) any other person or class of persons prescribed in regulations; and

(b) on the subject matter of the draft regional spatial plan as it relates to the coastal marine area with any customary marine title group that holds customary marine title over a customary marine title area in the region.

(2) A spatial plan committee may consult anyone else before notifying a draft regional plan for submissions.

Compare: 1991 No 69 Schedule 1 cl 3

9 Pre-notification consultation with iwi authorities

(1) For the purposes of **clause 8(1)(a)(iv)**, the spatial plan committee is to be treated as having consulted an iwi authority whose details are in the record kept under **section 188** of this Act or **section 228 of the Natural Environment Act 2025**, if the committee—

(a) establishes and maintains processes to provide opportunities for the iwi authority to be consulted; and

(b) consults the iwi authority in accordance with those processes; and

(c) enables the iwi authority to identify relevant issues of concern to it; and

(d) indicates to the iwi authority how those issues have been or are to be addressed.

(2) The processes in **subclause (1)(a)** may supplement any processes or other requirements in the process agreement.

Compare: 1991 No 69 Schedule 1 cl 3B

10 Identified Māori land

(1) **Subclause (2)** applies if a spatial plan committee is preparing, or the local authorities of a region or the Minister are making a decision in relation to, a draft regional spatial plan that identifies future infrastructure or a future infrastructure corridor in a location where it may affect identified Māori land (whether this is done by identifying a specific location or a wider area in which the infrastructure or infrastructure corridor may be located).

(2) In identifying the location, the spatial plan committee, local authorities, or Minister must—

(a) act in a manner that recognises that the identified Māori land is a taonga tuku iho for the owners of the land and the hapū associated with the land; and

(b) in doing so, consider the rights and interests of owners of the identified Māori land to retain, control, use, and occupy the land for the benefit of present and future generations of owners, their whānau, and their hapū.

Compare: 2023 No 47 s 26

11 Spatial plan committee must provide draft to iwi authorities and customary marine title groups

(1) Before notifying a draft regional spatial plan for submissions, a spatial plan committee must—

(a) provide a draft of that draft regional spatial plan to the iwi authorities referred to in **clause 8(1)(a)(iv)**; and

(b) provide a draft of the parts of that draft regional spatial plan that relate to the coastal marine area to any customary marine title group referred to in **clause 8(1)(b)**; and

(c) have regard to any advice received from those iwi authorities or groups on the draft.

(2) The spatial plan committee must provide the draft sufficiently early to give the iwi authorities and groups adequate time and opportunity to consider the draft and provide advice on it.

Compare: 1991 No 69 Schedule 1 cl 4A

12 Spatial plan committee to invite applications from designating authorities

(1) Before notifying a draft regional spatial plan for submissions, a spatial plan committee must publish (in the manner prescribed by regulations) a notice inviting all designating authorities to—

(a) apply under **clause 13** to have the indicative location of a future designation identified in the draft regional spatial plan; or

(b) apply under **clause 32 of Schedule 5** to notify a proposed designation, or a proposed alteration to a designation, with the draft regional spatial plan.

(2) The notice must state the deadline for responding, which must be at least 20 working days after the date on which the notice is published.

(3) The spatial plan committee must send a copy of the notice to every designating authority that has an existing designation in any land use plan of a district within the region.

13 Designating authority may apply to have indicative location of future designation identified in draft regional spatial plan

(1) In response to a notice under **clause 12**, a designating authority may apply to the spatial plan committee to have the indicative location of a future designation identified in a draft regional spatial plan.

(2) An application must be made in the manner prescribed by regulations and must—

(a) describe the project to which the future designation relates and its indicative location; and

(b) include an assessment of the strategic need for the project and future designation in that indicative location proposed (*see* **clause 14(5)**); and

(c) be made no later than the deadline specified in the spatial plan committee's notice.

14 Spatial plan committee must decide whether to accept application

(1) The spatial plan committee must decide whether to accept an application made under **clause 13**.

(2) The committee may accept the application only if satisfied that—

(a) 1 or more of the following applies:

(i) the project is nationally significant or regionally significant:

(ii) the project will have regionally significant benefits:

(iii) the project will cross territorial authority boundaries; and

(b) there is a strategic need for the project in the indicative location proposed.

(3) If the spatial plan committee accepts the application, it must—

(a) advise the designating authority in writing; and

(b) map the indicative location of the future designation, and record details of it, in the draft spatial plan (*see* **section 67B(2)(c)(iii)**).

(4) If the spatial plan committee declines the application, it must advise the designating authority in writing with its reasons.

(5) The requirement in **subclause (2)(b)** to be satisfied of the strategic location proposed—

(a) requires consideration of—

(i) how necessary the project and designation are to meet the designating authority's objectives for seeking the designation; and

(ii) whether the general location that is proposed for the designation is appropriate in light of those objectives; but

(b) does not require—

(i) an assessment or consideration of any alternative sites, routes, or methods of undertaking the project; or

(ii) consideration of whether the project could have been better provided in any alternative location; or

(iii) a granular or property-specific assessment of the indicative location proposed.

15 Options assessment report

(1) Before a draft regional spatial plan is notified for submissions, a spatial plan committee must—

(a) prepare an options assessment report in accordance with any applicable requirements in a national standard; and

(b) have particular regard to that report when deciding whether to recommend (under **clause 17(1)**) that the draft regional spatial plan be notified for submissions.

(2) An options assessment report must—

(a) describe the key drivers of growth and change within the region, both within and outside of public control; and

(b) describe (and, if practicable, quantify) the level of certainty associated with those drivers of growth and change; and

(c) identify and assess a range of options for delivering on the strategic priorities for growth and change within the region; and

(d) contain any other information prescribed by a national standard.

16 Audit by Minister

(1) Before notifying a draft regional spatial plan for submissions, a spatial plan committee must provide the following documents to the Minister:

(a) a full draft of the draft regional spatial plan:

(b) a draft of the options assessment report.

(2) The committee must provide the documents within the time frame, if any, prescribed by regulations.

(3) The Minister may decide to carry out an audit of the draft of the draft regional spatial plan and, if they do, may provide feedback to the spatial plan committee and local authorities of the region.

(4) The Minister—

(a) may decide to carry out an audit of the draft of the draft regional spatial plan at any time before the local authorities make a decision on panel recommendations under **clause 25**; and

(b) may provide feedback to the spatial plan committee as a result of any audit.

(5) Any audit must—

(a) be carried out in the manner prescribed by regulations; and

(b) be limited to assessing the extent to which the draft complies with this Act (including the extent to which the draft implements national instruments).

(6) The local authorities of the region must have regard to any feedback provided by the Minister—

(a) when deciding under **clause 17(2)** whether to approve the draft regional spatial plan for notification (but only if the Minister provides the feedback before they make that decision); and

(b) when making decisions on panel recommendations under **clause 25**.

17 Decision to notify draft regional spatial plan for submissions

(1) If a spatial plan committee considers it appropriate to proceed with a draft regional spatial plan, it must—

(a) provide the draft regional spatial plan that it has prepared to the local authorities of the region; and

(b) recommend that the local authorities notify the draft regional spatial plan for submissions.

(2) The local authorities of the region must decide whether to approve the draft regional spatial plan for notification.

18 Spatial plan committee must notify draft regional spatial plan for submissions

(1) If the local authorities of a region approve a draft regional spatial plan for notification, the spatial plan committee of the region must, in the manner prescribed by regulations,—

(a) notify the draft regional spatial plan for public submissions; and

(b) publish the draft regional spatial plan and the options assessment report.

(2) The closing date for submissions must be at least 20 working days after the date on which the draft is notified.

19 Submissions on draft regional spatial plan

(1) Any person may make a submission on a draft regional spatial plan that is notified for submissions.

(2) A submission must—

(a) be in the form prescribed by regulations; and

(b) contain the information prescribed by regulations.

(3) The spatial plan committee must publish, in the manner prescribed by regulations, the submissions received.

20 Independent hearings panel

(1) The local authorities of a region must appoint an independent hearings panel to a draft regional spatial plan in accordance with **clause 3 of Schedule 4**.

(2) The functions of the independent hearings panel are to—

(a) conduct the hearing on the draft regional spatial plan; and

(b) make recommendations on the draft regional spatial plan.

21 Spatial plan committee must provide certain information to independent hearings panel

A spatial plan committee must, within the time frame prescribed by regulations, provide the following information to the independent hearings panel:

(a) the draft regional spatial plan:

(b) the options assessment report:

(c) the submissions received by the closing date for submissions:

(d) any information prescribed by regulations.

22 Hearing

(1) The independent hearings panel must hold a hearing into submissions on a draft regional spatial plan.

(2) A representative of the spatial plan committee must attend any hearing in accordance with any prescribed requirements.

(3) A failure by the spatial plan committee to comply with **subclause (2)** does not invalidate a hearing or hearing sessions.

23 Recommendations by panel

(1) The independent hearings panel must make recommendations—

(a) to the local authorities of the region on the draft regional spatial plan (except in relation to any proposed designation notified with the draft regional spatial plan under **clause 34 of Schedule 5**); and

(b) to the relevant designating authority in relation to a proposed designation notified with the draft regional spatial plan under **clause 34 of Schedule 5**.

(2) The panel must make its recommendations in accordance with **sections 67B and 67C**.

(3) When making its recommendations, the panel—

(a) must have regard to—

(i) the documents and other matters specified in **clause 6(1)(a)**; and

(ii) the options assessment report; and

(iii) the submissions; and

(iv) any other report commissioned by the panel, or prepared for the panel by the spatial plan committee or a local authority of the region; and

(b) must comply with **clause 6(2)**; and

(c) must be satisfied that, if the local authorities were to accept the panel's recommendations, the local authorities would comply with the provisions of this Act, and any other legislation, that apply to the local authorities' preparation of the regional spatial plan; and

(d) in relation to a recommendation under **subclause (1)(b)**, must comply with **clause 24 of Schedule 5** as if it were the recommending authority for the purpose of that clause.

(4) The panel must provide its recommendations in 1 or more recommendation reports.

(5) A recommendation report must be in the form, and contain the information, prescribed by regulations.

(6) The panel must—

(a) provide all recommendation reports to the local authorities and relevant designating authorities (as applicable) within the time frame prescribed by regulations; and

(b) send the Minister an electronic copy of each recommendation report at the same time (other than any recommendation report that solely contains recommendations on a proposed designation notified with the draft regional spatial plan under **clause 34 of Schedule 5**).

(7) The recommendation reports must be published in the manner prescribed by regulations.

24 Local authorities or Minister may request advice on panel recommendations

(1) One or more of the local authorities in a region, or the Minister, may direct the spatial plan committee to provide advice on 1 or more of the independent hearings panel's recommendations on a draft regional spatial plan.

(2) A direction for advice must—

(a) be made in writing; and

(b) specify the date by which the committee must provide the advice.

(3) The spatial plan committee must—

(a) comply with any direction to provide advice; and

(b) send a copy of any advice to all local authorities in the region and the Minister.

(4) This clause does not apply in relation to a recommendation under **clause 23(1)(b)** (recommendations to designating authority on proposed designation notified with draft regional spatial plan under **clause 34 of Schedule 5**).

25 Decision on panel recommendations by local authorities

(1) The local authorities must—

(a) decide whether to accept or reject each recommendation the panel makes to them under **clause 23(1)(a)**; and

(b) for each recommendation that they reject, decide an alternative solution.

(2) However,—

(a) the local authorities are not required to make a decision on a recommendation on which the Minister has made a decision under **clause 27**; and

(b) if the local authorities (under this clause) and the Minister (under **clause 27**) make decisions on the same recommendation, the Minister's decision prevails.

(3) The local authorities must make their decisions in accordance with—

(a) **sections 67B and 67C**; and

(b) any division of responsibilities between them as set out in the process agreement.

(4) When making their decisions, the local authorities—

(a) must have regard to—

(i) the documents and other matters specified in **clause 6(1)(a)**; and

(ii) the options assessment report; and

(iii) any other report commissioned by the panel, or prepared for the panel by the spatial plan committee or a local authority of the region; and

(b) must comply with **clause 6(2)**; and

(c) are not required to consult any other person or consider submissions or evidence from any person; and

(d) must not consider any submission or any other evidence unless—

(i) it was made available to the panel before the panel made the relevant recommendation; or

(ii) it is advice provided by the spatial plan committee under **clause 24**; and

(e) may seek clarification from the panel or spatial plan committee on a recommendation to assist the local authorities in making a decision on that recommendation.

(5) An alternative solution on a recommendation may include any of the following:

(a) elements of the draft spatial plan as notified for submissions:

(b) elements of the panel's recommendations:

(c) any alternative approach.

(6) The local authorities must, no later than 12 months after the date on which the draft regional spatial plan was notified for submissions,—

(a) publish their decisions in the manner prescribed by regulations; and

(b) advise, in the manner prescribed by regulations, the following persons where an electronic copy of the decisions can be found:

(i) the Minister:

(ii) the spatial plan committee:

(iii) relevant designation authorities:

(iv) submitters.

(7) The local authorities' published decisions must set out the following information:

(a) any recommendation that is accepted:

(b) any recommendation that is rejected, with reasons:

(c) the alternative solution for any rejected recommendation:

(d) which local authority made each decision and alternative recommendation (if the process agreement provides for a division of responsibilities):

(e) any other information prescribed by regulations.

(8) This clause does not apply in relation to a recommendation under **clause 23(1)(b)** (recommendations to designating authority on proposed designation notified with draft regional spatial plan under **clause 34 of Schedule 5**).

26 Application to Minister for extension of time for publishing decisions

(1) This clause applies if the local authorities of a region consider that 1 or more of them are unable, or likely to be unable, to meet the deadline for publishing their decisions under **clause 25(6)**.

(2) The local authorities must, before the deadline, apply to the Minister for an extension of time in the manner prescribed by regulations.

(3) The Minister must decide the application for an extension, and advise the local authorities of the outcome, in the manner prescribed by regulations.

(4) This clause applies instead of **section 284** in relation to the deadline under **clause 25(6)**.

27 Minister may make decisions on recommendations relating to certain matters

(1) The Minister may make a decision on a recommendation that an independent hearings panel makes to the local authorities of a region under **clause 23(1)(a)**, if the Minister is satisfied that the recommendation relates to—

(a) the delivery, operation, or upgrading of infrastructure or another asset that—

(i) is of national significance; and

(ii) is or will be owned, or funded in whole or part, by the Crown; or

(b) a matter relating to the coastal marine area that is identified as nationally significant in a national instrument.

(2) If the Minister intends to make a decision on a recommendation, the Minister must—

(a) notify the local authorities and the spatial plan committee of that intention in writing; and

(b) specify in the notice the date by which the Minister will make the decision (which must be no later than 12 months after the date on which the draft regional spatial plan was notified).

(3) The Minister must—

(a) make any decision on a recommendation in accordance with **sections 67B and 67C**; and

(b) for any recommendation that they reject, decide an alternative solution.

(4) When making any decision on a recommendation, the Minister—

(a) must have regard to—

(i) the documents and other matters specified in **clause 6(1)(a)**; and

(ii) the options assessment report; and

(iii) any other report commissioned by the panel, or prepared for the panel by the spatial plan committee or a local authority of the region; and

(b) must comply with **clause 6(2)**; but

(c) is not required to consult any other person or consider submissions or evidence from any person; and

(d) must not consider any submission or any other evidence unless—

(i) it was made available to the panel before the panel made the relevant recommendation; or

(ii) it is advice provided by the spatial plan committee under **clause 24**; and

(e) may seek clarification from the panel or spatial plan committee on a recommendation to assist the local authorities in making a decision on that recommendation.

(5) An alternative solution on a recommendation may include any of the following:

(a) elements of the draft spatial plan as notified for submissions:

(b) elements of the panel's recommendations:

(c) any alternative approach.

(6) The Minister must, no later than the date specified under **subclause (2)(b)**,—

(a) publish any decision on a recommendation in the manner prescribed by regulations; and

(b) advise the spatial plan committee and the local authorities of the region.

(7) The Minister's published decisions must set out the following information:

(a) any recommendation that the Minister accepts:

(b) any recommendation that the Minister rejects, with reasons:

(c) the alternative solution for any rejected panel recommendation.

(8) The local authorities of the region must, in the manner prescribed by regulations, advise all submitters where an electronic copy of the Minister's decision can be found.

28 Decisions on designations by designating authorities

(1) This clause applies in relation to a recommendation that an independent hearings panel makes to a designating authority under **clause 23(1)(b)** (recommendations on a proposed designation notified with a draft regional spatial plan under **clause 34 of Schedule 5**).

(2) The designating authority responsible for the proposed designation must—

(a) decide whether to accept or reject the panel's recommendation; and

(b) for any recommendation or part of a recommendation that it rejects, decide an alternative solution.

(3) The designating authority's decision (including any alternative solution) may modify the proposed designation only if the modification—

(a) was recommended by the panel; or

(b) is not inconsistent with the existing or proposed designation as it was included in the draft regional spatial plan.

(4) A designating authority must give reasons if it—

(a) rejects the panel's recommendation in whole or in part; or

(b) modifies the existing or proposed designation.

(5) A designating authority must notify the territorial authority of the district that the designation is in of its decision (including any reasons) no later than 30 working days after receiving the relevant recommendation report under **clause 23**.

(6) The territorial authority must—

(a) publish a notice of the designating authority's decisions (including any reasons) in the manner prescribed by regulations; and

(b) advise, in the manner prescribed by regulations, the following persons of where an electronic copy of the notice can be found:

(i) each submitter who made a submission on the relevant proposed or existing designation:

(ii) each land owner and occupier directly affected by the decision:

(iii) the Minister, the spatial plan committee, and the other local authorities in the region.

29 Appeal on question of law

(1) A submitter may appeal to the Environment Court against a decision to accept or reject a panel recommendation made by—

(a) a local authority or local authorities under **clause 25**; or

(b) the Minister under **clause 27**.

(2) However, a submitter may appeal under this clause only if they referred to the subject matter of the decision in their submission.

(3) The right of appeal under this clause is limited to a question of law.

30 Appeal if recommendation relating to infrastructure is rejected

(1) A submitter may appeal to the Environment Court against a decision to reject a panel recommendation that relates to infrastructure made by—

(a) a local authority or local authorities under **clause 25**; or

(b) the Minister under **clause 27**.

(2) However, a submitter may appeal under this clause only if they referred to the subject matter of the decision in their submission.

31 Appeal on decision of designating authority

The following persons may appeal to the Environment Court against a decision of a designating authority to accept or reject a panel recommendation on a proposed designation under **clause 28**:

(a) a submitter, but only if their submission addressed—

(i) the proposed designation to which the decision relates; and

(ii) the matter to which the appeal relates:

(b) the territorial authority of the district that the proposed designation is in.

32 Requirements for lodging appeals

An appeal under **clause 29, 30, or 31** must—

(a) be lodged in the form, and within the time frame, prescribed by regulations; and

(b) contain the information prescribed by regulations; and

(c) be served in the manner prescribed by regulations.

33 Hearing by Environment Court on appeal

The Environment Court must hold a public hearing into an appeal under **clause 29, 30, or 31**.

Compare: 1991 No 69 Schedule 1 cl 15

34 Local authorities to adopt regional spatial plan

(1) When all decisions under **clauses 25, 27, and 28** have been made, and any appeals have been determined or withdrawn (or the time for making appeals has expired without any appeals being made), the local authorities of the region must publish a notice that the draft regional spatial plan is adopted.

(2) The notice must—

(a) be published in the manner prescribed by regulations; and

(b) specify the date on which it is published (which is the date on which the draft regional spatial plan is adopted).

(3) When a draft regional spatial plan is adopted,—

(a) it becomes the regional spatial plan of the region; and

(b) it replaces any previous regional spatial plan (or part of a regional spatial plan, if the draft regional spatial plan is an amendment to a regional spatial plan).

35 Minor amendments and amendments to reflect changes to aquaculture settlement area

(1) A spatial plan committee may, without using the process in this schedule or conducting a review, amend a regional spatial plan—

(a) if the amendment will have no more than a minor effect; or

(b) to correct a minor error.

(2) A spatial plan committee must, without using the process in this schedule or conducting a review, amend a regional spatial plan to—

(a) record any new aquaculture settlement area that is notified under section 12 of the Maori Commercial Aquaculture Claims Settlement Act 2004; or

(b) reflect any space that is added to or removed from an aquaculture settlement area by notice under that section.

(3) The spatial plan committee must publish (in the manner prescribed by regulations) a notice of any amendments made under this clause no later than 5 working days after making them.

Compare: 1991 No 69 Schedule 1 cl 20A

~~**Part 1**~~

~~**Contents of regional spatial plan**~~

~~**1 Form of regional spatial plan**~~

~~A regional spatial plan must be in the form, if any, prescribed by national standards and regulations.~~

~~Compare: 2023 No 47 s 16(3)~~

~~**2 Contents of regional spatial plans**~~

~~(1) A regional spatial plan —~~

~~(a) must identify and provide for the mandatory matters listed in **clause 3**; and~~

~~(b) may identify and provide for any other matters in accordance with **subclause (3)**.~~

~~(2) A regional spatial plan must be consistent with —~~

~~(a) environmental limits; and~~

~~(b) national instruments; and~~

~~(c) any water conservation order that applies in the region.~~

~~(3) A regional spatial plan must provide for the matters referred to in **subclause (1)** —~~

(a) only to the extent that the spatial plan committee considers that they are of strategic importance to the district, region, or country; and

(b) consistent with national instruments.

(4) A regional spatial plan must set out the actions that are critical for the implementation of the plan.

Compare: 2023 No 47 ss 15(1)(e)–(f), 16(1), (2)

3 Contents of regional spatial plans: mandatory matters

(1) The mandatory matters referred to in **clause 2(1)(a)** are as follows:

(a) constraints on the use and development of land and the coastal marine area, including natural hazards, highly productive land, significant natural areas, and outstanding natural features and landscapes:

(b) the spatial implications of environmental limits:

(c) sequenced future urban development areas and existing urban areas where significant change is planned, including priority areas for public investment in the short, medium, and long term:

(d) existing and future key infrastructure, including corridors and strategic sites and opportunities to make better use of existing infrastructure:

(e) other infrastructure services that may be needed to serve future urban areas:

(f) priority locations for adaptation plans prepared under the Climate Change Response Act 2002:

(g) infrastructure supporting activities:

(h) where necessary, existing and planned uses that require separation from incompatible activities:

(i) the gross pattern of urban, rural, industrial, and other development types to the extent required to —

(i) inform consideration of scenarios and options for future urban development and infrastructure; or

(ii) identify where separation of incompatible activities may be required:

(j) any statutory acknowledgements from Treaty settlement legislation that apply in the region, including relevant statements of association, and the areas to which they apply:

(k) sites of significance to Māori:

(l) any customary marine title area or protected customary rights area in the region.

(2) A statutory acknowledgement described in **subclause (1)(j)** must be attached to the plan.

(3) The provisions of the legislation that provide for the statutory acknowledgement apply.

(4) The attachment of a statutory acknowledgement to a regional spatial plan is for public information only and, unless adopted by the local authorities as part of the plan, is not part of the plan.

Compare: 2023 No 47 s 17

4 General requirements: use and presentation of information

Quality and completeness of information

(1) A spatial plan committee must ensure that its draft regional spatial plan is,—

(a) as far as practicable, based on robust and reliable evidence and other information that is proportionate to the level of detail required in the particular context; and

(b) prepared in accordance with any requirements in national instruments or regulations about the methodology and data or other information that must be used.

(2) The spatial plan committee must not use an uncertainty or inadequacy in the available information as a reason to omit content from its regional spatial plan if the committee considers that including the content is necessary to meet the requirements of **clause 2 or 3**.

(3) If the spatial plan committee is using information that is uncertain or inadequate, the committee must have regard to—

(a) the extent of the uncertainty or inadequacy; and

(b) how content in its regional spatial plan that is based on the information may become more detailed or otherwise be improved over time, including through—

(i) actions that support the development of more certain or complete information; and

(ii) provision for the plan to be reviewed under **clause 31** in circumstances where the committee expects more certain or complete information may be available.

Scale and level of detail

(4) The spatial plan committee must be satisfied that each matter covered in its regional spatial plan is provided for at a spatial scale that is appropriate to the matter.

(5) The spatial plan committee must also be satisfied that its regional spatial plan provides for each matter at a level of detail that—

(a) reflects—

(i) the evidence and other information available about the matter; and

(ii) the extent of work or planning already undertaken on any relevant activity or proposal; and

(b) gives sufficient flexibility to enable the persons who have a role in implementing or progressing the plan to do so in the most appropriate and efficient way; and

(c) subject to **paragraphs (a) and (b)**, is sufficient to give reasonable certainty to those persons about the matter.

How information is set out

(6) The spatial plan committee must consider how to set out its regional spatial plan in a way that is easy for interested parties and other members of the public to use and understand, including through the appropriate use of maps and other visual illustrations of spatial matters.

(7) **Subclauses (4) to (6)** are subject to **clause 1**.

Compare: 2023 No 47 s 22

Part 2
Preparation and review of regional spatial plan

Subpart 1—General

5 General considerations

(1) A spatial plan committee must comply with this clause in preparing a draft regional spatial plan.

(2) The spatial plan committee must, to the extent relevant to the draft regional spatial plan,—

(a) have regard to—

(i) the Government policy statements listed in regulations; and

(ii) any statutory acknowledgement; and

(iii) any plan prepared under section 14 of the Maori Commercial Aquaculture Claims Settlement Act 2004; and

(iv) any statement of the Government's response under section 18 of the New Zealand Infrastructure Commission/Te Waihanga Act 2019 to a strategy report provided under that Act; and

(v) any instrument notified in the *Gazette* by the Minister; and

(vi) any long-term plan, including the infrastructure and financial strategies, prepared under the Local Government Act 2002; and

(vii) any regional land transport plan prepared under the Land Transport Management Act 2003; and

(viii) any other statutory strategy, policy, or plan related to infrastructure or another mandatory matter under **clause 3**, including water

services strategies prepared under the Local Government (Water Services) Act 2025; and

(ix) the natural environment plan for the region prepared under the **Natural Environment Act 2025**; and

(x) any land use plan prepared under this Act; and

(xi) any adaptation plan prepared under the Climate Change Response Act 2002; and

(xii) any response from iwi authorities or customary marine title groups to consultation conducted under **section 70**; and

(xiii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability, of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing); and

(xiv) any planning document that is —

(A) recognised by an iwi authority; and

(B) provided or available to the committee before the plan is adopted.

(3) The spatial plan committee must also —

(a) take into account any planning document prepared under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 (a **customary marine title planning document**) that relates to an area in the region in which a customary marine title group exercises kaitiakitanga; and

(b) recognise and provide for a customary marine title planning document if the draft regional spatial plan relates to the coastal marine title area of a customary marine title group; and

(c) have regard to any recognised wāhi tapu conditions set out under section 79 of the Marine and Coastal Area (Takutai Moana) Act 2011.

(4) For the purposes of **subclause (2)(b)(ii)**, a planning document or statement is **available** to the spatial plan committee if the document or statement is published on an internet site that can be accessed by the public free of charge.

(5) A notice under **subclause (2)(a)(iii)** may —

(a) identify any published instrument that the Minister considers is relevant to a regional spatial plan, a class of regional spatial plans, or all regional spatial plans; and

(b) apply in relation to that plan or those plans.

(6) The Minister must make the notice publicly available.

(7) In this clause, **instrument** includes secondary legislation, a strategy, a plan, and any other type of document.

Compare: 2023 No 47 s 23

6 Incorporation of information from land use and natural environment plans

(1) A regional spatial plan may incorporate the following from the region's operative land use plan or natural environment plan:

(a) information about the state and characteristics of the environment, including information about infrastructure and other aspects of the built environment:

(b) information that reflects decisions about —

(i) whether areas or features of the environment have particular characteristics, should be classified in a particular way, or meet related criteria that are set out in legislation:

(ii) designations:

(c) environmental limits that are set in the plan.

(2) Before incorporating the information, a spatial plan committee or local authority must consider whether, in the period since the land use plan or natural environment plan became operative, —

(a) there has been a significant change in the relevant environment:

(b) any significant new information about the relevant environment has become available.

(3) The information from the region's operative land use plan or natural environment plan may be incorporated by the local authorities when making decisions on the independent hearings panel's recommendations on the draft regional spatial plan.

(4) If information is incorporated under **subclause (3)**, —

(a) the spatial plan committee and the local authorities need not comply with **clause 4** in relation to the information; and

(b) the independent hearings panel need not consider or respond to any submission or other comment received on the information when carrying out its functions under **clauses 16 and 17**, except to the extent the submission or other comment relates to the matters described in **subclause (2)**.

Compare: 2023 No 47 s 27

7 Spatial plan committee to invite applications from designating authorities

(1) When preparing a draft regional spatial plan, a spatial planning committee must invite relevant designating authorities to apply —

(a) to have indicative locations for any future designations identified in the draft regional spatial plan; or

(b) under **clause 32 of Schedule 5** to notify a proposed designation through the spatial planning process.

(2) A designating authority must submit any application in response to an invitation under **subclause (1)** within 20 working days of the date on which the invitation is sent.

(3) An application in response to an invitation under **subclause (1)(a)** must include an assessment of the strategic need for the future designation in that indicative location.

Subpart 2—Issues affecting adjacent regions

8 Issues affecting adjacent regions

(1) This clause applies if an agreement under **section 69** includes inter-regional matters that a regional spatial plan will focus on that have been agreed to by the local authorities in the relevant adjacent regions.

(2) The local authorities of each relevant adjacent region must include the inter-regional content in the draft regional spatial plan for their region.

(3) The local authorities of each relevant adjacent region must approve the inter-regional content of the draft regional spatial plan before the plan is approved for public notification under **clause 12**.

(4) The local authorities of each relevant adjacent region may combine their independent hearings panel administrative and secretarial support processes to consider and hear submissions and make recommendations on inter-regional content.

(5) The independent hearings panels of 2 or more regions may hold joint hearings on the inter-regional content of the draft regional spatial plan and make joint recommendations on that content in accordance with **clauses 16 and 17**.

(6) **Clauses 18 to 21** apply to any independent hearings panel recommendations related to inter-regional content, with **clause 21** modified to require the local authorities of each relevant region to make decisions.

(7) If the local authorities of each region cannot agree on a decision required under **clause 21**, **clauses 22 and 23** apply.

Subpart 3—Process for preparing regional spatial plans

9 Preparation of draft regional spatial plan

(1) A spatial plan committee must prepare a draft regional spatial plan in accordance with—

(a) the joint process agreement under **section 69**; and

(b) the consultation requirements in this Act; and

(c) the consultation requirements applicable to joint committees under the Local Government Act 2002.

~~(2) While preparing the draft plan, the spatial plan committee must also prepare, in accordance with any requirements prescribed by national instruments or regulations,—~~

~~(a) scenarios for the purpose of testing options; and~~

~~(b) an options assessment report.~~

~~(3) Despite **subclause (2)(a)**, the spatial plan committee does not need to prepare scenarios if—~~

~~(a) the spatial plan committee is carrying out the process required by this clause for the purposes of amending its regional spatial plan; and~~

~~(b) the scenarios would not be relevant to the amendment.~~

~~(4) The spatial plan committee must make the options assessment report publicly available when the draft regional spatial plan is publicly notified.~~

~~Compare: 2023 No 47 Schedule 4 cl 2~~

~~10 Identified Māori land~~

~~(1) This clause applies if a spatial plan committee is preparing a draft regional spatial plan that identifies—~~

~~(a) the need for potential infrastructure or infrastructure corridors or sites that may require a designation; and~~

~~(b) the potential location of the infrastructure or infrastructure corridors or sites (whether that is done by identifying a specific location or a wider area in which the infrastructure or infrastructure corridors or sites may be located).~~

~~(2) In identifying the potential location, the spatial plan committee must—~~

~~(a) act in a manner that recognises that identified Māori land is a taonga tuku iho for the owners of the land and the hapū associated with the land; and.~~

~~(b) consider the rights and interests of owners of identified Māori land to retain, control, utilise, and occupy the land for the benefit of present and future generations of owners, their whānau, and their hapū.~~

~~Compare: 2023 No 47 s 26~~

~~11 Draft regional spatial plan to be recommended for public notification~~

~~(1) A spatial plan committee must decide whether to recommend the draft regional spatial plan to local authorities for approval for public notification.~~

~~(2) When the spatial plan committee recommends the draft regional spatial plan to local authorities for approval for public notification, they must provide the recommended plan to all local authorities in the region.~~

12 Approving draft regional spatial plan for public notification

(1) When the local authorities in a region receive a recommendation under **clause 11**, they must decide whether to approve the public notification of the draft regional spatial plan in accordance with regulations.

(2) If the local authorities cannot agree on whether to approve the public notification of the draft regional spatial plan, **clauses 22 and 23** apply.

13 Audit of draft regional spatial plan

The Minister may, in accordance with regulations, audit a draft regional spatial plan for compliance with the requirements of this Act and national instruments—

(a) before the draft plan is publicly notified under **clause 14**; or

(b) before the draft plan is adopted under **clause 36**.

14 Public notification of draft regional spatial plan

When local authorities approve the draft regional spatial plan for public notification, the secretariat appointed under **section 71** must—

(a) make the draft regional spatial plan and the options assessment report publicly available; and

(b) give public notice of where the draft regional spatial plan and the options assessment report are available; and

(c) give interested parties and other members of the public 20 working days from the date the plan is made publicly available to provide written submissions on the draft regional spatial plan.

Compare: 2023 No 47 Schedule 4 cl 4

Subpart 4—Independent hearings panel process

15 Independent hearing panel

(1) A spatial plan committee must assign an independent hearings panel to a draft regional spatial plan in accordance with **clause 3 of Schedule 4**.

(2) An independent hearings panel—

(a) has the powers and duties prescribed in regulations; and

(b) must exercise its prescribed powers and duties in the prescribed manner.

(3) **Schedule 4** sets out further provisions relating to the appointment and funding of independent hearings panels.

16 Hearing on draft regional spatial plan

The independent hearings panel must hold a hearing into submissions on the draft regional spatial plan.

Compare: 2023 No 47 Schedule 4 cl 5

17 Independent hearings panel must make recommendations on draft regional spatial plan

(1) The independent hearings panel must make recommendations on the draft regional spatial plan in a report, which must include any recommended changes to the draft regional spatial plan.

(2) When making recommendations on the draft regional spatial plan, the independent hearings panel must only consider the following matters:

(a) the matters specified in **clause 5**:

(b) the draft options assessment report prepared under **clause 9**:

(c) any other report commissioned by the panel or prepared for the panel by the spatial plan committee or a local authority:

(d) any submissions received on the draft regional spatial plan, including supporting evidence and information provided by submitters.

(3) If the independent hearings panel makes recommendations on a proposed designation, it must consider the matters set out in **section 24(1) to (3)**.

(4) The independent hearings panel must be satisfied that its recommendations, if accepted, would comply with the requirements of this Act and any other legislation that applies to the preparation of a regional spatial plan.

(5) The independent hearings panel's report must set out its consideration of the matters listed in **subclause (2)** and its reasons for accepting or rejecting submissions (grouped into themes).

(6) The independent hearings panel must provide the report to the following within 40 working days after the close of the hearings:

(a) the local authorities in the region:

(b) the spatial plan committee:

(c) any designating authorities who have notified a proposed designation in the draft regional spatial plan:

(d) the Minister.

Subpart 5—Independent hearings panel recommendations

18 Spatial plan committee to provide advice to relevant local authorities on independent hearings panel recommendations

A spatial plan committee must provide advice to the relevant local authorities on independent hearings panel recommendations on the draft regional spatial plan.

19 Minister may make decisions on recommendations relating to certain matters

(1) The Minister may make a decision on a recommendation made under **clause 17** if the recommendation relates to—

(a) a matter that will have a significant positive or negative impact on the delivery, use, performance, or cost or cost-effectiveness of existing or planned infrastructure or other assets that are owned or funded (in whole or part) by central government; or

(b) infrastructure or a matter that will support or impact a matter of national interest included in national instruments, a government policy statement, or other national plan or strategy.

(2) **Subclause (1)** does not apply to a recommendation made under **clause 17** on a proposed designation that has been notified in the draft regional spatial plan.

(3) If the Minister intends to make a decision under **subclause (1)**, the Minister must notify the local authorities and the spatial plan committee of that intention and provide them a time frame within which the Minister will make the decision on the recommendation.

(4) The Minister must—

(a) decide whether to accept or reject the recommendation within the time frame provided under **subclause (3)**; and

(b) for a rejected recommendation, decide an alternative solution, which—

(i) may or may not include elements of both the draft regional spatial plan as notified and the independent hearings panel's recommendation in respect of that part of the draft plan; but

(ii) must be within the scope of the submissions.

(5) When deciding whether to accept or reject a recommendation, the Minister must consider whether their decision is consistent with the requirements of this Act that are—

(a) related to the contents of spatial plans; and

(b) relevant to that decision.

(6) The Minister must make a decision on a recommendation made under **clause 17** within 12 months of the date on which the draft regional spatial plan was notified.

(7) If the Minister and local authorities make a decision on a recommendation made under **clause 17** and the decisions conflict, the Minister's decision prevails.

(8) The Minister must—

(a) publicly notify their decision under **subclause (1)** on an internet site in a way that sets out the following information:

~~(i) whether they accept the recommendation of the independent hearings panel; or~~

~~(ii) whether they reject the recommendation of the independent hearings panel and the reasons for doing so; and~~

~~(iii) the alternative solution for any rejected recommendation; and~~

~~(b) notify each local authority in the region, the spatial planning committee, and each designating authority affected by the decisions of the Minister under **subclause (1)** of the information referred to in **paragraph (a)**.~~

~~20~~ ~~Designating authority to make decisions on recommendations relating to proposed designation~~

~~(1) This clause applies to a recommendation made by the independent hearings panel that relates to a proposed designation that a designating authority has notified in a draft regional spatial plan.~~

~~(2) The designating authority must—~~

~~(a) decide whether to accept or reject the recommendation within 30 working days from the date the designating authority receives the independent hearings panel's recommendations; and~~

~~(b) for each rejected recommendation, decide an alternative solution, which—~~

~~(i) may or may not include elements of both the draft regional spatial plan as notified and the independent hearings panel's recommendation in respect of that part of the draft plan; but~~

~~(ii) must be within the scope of the submissions.~~

~~(3) When deciding whether to accept or reject a recommendation, the designating authority must consider whether their decision is consistent with the requirements of this Act that are—~~

~~(a) related to the contents of spatial plans; and~~

~~(b) relevant to that decision.~~

~~(4) The designating authority must notify the relevant territorial authority of its decision under **subclause (2)**.~~

~~(5) The relevant territorial authority must—~~

~~(a) publicly notify the decision under **subclause (2)**; and~~

~~(b) notify the spatial plan committee, all other local authorities in the region, and the Minister of the decision; and~~

~~(c) notify every person who made a submission on the requirement, and the land owners and occupiers who are directly affected by the decision, of the decision within 15 working days of the territorial authority receiving the decision.~~

21 Local authorities to consider recommendations

(1) Local authorities that have received advice provided under **clause 18** must—

(a) decide whether to accept or reject each recommendation of the independent hearings panel; and

(b) for each rejected recommendation, decide an alternative solution, which—

(i) may or may not include elements of both the draft regional spatial plan as notified and the independent hearings panel's recommendation in respect of that part of the draft plan; but

(ii) must be within the scope of the submissions.

(2) When deciding whether to accept or reject a recommendation of the independent hearings panel, the local authorities must—

(a) adhere to any agreement entered into by the local authorities in relation to their respective decision-making responsibilities; and

(b) consider whether their decision is consistent with the requirements of this Act that are—

(i) related to the contents of spatial plans; and

(ii) relevant to that decision.

(3) Local authorities must make decisions under **subclause (1)** within 12 months of the date on which the draft regional spatial plan was notified.

(4) Local authorities must, no later than 40 working days after they are provided with a report (or, if there is more than 1 report, the last of the reports) under **clause 17**,—

(a) publicly notify their decisions under **subclause (1)** on an internet site maintained by the relevant local authorities in a way that sets out the following information:

(i) each recommendation of the independent hearings panel that it accepts; and

(ii) each recommendation of the independent hearings panel that it rejects and the reasons for doing so; and

(iii) the alternative solution for each rejected recommendation; and

(b) publish on an internet site a copy of the plan that incorporates changes required to reflect the local authorities' decisions; and

(c) notify—

(i) the Minister and the spatial plan committee of the decisions under **subclause (1)**; and

(ii) each designating authority affected by the decisions of the local authorities under **subclause (1)** of the information referred to in **paragraph (a)** that specifically relates to the decision recom-

mending that the designating authority confirm, modify, impose conditions on, or withdraw the designation.

Compare: 2023 No 46 Schedule 6 cl 128

Subpart 6—Dispute resolution

22 Consensus decision-making

(1) Spatial plan committees and local authorities must do all things reasonably practicable to achieve consensus in their decision-making under this Act on the regional spatial plan.

(2) If the chairperson of the spatial plan committee determines that the committee is unable to achieve a consensus, they must follow the prescribed dispute resolution process.

(3) If 2 or more local authorities are unable to achieve a consensus following decisions made using their respective procedures, they must follow the prescribed dispute resolution process.

(4) In this clause and in **clause 23**, **consensus** means—

(a) unanimity; or

(b) general agreement characterised by the absence of sustained opposition on any substantial issue.

Compare: 2023 No 46 Schedule 7 cl 21

23 Parties to refer matter to Minister if no decision achievable

(1) This clause applies if—

(a) a consensus is not reached on a matter; and

(b) the prescribed dispute resolution process fails to resolve the dispute.

(2) The parties must advise the Minister that a decision is required on the matter.

(3) The Minister may—

(a) review and determine the matter; or

(b) appoint an independent person to review and determine the matter.

(4) The parties must comply with information requests from the Minister or person making the determination that are relevant to the matter requiring decision.

(5) The Minister or person making the determination must consider any relevant information provided to them by the parties and provide a determination within a reasonable time frame.

(6) The Minister, as the case may be, must advise the parties of the determination and the parties must make the determination publicly available.

(7) The determination is binding on the parties.

Compare: 2023 No 46 Schedule 7 cl 27

Subpart 7—Appeals

24 Appeal to Environment Court on point of law

(1) A person who submitted on a draft regional spatial plan may appeal to the Environment Court against a decision on an independent hearings panel recommendation on a question of law.

(2) Notice of the appeal must be given in accordance with **clause 37 of Schedule 3**.

25 Appeal to Environment Court on merits

(1) A person who submitted on a draft regional spatial plan may appeal to the Environment Court in respect of a decision to reject the independent hearings panel's recommendation relating to infrastructure.

(2) However, a person may appeal under **subclause (1)** only if the person referred to the matter in the person's submission on the draft regional spatial plan.

(3) Notice of the appeal must be given in accordance with **clause 37 of Schedule 3**.

Compare: 1991 No 69, Schedule 1 cl 14

26 Appeal to Environment Court on decision of designating authority

(1) A person who submitted on a draft regional spatial plan or a local authority may appeal to the Environment Court in respect of a decision of a designating authority under **clause 20**.

(2) However, a person may appeal under **subclause (1)** only if the person referred to the decision in the person's submission on the draft regional spatial plan.

(3) Notice of the appeal must be given in accordance with **clause 37 of Schedule 3**.

Compare: 1991 No 69 Schedule 1 cl 14

27 Hearing by Environment Court on appeal

The Environment Court must hold a public hearing into any provision or matter that is appealed under **clause 24, 25, or 26**.

Compare: 1991 No 69 Schedule 1 cl 15

28 Decision of Environment Court may be appealed

(1) A party to an appeal before the Environment Court under **clause 24, 25, or 26** may appeal on a question of law to the Court of Appeal against the decision of the Environment Court.

(2) The appeal must be made in accordance with subpart 8 of Part 6 of the Criminal Procedure Act 2011, and that subpart applies—

(a) as if the Environment Court were the first appeal court (as in section 300 of that Act); and

(b) with any other necessary modifications.

(3) An appeal against the decision of the Court of Appeal may be made to the Supreme Court with the leave of the Supreme Court.

(4) **Clauses 77 to 86 of Schedule 9** do not apply to an appeal against a decision of the Environment Court under **clause 24, 25, or 26**.

Subpart 8—Adoption of regional spatial plan

29 Local authorities to adopt regional spatial plan

When all decisions under **section 21(1)** have been notified and any appeals on those decisions have been finally determined, each local authority in a region must adopt the regional spatial plan.

30 Public notification of adopted regional spatial plan

(1) If all local authorities in a region adopt a regional spatial plan, the spatial plan committee must—

(a) make the following documents and other information publicly available:

(i) the plan; and

(ii) the associated final options assessment report; and

(iii) any other associated information prescribed by national instruments or regulations; and

(b) give public notice of—

(i) the date on which the plan was adopted; and

(ii) where the documents and other information are available.

(2) The final options assessment report must—

(a) include a summary of any material changes made to the regional spatial plan since the draft was notified under **clause 14**; and

(b) include a summary of the submissions received on the draft plan and the independent hearings panel's responses to them; and

(c) be prepared in accordance with any requirements prescribed by national instruments or regulations.

Compare: 2023 No 47 Schedule 4 cl 7

Subpart 9—Review of regional spatial plans

31 Review of regional spatial plans

(1) A spatial plan committee may review its regional spatial plan—

(a) at any time for the purpose of determining whether the plan may need to be amended or replaced; and

(b) when a new customary marine title area or protected customary rights area is recognised in the spatial plan area; and

(c) when new statutory acknowledgements from Treaty settlement legislation apply in the spatial plan area; and

(d) when a customary marine title planning document that relates to the spatial plan area is lodged with the committee.

(2) The review may relate to —

(a) the whole or a part of the regional spatial plan:

(b) the addition of new content to the plan.

Compare: 2023 No 47 s 43

32 Review required every 10 years and if national instruments require

(1) A spatial plan committee must review its regional spatial plan —

(a) within each 10-year period starting from the date on which it is adopted to assess whether the plan needs to be amended to maintain compliance with **section 67(c)**; and

(b) when required to do so by national instruments.

(2) If, following the review, the spatial plan committee decides that the regional spatial plan does need to be amended, the committee must amend the plan as soon as practicable within the time, if any, specified in national instruments.

(3) If an amendment to a national instrument is relevant only to a part of the regional spatial plan, the spatial plan committee —

(a) need review only that part of the plan; but

(b) must record its reasons for reviewing only that part of the plan and make them publicly available.

Compare: 2023 No 47 s 44

33 Public notice of reviews

A spatial plan committee must —

(a) give public notice of the start and completion of a review of its regional spatial plan; and

(b) make its review report publicly available.

Compare: 2023 No 47 s 50

34 Amendments following review

(1) This clause applies if a review under **clause 31 or 32** recommends amendments to a regional spatial plan.

(2) The local authorities in the region must initiate amendments to their regional spatial plan by agreeing the matters in **section 69**, to the extent that the matters are relevant to the proposed amendments.

(3) The spatial plan committee must prepare —

(a) a draft amendment to the regional spatial plan; or

(b) if a significant number of changes are required, a draft amended regional spatial plan.

(4) **Section 70 and clauses 1 to 4** apply in respect of amendments prepared under **subclause (3)**.

(5) **Clauses 5 to 30** apply in respect of amendments prepared under **subclause (3)**, to the extent that they are relevant to the proposed amendments.

35 Minor amendments

(1) A spatial plan committee may amend its regional spatial plan without undertaking a review or complying with **clause 34** if the amendment will have no more than a minor effect or corrects a minor error.

(2) The spatial plan committee must —

(a) make the amendment publicly available; and

(b) give public notice of the date on which the amendment was adopted and where it is available.

Compare: 2023 No 47 s 54

Part 3
Implementation of regional spatial plan

36 Co-ordination documents must be prepared and adopted

(1) A spatial plan committee must prepare and adopt a co-ordination document for its regional spatial plan in accordance with regulations.

(2) A spatial plan committee must adopt a co-ordination document within 6 months after local authorities adopt a regional spatial plan.

(3) A spatial plan committee must make its co-ordination document publicly available.

Compare: 2023 No 47 s 55

37 Review of co-ordination documents

A spatial plan committee must review its co-ordination document in accordance with regulations.

Compare: 2023 No 47 s 58

~~**38 Reporting on co-ordination documents**~~

~~A spatial plan committee must monitor and report annually on its co-ordination document in accordance with regulations.~~

~~Compare: 2023 No 47 s 59~~

Schedule 3
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ss 77, ~~and~~ 92

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Preliminary provisions

1 Application

(1) This schedule sets out further provisions that apply in relation to—

(a) land use plans under this Act (*see* **sections 77 and 92**); and

(b) natural environment plans under the **Natural Environment Act 2025** (*see* **sections 94 and 111 of that Act**).

(2) The provisions in this schedule apply to both types of plan, except where a provision indicates that it applies to a particular type of plan.

2 Interpretation

(1) When this schedule is applied for the purposes of this Act, unless the context otherwise requires, a term used in this schedule that is defined in **section 3** has the meaning given in **section 3**.

(2) When this schedule is applied for the purposes of the **Natural Environment Act 2025**, unless the context otherwise requires, a term used in this schedule

that is defined in **section 3 of the Natural Environment Act 2025** has the meaning given in **section 3 of that Act**.

Example

Clause 4 refers to a "proposed plan". That means a proposed plan as defined in **section 3** for the purposes of this Act (a proposed land use plan), and a proposed plan as defined in **section 3 of the Natural Environment Act 2025** (a proposed natural environment plan) for the purposes of that Act.

(3) In this schedule, unless the context otherwise requires,—

existing designation,—

(a) in relation to a proposed land use plan that is a new land use plan, means a designation in the operative land use plan; and

(b) in relation to a proposed land use plan that is a plan change in response to a review under **section 99(1)**, means a designation in any part of the operative plan that was reviewed under that section

further submitter, in relation to a proposed plan or private plan change, means a person who made a further submission on the proposed plan or private plan change

local authority,—

(a) in relation to a land use plan or proposed land use plan under this Act, means the ~~territorial~~ local authority (as that term is defined in **section 3** of this Act) responsible for the land use plan; and

(b) in relation to a natural environmental plan or proposed ~~land use~~ natural environment plan under the **Natural Environment Act 2025**, means the regional council (as that term is defined in **section 3** of that Act) responsible for the natural environment plan

nearby local authority,—

(a) in relation to a territorial authority preparing or changing a land use plan under this Act, means—

(i) any regional council whose region includes all or part of the district of the territorial authority; and

(ii) any territorial authority whose district adjoins the district of the territorial authority; and

(aa) in relation to a regional council preparing or changing a land use plan for the coastal marine area under this Act, means—

(i) any territorial authority whose district adjoins any part of the coastal marine area to which the land use plan applies; and

(ii) any regional council whose region adjoins any part of the coastal marine area to which the land use plan applies; and

(b) in relation to a regional council preparing or changing a natural environment plan under the **Natural Environment Act 2025**, means—

(i) any territorial authority whose district (or part of its district) is within the region of the regional council; and

(ii) any regional council whose region adjoins the region of the regional council

notify for submissions, in relation to a proposed plan or private plan change, means to notify the proposed plan or private plan change for—

(a) public submissions in accordance with **clause 15**; or

(b) targeted submissions in accordance with **clause 16**

proposed designation, in relation to a proposed land use plan, means a proposed designation (as that term is defined in **clause 1 of Schedule 5**) that is included in the proposed land use plan under **clause 8 or 9(1) ~~or 8~~**

requester, in relation to a change request, means the person who made the change request

submitter, in relation to a proposed plan or private plan change, means a person who made a submission on the proposed plan or private plan change.

Part 1
Preparing and changing plans

Preparing proposed plan

3 Iwi participation legislation and Mana Whakahono ā Rohe

A local authority must prepare and change its plan in accordance with—

(a) any applicable iwi participation legislation or agreement under that legislation; and

(b) any ~~existing or initiated~~ Mana Whakahono ā Rohe.

Compare: 1991 No 69 Schedule 1 cls 1A, 1B

4 Preparing proposed plan

A local authority begins the preparation or change of a plan by preparing a proposed plan.

Compare: 1991 No 69 Schedule 1 cl 2(1)

5 Pre-notification consultation on proposed plan

(1) Before notifying a proposed plan for submissions, a local authority must consult on the subject matter of the proposed plan with—

(a) the Minister; and

(b) any other Minister of the Crown whose portfolio may be affected by the proposed plan; and

(c) any nearby local authority; and

(ca) any water organisation (as defined in section 4 of the Local Government (Water Services) Act 2025) that may be affected; and

(d) tangata whenua of the district of the territorial authority or the region of the regional council ~~(as applicable)~~ who may be affected, through iwi authorities; and

(e) any customary marine title group that holds customary marine title over a customary marine title area,—

(i) in the case of a proposed land use plan prepared by a territorial authority, in the district of the territorial authority or any part of the common marine and coastal area adjacent to that district; or

(ii) in the case of a proposed ~~natural environment~~ plan prepared by a regional council, in the region of the regional council.

(2) However, a local authority is not required to consult ~~an entity~~ a person or group described in **subclause (1)** in relation to a matter in the proposed plan if the local authority—

(a) consulted the ~~entity~~ person or group, or their representative, on that matter under ~~another enactment~~ other legislation within the 36 months before public notification of the proposed plan; and

(b) advised the ~~entity~~ person or group, or their representative, that information obtained from that consultation would also be used for processes under this Act (in the case of a proposed land use plan) or the **Natural Environment Act 2025** (in the case of a proposed natural environment plan).

(3) A local authority may consult anyone else before notifying a proposed plan for submissions.

Compare: 1991 No 69 Schedule 1 cls 3, 3C

6 Pre-notification consultation with iwi authorities

For the purposes of **clause 5(1)(d)**, a local authority is to be treated as having consulted an iwi authority whose details are in the record kept under **section 188** of this Act or **section 228 of the Natural Environment Act 2025** ~~(as the case requires)~~, if the local authority—

(a) considers ways in which the local authority may foster the development of the iwi authority's capacity to respond to an invitation for consultation; and

(b) establishes and maintains processes to provide opportunities for the iwi authority to be consulted; and

(c) consults the iwi authority in accordance with those processes; and

(d) enables the iwi authority to identify relevant issues of concern to it; and

(e) indicates to the iwi authority how those issues have been or are to be addressed.

Compare: 1991 No 69 Schedule 1 cl 3B

7 Including existing designations of other designating authorities in proposed land use plan

(1) This clause applies if a territorial authority is preparing a proposed land use plan that is—

(a) a new land use plan; or

(b) a plan change in response to a review under **section 99(1)**.

(2) Before notifying the proposed land use plan for submissions, the territorial authority must send a written notice to every designating authority (other than itself) with an existing designation.

(3) The written notice must—

(a) invite the designating authority to state in writing whether it requires that the existing designation be included, with or without modifications, in the proposed land use plan; and

(b) state the deadline for responding (which must be ~~no later than~~ at least 30 working days after the date of the request).

(4) If a designating authority responds that it requires that an existing designation be included in the proposed land use plan with modifications, it must include in its response—

(a) the modifications and its reasons for them; and

~~(b) its reasons for them.~~

(b) the information required by **clause 13 of Schedule 5**, which applies as if a reference in that clause—

(i) to a proposed designation were a reference to the existing designation with the modifications proposed; and

(ii) to the project were a reference to any change to the project as a result of modifications proposed.

(5) If a designating authority responds by the deadline that it requires that an existing designation be included in the proposed land use plan, the territorial authority must ~~include that designation in the proposed land use plan with the modifications (if any) set out in the response.~~—

(a) include that designation in the proposed land use plan with the modifications (if any) set out in the response; and

(b) publish the information referred to in **subclause (4)(b)**, in the manner prescribed by regulations, at the same time as it notifies the proposed land use plan for submissions.

(6) If a designating authority responds by the deadline that it does not require that an existing designation be included in the proposed land use plan, or does not respond by the deadline, the territorial authority must not include that designation in the proposed land use plan.

Compare: 1991 No 69 Schedule 1 cl 4(1)–(5)

8 Including proposed designations of other designating authorities in proposed land use plan

A territorial authority must include in its proposed land use plan any proposed designation to which **clause 15(2) of Schedule 5** applies.

9 Including proposed or existing designation of territorial authority in proposed land use plan

(1) A territorial authority may include any of the following in a proposed land use plan:

(a) a proposed designation for which it is the designating authority:

(b) an existing designation (with or without modifications) for which it is the designating authority.

(2) If a territorial authority includes a proposed designation in a proposed land use plan under **subclause (1)(a)**, it must publish the information required by **clause 13 of Schedule 5** for that proposed designation.

(3) If a territorial authority includes an existing designation with modifications in a proposed land use plan under **subclause (1)(b)**, it must publish the information required by **clause 13 of Schedule 5**, which applies with the modifications described in **clause 7(4)(b)** of this schedule. ~~as if a reference in **clause 13 of Schedule 5**—~~

~~(a) to a proposed designation were a reference to the existing designation with the modifications proposed; and~~

~~(b) to the project were a reference to any change to the project as a result of modifications proposed.~~

(4) The territorial authority must publish any information required by **subclause (2) or (3)** in the ~~prescribed~~ manner prescribed by regulations at the same time as it notifies the proposed land use plan for submissions.

Compare: 1991 No 69 Schedule 1 cl 4(6)(a)

9A Proposed natural environment plan must include content recommended by action plan

A regional council must include in a proposed natural environment plan any content that an action plan recommends be included in a proposed natural environment plan.

10 Evaluation report

(1) Before notifying a proposed plan for submissions, a local authority must—

(a) prepare an evaluation report of a draft of the proposed plan ~~in accordance with **section 87** of this Act (for a proposed land use plan) or **section 106 of the Natural Environment Act 2025** (for a proposed natural environment plan)~~; and

(b) have particular regard to ~~that~~ the evaluation report when deciding whether to proceed to notify the proposed plan for submissions.

(2) An evaluation report must—

(a) explain how the draft proposed plan implements—

(i) the regional spatial plan; and

(ii) the national policy direction and any applicable goal (to the extent authorised by **section 12** of this Act or **section 12 of the Natural Environment Act 2025**); and

(b) summarise the local authority's reasons for selecting a standardised plan provision from a national standard, if a national standard authorises or requires the local authority to choose between 2 or more alternative standardised plan provisions; and

(c) summarise the evidence for its view that **section 80(3)** of this Act or **section 97(3) of the Natural Environment Act 2025** applies, if the local authority is proposing that the draft will not implement a provision in the regional spatial plan as referred to in those sections; and

(d) state how, if at all, the draft has been influenced by—

(i) pre-notification consultation (*see* **clause 5**); and

(ii) any other engagement with local communities.

(3) If a proposed plan includes a rule that controls fishing in the coastal marine area, the evaluation report must include an assessment of the impact of that rule prepared in accordance with **clause 10A**.

(4) If a proposed natural environment plan includes a land use control or input control for the purpose of ensuring compliance with an environmental limit, the evaluation report must include an assessment of why the following measures are not sufficient to ensure compliance with the limit:

(a) national standards:

(b) non-regulatory methods specified in an action plan:

(c) freshwater farm plans:

(d) any rules in an operative natural environment plan.

(5) An evaluation report must contain sufficient detail to identify the key content of a draft proposed plan but is not required to individually address every objective, policy, rule, or method in the draft.

Compare: 1991 No 69 s 32, Schedule 1 cl 5(1)(a)

10A Requirements for evaluation report in respect of rules that control fishing

(1) In relation to a rule that controls fishing in the coastal marine area, an evaluation report must also include an assessment of the impact of the rule on fishing. The assessment—

(a) must examine whether, and the extent to which, the rule would—

(i) affect the ability of local communities to take fish, aquatic life, or seaweed for non-commercial purposes; and

(ii) affect the ability of persons with a commercial interest in a species or stock to take their annual catch entitlement within the quota management area for that species or stock and have an impact on quota owners for that species or stock within the quota management area; and

(iii) affect the ability of persons with a fishing permit for non-quota management species or stock to exercise their right to take fisheries resources under the permit; and

(b) must examine—

(i) the location of the rules within the part of the coastal marine area within the region; and

(ii) the extent to which the rules will exclude fishing; and

(iii) the extent to which fishing could be carried out in other areas; and

(iv) the extent to which the rules will increase the cost of fishing; and

(v) any other controls on fishing within the region or the relevant quota management area that are imposed under this Act, the **Natural Environment Act 2025**, the Fisheries Act 1996, or other legislation; and

(vi) the overall impact that those other controls and the rules will have on fishing; and

(c) may examine any other relevant factor.

(2) The requirements in **subclause (1)(a) and (b)** apply to the extent that information relating to those matters is reasonably available to the regional council.

(3) In this clause,—

annual catch entitlement, **fishing permit**, **quota management area**, and **quota management system** have the meanings given in section 2(1) of the Fisheries Act 1996

fishing has the meaning given in **section 3**, but excludes any aquaculture activity

non-quota management species or stock means any species or stock that the Fisheries Act 1996 applies to and that is not subject to the quota management system.

Compare: 1991 No 69 s 32(2A), (2B), (6)

10B Pre-notification requirement for rules in proposed plan that control fishing

(1) Before notifying for submissions a proposed plan that contains a rule that controls fishing in the coastal marine area (a **proposed rule**),—

(a) the regional council must complete the assessment required under **clause 10A** and give it to the relevant chief executive; and

(b) the relevant chief executive must, within 40 working days after receiving the assessment, decide whether they concur with the proposed rule and advise the regional council of their decision.

(2) In deciding whether to concur with a proposed rule that controls fishing, the relevant chief executive must have regard only to the matters described in **clause 10A(1)**.

(3) The relevant chief executive must concur with the proposed rule only if they—

(a) are satisfied that the proposed rule will not have an undue adverse effect on the matters described in **clause 10A(1)(a)**; and

(b) have consulted Te Ohu Kai Moana about their proposed decision.

(4) If the relevant chief executive concurs with the proposed rule,—

(a) they must advise the regional council in writing of their decision; and

(b) the regional council may include the rule in the proposed plan that it notifies for submissions.

(5) If the relevant chief executive does not concur with the proposed rule,—

(a) they must advise the regional council in writing of their decision with reasons; and

(b) the regional council must not include the rule in the proposed plan that it notifies for submissions, unless—

(i) the regional council revises the rule to address the relevant chief executive's concerns as set out in their decision; and

(ii) the relevant chief executive advises the regional council in writing that they concur with the revised rule.

(6) In this clause,—

adverse effect has the meaning given in section 186C of the Fisheries Act 1996

relevant chief executive means the chief executive of the department, departmental agency, or interdepartmental venture (as named in Part 1, 2, or 4 of Schedule 2 of the Public Service Act 2020) that is responsible for administering the Fisheries Act 1996

Te Ohu Kai Moana has the meaning given in section 5(1) of the Maori Fisheries Act 2004.

Compare: 1991 No 69 Schedule 1 cl 4B

11 Justification report

~~(1) Before notifying for submissions a proposed land use plan that contains a bespoke plan provision or a provision on a specified topic, a territorial authority must—~~

~~(a) prepare a justification report on those provisions in accordance with **section 89**; and~~

~~(b) have particular regard to the justification report when deciding whether to proceed to notify the proposed land use plan with those provisions for submissions.~~

~~(2) Before notifying for submissions a proposed natural environment plan that contains a bespoke plan provision, a provision on a specified topic, or a provision to which **section 51(4) of the Natural Environment Act 2025** applies, a regional council must—~~

~~(a) prepare a justification report on those provisions in accordance with **section 89** of this Act (for a proposed land use plan) or **section 108 of the Natural Environment Act 2025** (for a proposed natural environment plan); and~~

~~(b) have particular regard to the justification report when deciding whether to proceed to notify the proposed plan with those provisions for submissions.~~

~~(3) If the chief executive conducts an assessment under **clause 12** and provides any feedback on the provisions covered by a justification report, the local authority must update the justification report to state how, if at all, that feedback has influenced its proposals for those provisions.~~

(1) Before notifying a proposed plan for submissions, a local authority must—

(a) prepare a justification report if the proposed plan is to contain any of the following provisions:

(i) a bespoke plan provision:

(ii) a provision on a specified topic:

(iii) a provision to which **section 50A(3) of the Natural Environment Act 2025** applies (an ecosystem health limit in a proposed natural environment plan that is less stringent than the minimum acceptable level specified in national standards); and

(b) have particular regard to the justification report before deciding whether to proceed to notify the proposed plan for submissions.

(2) In relation to a bespoke plan provision or a provision on a specified topic, a justification report must—

(a) describe the positive and negative impacts of the provision; and

(b) assess the costs and benefits of the provision, including any costs and benefits from the provision or reduction of opportunities for—

(i) development; or

(ii) business or residential use; and

(c) state how the local authority proposes to monitor the effectiveness of the provision; and

(d) summarise the evidence for its view that **section 80(3)** of this Act or **section 97(3) of the Natural Environment Act 2025** applies, if the local authority is proposing that the provision will not implement a provision in the regional spatial plan as referred to in those sections.

(3) In relation to a bespoke plan provision, the justification report must also—

(a) explain why the bespoke plan provision is—

(i) expressly authorised by a national instrument; or

(ii) not precluded by any national instrument; and

(b) state how, if at all, the bespoke plan provision has been influenced by—

(i) pre-notification consultation (*see* **clause 5**); and

(ii) any other engagement with local communities.

(4) In relation to a provision on a specified topic, the justification report must also—

(a) identify the specified topic that the provision relates to; and

(b) justify why the provision is either—

(i) expressly authorised by a national instrument; or

(ii) not precluded by national instruments; and

(c) describe the area to which the provision applies, including any site, structure, landscape, or feature; and

(d) assess the extent to which the provision is appropriate in relation to any cultural, historic, or natural values associated with the specified topic; and

(e) describe the key data and evidence that has informed the provision, including where the provision applies spatially; and

(f) if the provision is a rule, describe how the local authority has complied with **clause 64**.

(5) In relation to a provision to which **section 50A(3) of the Natural Environment Act 2025** applies, the justification report must comply with the requirements prescribed by regulations.

(6) The justification report must contain a level of detail that corresponds to the scale and significance of the content of the draft proposed plan.

Compare: 1991 No 69 s 32, Schedule 1 cl 5(1)(a)

11A Failure to properly prepare evaluation report or justification report

(1) A proposed plan or any provision in it—

(a) may be challenged on the grounds that **clause 10, 10B, or 11** has not been complied with; but

(b) may only be challenged in a submission on the proposed plan made in accordance with **clause 17**.

(2) **Subclause (1)** does not prevent a person who is hearing a submission or an appeal on a proposed plan from having regard to the matters in **clauses 10, 10B, and 11**.

Compare: 1991 No 69 s 32A

~~**12 Pre-notification requirement for rules in proposed natural environment plan that control fishing**~~

~~(1) Before notifying for submissions a proposed natural environment plan that contains a rule that controls fishing in any area (a **proposed rule**),~~

~~(a) the regional council must complete the assessment required under **section 106(3) of the Natural Environment Act 2025** and give it to the relevant chief executive; and~~

~~(b) the relevant chief executive must, within 40 working days, advise the regional council of their decision on whether they concur with the proposed rule.~~

~~(2) The relevant chief executive must decide whether to concur with a proposed rule in the prescribed manner.~~

~~(3) In this clause, **relevant chief executive** means the chief executive of the department that is responsible for administering the Fisheries Act 1996.~~

~~Compare: 1991 No 69 Schedule 1 cl 4B~~

13 Audit by chief executive

(1) No later than 3 months before notifying for submissions a proposed plan that contains a bespoke plan provision or a provision on a specified topic, a local authority must provide the following documents to the chief executive:

(a) a full draft of the proposed plan:

(b) an evaluation report for ~~a~~ the draft of the proposed plan:

(c) a justification report for ~~those provisions~~ that provision.

(2) The chief executive may decide to carry out an audit of the draft proposed plan and, if they do, may decide to provide feedback to the local authority.

(3) Any audit must be ~~carried out in the prescribed manner and must be limited to assessing:~~ —

(a) carried out in the manner prescribed by regulations; and

(b) limited to assessing—

(i) the extent to which the draft proposed plan implements national instruments (to the extent authorised by **section 12**); and

(ii) for a proposed natural environment plan, also how environmental limits have been set and are reflected in the proposed plan.

~~(a) for any proposed plan, the extent to which the draft proposed plan implements —~~

~~(i) any applicable national policy direction; and~~

~~(ii) any applicable national standard; and~~

~~(iii) the goals, to the extent authorised by **section 12(4)**; and~~

~~(b) for proposed natural environment plan only, also how environmental limits have been set and applied.~~

(4) A local authority that receives feedback must, before notifying the proposed plan for submissions,—

(a) have regard to the feedback; and

(b) update its justification report ~~in accordance with **clause 11(3)**~~ to state how, if at all, the feedback has influenced its proposals for the provision.

14 Local authority must provide draft proposed plan to iwi authorities and customary marine title groups

(1) Before notifying a proposed plan for submissions, a local authority must—

(a) provide a draft of the proposed plan to any iwi authority and customary marine title group consulted under **clause 5(1)(d) and (e)**; and

(b) have regard to any advice received from those iwi authorities and groups on the draft proposed plan.

(2) The local authority must provide the draft sufficiently early to give those iwi authorities and groups adequate time and opportunity to consider the draft and provide advice on it.

Compare: 1991 No 69 Schedule 1 cl 4A

Notifying proposed plan for submissions

15 Local authority must notify proposed plan for public or targeted submissions

(1) A local authority that decides to proceed with a proposed plan must notify the proposed plan for public submissions in the ~~prescribed~~ manner prescribed by regulations, unless the local authority notifies it for targeted submissions under **clause 16**.

(2) The closing date for submissions must be at least 20 working days after the proposed plan is notified for public ~~or targeted~~ submissions.

(3) A local authority that notifies a proposed plan for public submissions must, in the ~~prescribed~~ manner prescribed by regulations, send a copy of the notice to—

(a) the Minister; and

(b) ~~any~~ each nearby local authority; and

(c) tangata whenua of the district of the territorial authority ~~(for a proposed land use plan)~~ or the region of the regional council ~~(for a proposed natural environment plan)~~, through iwi authorities; and

(d) any other person who the local authority considers is likely to be directly affected by the proposed plan.

Compare: 1991 No 69 Schedule 1 cl 5

16 Notifying proposed plan for targeted submissions

(1) A local authority may choose to notify a proposed plan for targeted submissions if—

(a) the proposed plan is a plan change or variation; and

(b) the local authority is satisfied that it can identify all persons directly affected by the plan change or variation.

(2) A local authority ~~that~~ notifies a proposed plan for targeted submissions ~~must~~ by inviting, in the ~~prescribed~~ manner prescribed by regulations, ~~invite~~ the following persons to make a submission on the proposed plan:

(a) any person who the local authority has identified ~~(in accordance with **subclause (1)(b)**)~~ as being directly affected by the proposed plan; and

(b) the Minister; and

(c) any nearby local authority; and

(d) tangata whenua of the area affected by the proposed plan, through iwi authorities.

(3) The closing date for submissions must be at least 20 working days after the proposed plan is notified for targeted submissions.

Compare: 1991 No 69 Schedule 1 cl 5A

~~Making and publishing~~ Submissions and further submissions

17 Who may make submissions on proposed plan notified for ~~public~~ submissions

Submissions on proposed plan notified for public submissions

(1) The following persons may make a submission to the local authority on a proposed plan that is notified for public submissions:

(a) a qualifying resident of—

(i) the district of the territorial authority (for a proposed land use plan prepared by a territorial authority); or

(ii) the region of the regional council (for a proposed ~~natural environment~~ plan prepared by a regional council):

(b) a person who has an interest in the proposed plan greater than the interest that the general public has:

(c) a nearby local authority:

(d) the local authority itself.

Submissions on proposed plan notified for targeted submissions

(2) The following persons may make a submission to the local authority on a proposed plan that is notified for targeted submissions:

(a) a person ~~notified~~ invited under **clause 16(2)**:

(b) the local authority itself.

Compare: 1991 No 69 Schedule 1 cls 6, 6A

18 Content and form of submissions

Content and form of submissions

(1) A submission on a proposed plan notified for public or targeted submissions must—

(a) be in the ~~prescribed~~ form prescribed by regulations; and

(b) contain ~~any prescribed~~ the information prescribed by regulations.

Prohibited content of submissions

(2) A submission on a proposed plan must not—

(a) seek a change to a standardised plan provision that is not authorised by a national ~~instrument~~ standard; or

(b) seek to relitigate the content of a regional spatial plan, except by submitting that **section 80(3)** of this Act (for a proposed land use plan) or **section 97(3) of the Natural Environment Act 2025** (for a proposed natural environment plan) applies; or

(ba) seek the withdrawal of the proposed plan as a whole (unless the proposed plan is a plan change, private plan change, or variation); or

(c) for a proposed land use plan ~~only~~, seek a change to the proposed land use plan based on a matter listed in **section 14** as out of scope of this Act; or

~~(d) for a proposed natural environment plan only, see to enlarge or otherwise add to an area to which a rule that controls fishing applies.~~

(d) in relation to a rule that controls fishing, seek to—

(i) enlarge the area to which the rule applies; or

(ii) add any other area to which the rule would apply.

Compare: 1991 No 69 Schedule 1 cls 6, 6A, 6B

19 ~~Striking out~~ Publishing submissions and calling for further submissions

(1) No later than 20 working days after the closing date for submissions on a proposed plan, a local authority must—

~~(a) strike out all or any part of a submission that the local authority is satisfied is content prohibited by **clause 18(2)**; and~~

(b) publish, in the ~~prescribed~~ manner prescribed by regulations, all submissions~~, or parts of submissions, that are not struck out~~ made (other than any submission or part of a submission that has been struck out under **clause 22**); and

(c) publish, in the ~~prescribed~~ manner prescribed by regulations, a notice calling for further submissions ~~on the proposed plan.~~ in relation to any submission—

(i) on a bespoke plan provision in the proposed plan; or

(ii) seeking the addition of a bespoke plan provision to the proposed plan.

(2) The closing date for further submissions must be at least 10 working days after the date ~~of~~ on which the notice calling for further submissions is published.

~~(3) A local authority that strikes out all or part of a submission must—~~

~~(a) notify the person who made the submission; and~~

~~(b) give reasons.~~

~~(4) A person has a right of objection to the Planning Tribunal if all or part of their submission is struck out.~~

Compare: 1991 No 69 s 41D

~~*Making further submissions*~~

20 Who may make further submissions

(1) The following persons may make a further submission to the local authority on a proposed plan that is notified for public submissions:

(a) a qualifying resident of the district (for a proposed land use plan) or region (for a proposed natural environment plan), but only if that qualifying resident has an interest in the proposed plan greater than the interest that the general public has:

(b) a nearby local authority:

(c) the local authority itself.

(2) The following persons may make a further submission to the local authority on a proposed plan that is notified for targeted submissions:

(a) a person invited ~~notified~~ under **clause 16(2)**:

(b) the local authority itself.

Compare: 1991 No 69 Schedule 1 cl 8(1), (2)

21 Content, form, and service of further submissions

(1) A further submission must be limited to a matter in support of, or opposition to, a submission ~~made on the proposed plan.~~

(a) on a bespoke plan provision in the proposed plan; or

(b) seeking the addition of a bespoke plan provision to the proposed plan.

(2) A further submission must—

(a) be in the ~~prescribed~~ form prescribed by regulations; and

(b) contain the ~~any prescribed~~ information prescribed by regulations.

(3) A further submission ~~on a proposed plan~~ must not include content that is prohibited for a submission under **clause 18(2)**.

(4) A person who makes a further submission must serve a copy of it, in the ~~prescribed~~ manner prescribed by regulations, on the person who made the submission to which it relates.

Compare: 1991 No 69 Schedule 1 cls 8, 8A

22 Striking out ~~and publishing~~ submissions and further submissions~~, summary of submissions~~

~~(1) No later than 20 working days after the closing date for further submissions on a proposed plan, the local authority must—~~

~~(a) strike out all or any part of a further submission that the local authority is satisfied is content that is prohibited for a submission by **clause 18(2)**; and~~

~~(b) publish, in the prescribed manner, all further submissions, or parts of further submissions, that are not struck out; and~~

~~(c) publish, in the prescribed manner, a summary of submissions and further submissions.~~

(1) A local authority may strike out all or any part of a submission that the local authority is satisfied is content prohibited by **clause 18(2)**.

(1A) A local authority may strike out all or any part of a further submission that the local authority is satisfied is content that—

(a) does not comply with **clause 21(1)**; or

(b) is prohibited under **clause 21(3)**.

(2) A local authority that strikes out all or part of a submission or further submission must—

(a) notify the person who made the submission or further submission; and

(b) give reasons.

(3) A person ~~has a right of objection~~ may apply to the Planning Tribunal ~~if~~ to review a decision to strike out all or part of their submission or further submission ~~is struck out~~.

Compare: 1991 No 69 s 41D

Consideration by independent hearings panel

23 Independent hearings panel

(1) A local authority must ~~assign~~ appoint an independent hearings panel to a proposed plan in accordance with **clause 4 of Schedule 4**.

(2) The functions of ~~an~~ the independent hearings panel are to—

(a) ~~to~~ conduct any hearing of ~~a~~ the proposed plan ~~assigned to it~~; and

(b) ~~to~~ make recommendations on the proposed plan ~~to the local authority~~.

~~(3) An independent hearings panel—~~

~~(a) has the prescribed powers and duties; and~~

~~(b) must perform its functions, and exercise its prescribed powers and duties, in the prescribed manner.~~

23A Local authority must provide certain information to independent hearings panel

No later than 20 working days after the closing date for further submissions on a proposed plan, the local authority must provide the following information to the independent hearings panel:

(a) the proposed plan:

(b) the evaluation report:

(c) the justification report (if any):

(d) the submissions received by the closing date for submissions and further submissions received by the closing date for further submissions (other than any that have been struck out):

(e) a summary of those submissions and further submissions prepared in the manner prescribed by regulations:

(f) any information prescribed by regulations:

(g) any other information that the local authority considers necessary or desirable.

Compare: 1991 No 69 Schedule 1 cl 97

24 Independent hearings panel may hold hearing

(1) The independent hearings panel ~~assigned to a proposed plan~~ may hold a hearing into submissions on a proposed plan.

(2) The panel may choose not to hold a hearing even if 1 or more submitters request to be heard.

Compare: 1991 No 69 Schedule 1 cls 8B, 8C

25 Local authority's role during hearing

(1) A representative of the local authority must attend any hearing in accordance with any prescribed requirements.

(2) A failure by the local authority to comply with this clause does not invalidate a hearing or hearing sessions.

Compare: 1991 No 69 Schedule 1 cl 42

Recommendations by independent hearings panel

26 Recommendations by panel

(1) The independent hearings panel must make recommendations—

(a) to the local authority on the proposed plan (except in relation to an existing or a proposed designation included in a proposed land use plan); and

(b) to the relevant designating authority (in relation to an existing or a proposed designation in a proposed land use plan).

(2) When making its recommendations on a proposed land use plan, a panel—

(a) must ~~ensure~~ be satisfied that, if the ~~territorial~~ local authority were to accept the panel's recommendations, the ~~territorial~~ local authority would comply with the provisions of this Act, ~~secondary legislation made under this Act,~~ and any other legislation, that ~~applies~~ apply to the ~~territorial~~ local authority's preparation of the land use plan; and

(b) must comply with **clause 24 of Schedule 5** as if it were the recommending authority for the purposes of that clause ~~section~~ (in relation to a recommendation on an existing or a proposed designation); and

(c) must have regard to any report or advice commissioned by the panel in accordance with regulations; and

~~(d) must prepare a further evaluation report in accordance with **section 88**; and~~

~~(c) if recommending that the proposed land use plan include a bespoke plan provision or a provision on a specified topic, must prepare a further justification report in accordance with **section 90**).~~

(d) must—

(i) prepare a further evaluation report for any significant changes that it recommends to the proposed land use plan (other than a significant change that is the replacement of a bespoke plan provision with a standardised plan provision); and

(ii) have particular regard to that further evaluation report; and

(e) must—

(i) prepare a further justification report for any significant changes that it recommends in relation to a bespoke plan provision or a provision on a specified topic (other than a significant change that is the replacement of a bespoke plan provision with a standardised plan provision); and

(ii) have particular regard to that further justification report.

(3) A panel must not make a recommendation on—

(a) an existing designation that ~~is~~ was included in ~~the~~ a proposed land use plan without modification and on which no submissions were received; or

(b) a designation that was included in a proposed land use plan in accordance with **clause 30 or 35 of Schedule 5**.

(4) When making its recommendations on a proposed natural environment plan, a panel—

(a) must ~~ensure~~ be satisfied that, if the regional council were to accept the panel's recommendations, the regional council would comply with the provisions of the **Natural Environment Act 2025** (including ~~this schedule~~ the provisions of this Act as applied by that Act), ~~secondary legislation made under that Act,~~ and any other legislation, that applies to the regional council's preparation of the natural environment plan; and

(b) must have regard to any report or advice commissioned by the panel in accordance with regulations; and

~~(c) must prepare a further evaluation report in accordance with **section 107 of the Natural Environment Act 2025**; and~~

~~(c) if recommending that the proposed natural environment plan include a bespoke plan provision, a provision on a specified topic, or a provision to which **section 51(4) of the Natural Environment Act 2025** applies, prepare a further justification report in accordance with **section 109** of that Act.~~

(c) must—

(i) prepare a further evaluation report in relation to any significant changes that it recommends to the proposed natural environment plan (other than a significant change that is the replacement of a bespoke plan provision with a standardised plan provision); and

(ii) have particular regard to that further evaluation report; and

(d) must—

(i) prepare a further justification report for any significant changes that it recommends in relation to a bespoke plan provision, a provision on a specified topic, or a provision to which **section 50A(3) of the Natural Environment Act 2025** applies (other than a significant change that is the replacement of a bespoke plan provision with a standardised plan provision); and

(ii) have particular regard to that further justification report.

(5) A panel must provide its recommendations ~~to the local authority (and in the case of a proposed land use plan only, also to any designating authority)~~ in 1 or more recommendation reports.

(6) A ~~recommendations~~ recommendation report must be in the form, and contain the information, prescribed by regulations.~~—~~

~~(a) be in the prescribed form and contain the prescribed information; and~~

~~(b) clearly identify any recommendation on a bespoke provision.~~

(6A) A further evaluation report required under **subclause (2)(d) or (4)(c)** must—

(a) be prepared in accordance with **clauses 10(2) to (4) and 10A**, but need only address the significant changes for which the report is required; and

(b) contain a level of detail that corresponds to the scale and significance of those changes.

(6B) A further justification report required under **subclause (2)(e) or (4)(d)** must—

(a) be prepared in accordance with **clause 11(2) to (5)**, but need only address the significant changes for which the report is required; and

(b) contain a level of detail that corresponds to the scale and significance of those changes.

(7) A panel must provide all ~~recommendations~~ recommendation reports, and any required further evaluation report and further justification report ~~no later than 5 months after the date that the local authority published the summary of submissions and further submissions~~, within the time frame prescribed by regulations.

(8) The reports must be published in the ~~prescribed~~ manner prescribed by regulations.

Compare: 1991 No 69 Schedule 1 cls 9, 99, 100

Decisions on proposed plan

27 Decisions on panel recommendations (other than recommendations on designations)

(1) This clause applies in relation to a recommendation by a panel to a local authority (other than a recommendation on an existing or a proposed designation in a proposed land use plan).

(2) The local authority must—

(a) decide whether to accept or reject each of the panel's recommendations; and

(b) for each ~~rejected panel~~ recommendation or part of a recommendation that it rejects, decide an alternative solution.

(3) The local authority—

(a) must make its decisions in accordance with—

(i) **subpart 2 of Part 3** of this Act (for a proposed land use plan); or

(ii) **subpart 2 of Part 2 and subpart 1 of Part 3 of the Natural Environment Act 2025** (for a proposed natural environment plan); and

(b) must—

(i) prepare a further evaluation report for any significant changes that its decisions make to the proposed plan as recommended by the panel (other than a significant change that is the replacement of a bespoke plan provision with a standardised plan provision); and

(ii) have particular regard to that further evaluation report; and

(c) must—

(i) prepare a further justification report for any significant changes that its decisions make in relation to a bespoke plan provision, a provision on a specified topic, or a provision to which **section 50A(3) of the Natural Environment Act 2025** applies (other than a significant change that is the replacement of a bespoke plan provision with a standardised plan provision); and

(ii) have particular regard to that further justification report.

~~(3) In the case of a proposed land use plan, the territorial authority must—~~

~~(a) make its decisions under this clause in accordance with **subpart 2 of Part 3** of this Act; and~~

~~(b) carry out a further evaluation in accordance with **section 88**; and~~

~~(c) if proposing to decide that the proposed land use plan contain a bespoke plan provision or a provision on a specified topic, prepare a further justification report in accordance with **section 90**.~~

~~(4) In the case of a proposed natural environment plan, the regional council must—~~

~~(a) make its decisions under this clause in accordance with **subpart 2 of Part 3 of the Natural Environment Act 2025**; and~~

~~(b) carry out a further evaluation in accordance with **section 107 of the Natural Environment Act 2025**; and~~

~~(c) if proposing to decide that the proposed natural environment plan include a bespoke plan provision, a provision on a specified topic, or a provision to which **section 51(4) of the Natural Environment Act 2025** applies, prepare a further justification report in accordance with **section 109** of that Act.~~

(5) When making its decisions, the local authority—

(a) is not required to consult any person or consider submissions or evidence from any person; and

(b) must not consider any submission or any other evidence unless it was made available to the panel before the panel made the relevant recommendation; and

(c) may seek clarification from the panel on a recommendation to assist the local authority in making a decision on that recommendation.

(6) A local authority's alternative solution on a recommendation may include any of the following:

(a) elements of the proposed plan as notified for submissions:

(b) elements of the panel's recommendation:

(c) any alternative approach.

(6A) **Clause 26(6A)** applies to a further evaluation report required under **subclause (3)(b)**.

(6B) **Clause 26(6B)** applies to a further justification report required under **subclause (3)(c)**.

(7) The local authority must, no later than 12 months after the ~~notification~~ date on which the proposed plan is notified for submissions,—

(a) publish its decisions in the ~~prescribed~~ manner prescribed by regulations; and

(b) advise, in the ~~prescribed~~ manner prescribed by regulations, all persons who made a submission or further submission on the proposed plan where an electronic copy of the decisions can be found.

(8) The local authority's published decisions must—

(a) set out the following information—:

(i) any ~~panel~~ recommendation, or part of a recommendation, that the local authority accepts:

(ii) any ~~panel~~ recommendation, or part of a recommendation, that the local authority rejects and its reasons for doing so:

(iii) the alternative solution for any rejected ~~panel~~ recommendation or part of a recommendation; and

(b) clearly identify any decision (and any associated reasons and alternative solutions) on a bespoke plan provision; and

(c) include any required further evaluation report or further justification report; and

(d) include any other ~~prescribed~~ information prescribed by regulations.

Compare: 1991 No 69 Schedule 1 cls 11, 101, 102; 2010 No 37 s 148

28 Application to Minister for extension of time for publishing decisions

(1) This clause applies if a local authority considers it is unable, or likely to be unable, to meet the deadline for publishing its decisions ~~in~~ under **clause 27(7)** ~~(which requires the local authority to publish its decisions no later than 12 months after the notification date)~~.

(2) The local authority must, before the deadline, apply to the Minister for an extension of time in the ~~prescribed~~ manner prescribed by regulations.

(3) The Minister must decide the application for an extension, and advise the local authority of the outcome, in the ~~prescribed~~ manner prescribed by regulations.

(4) This clause applies instead of ~~**sections 284 and 285**~~ **section 284** of this Act or ~~**sections 348 and 349**~~ **section 318 of the Natural Environment Act 2025** ~~(as the case requires) if the time limit prescribed by **clause 27(7)** is to be extended~~ in relation to the deadline under **clause 27(7)**.

Compare: 1991 No 69 Schedule 1 cl 10A

29 Decisions on designations by designating authorities

(1) This clause applies in relation to a recommendation by a panel on an existing or a proposed designation in a proposed land use plan.

(2) The designating authority responsible for the existing or proposed designation must decide whether it—

(a) accepts the panel's recommendation in whole; or

(b) accepts the panel's recommendation in part and rejects it in part; or

(c) rejects the panel's recommendation in whole.

(3) ~~The~~ A designating ~~authority~~ authority's decisions may modify the existing or proposed designation ~~if, and~~ only if~~,~~ the modification—

(a) was recommended by the panel; or

(b) is not inconsistent with the existing or proposed designation as it was included in the proposed plan.

(4) ~~The~~ A designating authority must give reasons if it—

(a) rejects the panel's recommendation in whole or in part; or

(b) modifies the existing or proposed designation.

(5) A designating authority must notify the territorial authority of its decisions (including any reasons) ~~under this clause~~ no later than 30 working days after receiving the relevant recommendation report under **clause 26**.

(6) The territorial authority must—

(a) publish a notice of the designating authority's decisions (including any reasons) in the ~~prescribed~~ manner prescribed by regulations; and

(b) advise, in the ~~prescribed~~ manner prescribed by regulations, the following persons of where an electronic copy of the notice can be found:

(i) each person who made a submission on the relevant proposed or existing designation:

(ii) each land owner and occupier directly affected by the decision.

Compare: 1991 No 69 Schedule 1 cl 13; 2010 No 37 s 151

30 Proposed plan amended to reflect decisions

(1) A proposed plan is amended by ~~in accordance with~~ the decisions of a local authority under **clause 27** (including any alternative solution~~, in relation to a rejected panel recommendation~~) on and from the date on which ~~that~~ the local authority publishes those decisions in accordance with that clause.

(2) A proposed land use plan is amended by the decisions of a designating authority on an existing or a proposed designation under **clause 29** on and from the date on which the territorial authority publishes those decisions in accordance with that clause.

Compare: 2010 No 37 s 152(2), (4)

~~31 Proposed land use plan amended to reflect decisions on designations~~

~~A proposed land use plan is amended in accordance with the decisions of a designating authority on a proposed or existing designation under **clause 29** on and from the date that the territorial authority publishes those decisions in accordance with that clause.~~

~~Compare: 2010 No 37 s 152(4)~~

Appeals ~~on~~ against proposed plan

32 Appeal on question of law against standardised plan provision, or provision or matter excluded from proposed plan

(1) A submitter or further submitter may appeal to the Environment Court against a local authority's decision under **clause 27** to—

(a) include a standardised plan provision in a proposed plan; or

(b) exclude a provision or matter from a proposed plan.

(2) However, a submitter or further submitter may ~~only~~ appeal under this clause only if they referred to the subject matter of the decision in their submission or further submission.

(3) The right of appeal under this clause is limited to a question of law.

(4) **Subclause (3)** does not apply to the extent that an appeal relates to—

(a) the spatial application of a provision on a specified topic; or

(b) whether the local authority has ~~complied~~ acted in accordance with **section 80(3)** of this Act (for a proposed land use plan) or **section 97(3) of the Natural Environment Act 2025** (for a proposed natural environment plan).

33 Appeal on bespoke plan provision

(1) A submitter or further submitter may appeal to the Environment Court against a local authority's decision under **clause 27** to include a bespoke plan provision in a proposed plan.

(2) However, a submitter or further submitter may ~~only~~ appeal under this clause only if they referred to the subject matter of the decision in their submission or further submission.

34 Appeal on provision of relief framework

(1) A submitter or further submitter may appeal to the Environment Court against a local authority's decision to include a provision in a relief framework ~~provision~~ in a proposed plan.

(2) However, a submitter or further submitter may ~~only~~ appeal under this clause only if they referred to the subject matter of the decision in their submission or further submission.

~~(3) In this clause, **relief framework provision** means a provision in a relief framework.~~

35 ~~Appeals~~ Appeal on designations

The following persons may appeal to the Environment Court against ~~any aspect of~~ a decision of a designating authority under **clause 29**:

(a) a submitter or further submitter on the proposed land use plan, but only if their submission or further submission addressed—

(i) the existing or proposed designation to which the decision relates; and

(ii) the matter to which the appeal relates:

(b) the ~~relevant~~ territorial authority.

Compare: 1991 No 69 Schedule 1 cl 14(3)–(5)

36 ~~Further restrictions on appeals~~ Appeal must not seek withdrawal of proposed plan as a whole

An appeal under **clause 32, 33, 34, or 35** must not seek withdrawal of the proposed plan as a whole, unless the proposed plan is a plan change, private plan change, or variation.

~~(2) For the purposes of this clause, proposed plan does not include a variation or a plan change.~~

Compare: 1991 No 69 Schedule 1 cl 14(2), (2A)

37 Requirements for lodging appeals

An appeal under **clause 32, 33, 34, 35, or 53** must—

(a) be lodged in the ~~prescribed~~ form, and within the ~~prescribed~~ time frame, prescribed by regulations; and

(b) contain the ~~prescribed~~ information prescribed by regulations; and

(c) be served in the ~~prescribed~~ manner prescribed by regulations.

Hearing by Environment Court on appeal

38 Hearing by Environment Court on appeal

The Environment Court must hold a public hearing into any provision or matter that is appealed under **clause 32, 33, 34, 35, or 53**.

~~(2) If the Environment Court directs a local authority under **clause 48 of Schedule 9**, the local authority must comply with the direction.~~

Compare: 1991 No 69 Schedule 1 cl 15

~~*Appeals against decision of Environment Court*~~

~~**39 Decision of Environment Court may be appealed**~~

~~(1) A party to an appeal before the Environment Court under **clause 32, 33, 34, 35, or 53** may appeal on a question of law to the Court of Appeal against the decision of the Environment Court.~~

~~(2) The appeal must be made in accordance with subpart 8 of Part 6 of the Criminal Procedure Act 2011, and that subpart applies—~~

~~(a) as if the Environment Court were the first appeal court (section 300 of that Act); and~~

~~(b) with any other necessary modifications.~~

~~(3) An appeal against the decision of the Court of Appeal may be made to the Supreme Court with the leave of the Supreme Court.~~

~~(4) **Clauses 77 to 86 of Schedule 9** do not apply to an appeal against a decision of the Environment Court under **clause 32, 33, 34, 35, or 53**.~~

Withdrawing all or part of proposed plan

40 Withdrawing all or part of proposed plan

(1) A local authority may withdraw all or part of a proposed plan~~, or any part of a proposed plan (other than a part of a land use plan that is an existing or proposed designation),~~ at any time before—

(a) the proposed plan or part of the plan becomes operative, if—

(i) no appeal ~~is~~ has been made in relation to the proposed plan or part of the plan; or

(ii) all appeals ~~are~~ have been withdrawn; or

(b) the Environment Court hearing commences, if an appeal ~~is~~ has been made and not withdrawn.

(1A) However, a territorial authority must not withdraw part of a proposed land use plan that is an existing or a proposed designation unless—

(a) the withdrawal is made under **clause 41**; or

(b) the territorial authority withdraws all of the proposed plan.

(2) The local authority must publish a notice of any withdrawal in the ~~prescribed~~ manner prescribed by regulations, which must include the authority's reasons for the withdrawal.

(3) If a local authority withdraws part of a proposed plan, it must (without using the process in this schedule) amend the proposed plan to reflect the withdrawal.

Compare: 1991 ~~:~~ No 69 Schedule 1 cls 4(9), (10), 8D

41 Withdrawing existing or proposed designation from proposed land use plan

(1) A designating authority that is responsible for an existing or a proposed designation in a proposed land use plan may withdraw the designation at any time by giving notice to the territorial authority in the ~~prescribed~~ manner prescribed by regulations.

(2) The notice must include the designating authority's reasons for the withdrawal.

(3) A territorial authority that receives a notice under this clause must,—

(a) without using the process in this schedule, amend the proposed plan to reflect the withdrawal; and

(b) publish a notice of the withdrawal in the ~~prescribed~~ manner prescribed by regulations.

(4) To avoid doubt, a designating authority that is the territorial authority may issue a notice under this clause to itself.

Compare: 1991 ~~:~~ No 69 Schedule 1 cls 4(9), (10), 8D

Variations and other amendments to proposed plan

42 Variations to proposed plans

(1) A local authority may amend a proposed plan (other than under **clause 44**) by initiating a variation to that proposed plan.

(2) The variation must be progressed in accordance with **clauses 3, 5, 6, and 10 to 40** and **Parts 3 and 4** of this schedule, until the variation reaches the same procedural stage as the proposed plan to which it relates.

(3) On the date on which ~~that~~ a variation reaches the same procedural stage as the proposed plan to which it relates,—

(a) the local authority must amend the proposed plan to incorporate the variation; and

(b) the variation ceases to be a separate instrument.

(4) **Subclause (5)** applies for the following purposes:

(a) any application for a planning consent (for the ~~purpose~~ purposes of this Act) or natural resource permit (for the purposes of the **Natural Environment Act 2025**):

(b) any proposed designation (for the purposes of this Act only):

(c) any enforcement matter (for the purposes of both Acts).

(5) On and from the date on which ~~that~~ a variation is notified for submissions, a proposed plan must be treated as if it had been amended in accordance with the variation.

Compare: 1991 No 69 Schedule 1 cls 16A, 16B

43 Submissions and appeals relating to provisions replaced by variation

(1) A submission made on a provision of a proposed plan must be treated as if it were also a submission made on any provision of a variation that is to replace the provision of the proposed plan.

(2) However, **subclause (1)** applies only if the submission was made before the variation was notified for submissions.

(3) An appeal against any provision of a proposed plan must be treated as if it were also an appeal against any provision of a variation that is to replace the provision of the proposed plan.

(4) However, **subclause (3)** applies only if the appeal was made before the variation reaches the stage where appeals may be made.

Compare: 1991 No 69 Schedule 1 cl 16A(1)

44 Amendments to proposed plan where directed, and minor amendments

(1) A local authority must, without using the process in this schedule, amend a proposed plan as directed by—

(a) a national instrument under **section 47** of this Act (for a proposed land use plan) or **section 71 of the Natural Environment Act** (for a proposed natural environment plan); or

(b) the Environment Court under **clause 48 of Schedule 9**.

(2) A local authority may, without using the process in this schedule, amend a proposed plan to—

(a) alter any information in a way that has a minor effect; or

(b) correct any minor error.

Compare: 1991 No 69 Schedule 1 cl 16

Making proposed plan operative

45 When ~~provision in~~ proposed plan becomes operative

(1) A ~~provision in a~~ proposed plan becomes operative at a date (the **operative date**) specified by the local authority in a notice published in the ~~prescribed~~ manner prescribed by regulations.

~~(2) The local authority must specify an operative date for a provision that occurs after the last of the following have occurred in relation to the provision (as applicable):~~

~~(a) either—~~

~~(i) the applicable appeal period under **clause 32, 33, 34, or 35** has expired and no appeals have been lodged in relation to the provision; or~~

~~(ii) any appeals in relation to the provision have been determined or withdrawn; or~~

~~(iii) if the provision is an existing designation included in a proposed land use plan without modification and on which no submissions were received, the territorial authority has published its decisions on other recommendations in accordance with **clause 27**:~~

~~(b) if any amendments in relation to the provision have been directed under **section 47** of this Act (for a proposed land use plan) or **section 71 of the Natural Environment Act** (for a proposed natural environment plan), or **clause 48 of Schedule 9** (for any proposed plan), those amendments have been made:~~

~~(c) if the local authority initiated a variation in relation to the provision,—~~

~~(i) the variation has been incorporated into the proposed plan under **clause 42(3)**; or~~

~~(ii) the local authority has given notice under **clause 47** that the variation will be converted into a plan change; or~~

~~(iii) the variation has been withdrawn.~~

(2) A local authority must not make a proposed plan operative unless—

(a) it has made the amendments (if any) that are directed under **section 54** of this Act or **section 81 of the Natural Environment Act 2025** (which relate to amendments directed by national standards); and

(b) it has made the amendments (if any) that are directed under **clause 48 of Schedule 9** (which relates to orders of the Environment Court to change proposed plans after hearing an appeal); and

(c) if the local authority initiated a variation in relation to the provision,—

(i) the variation has been incorporated into the proposed plan under **clause 42(3)**; or

(ii) the local authority has given notice under **clause 47** that the variation will be converted into a plan change; or

(iii) the variation has been withdrawn.

(2A) A local authority may (but is not required to) make part of a proposed plan operative if—

(a) all submissions, further submissions, and appeals relating to that part of the proposed plan have been disposed of; and

(b) **subclause (2)** is satisfied in relation to that part of the proposed plan.

~~(3) However, in all cases, the operative date for a provision must be no earlier than 5 working days after the date of the notice.~~

(3) The local authority must publish the notice at least 5 working days before the operative date.

Compare: 1991 No 69 Schedule 1 cls 17, 20; ~~2020 No 69~~ 2010 No 37 s 152

46 Effect of provision becoming operative

When a provision of a proposed plan becomes operative under **clause 45**, or is treated as operative under **clause 61**, that provision becomes a provision of the plan of the local authority (and stops being a provision of a proposed plan).

47 Local authority may convert variation into plan change

(1) This clause applies if—

(a) a local authority has initiated a variation in relation to 1 or more provisions of a proposed plan (the **relevant provisions**); and

(b) the variation has not yet been incorporated into the proposed plan under **clause 42(3)**; and

(c) the local authority wants to make the relevant provisions operative before the variation becomes operative.

~~(2) If this clause applies,—~~

~~(a) the local authority may give notice in the prescribed manner that the variation will be converted into a plan change when the relevant provisions become operative; and~~

~~(b) if notice is given, on and from the date that the relevant provisions become operative, the variation must be treated as if it were a plan change to the relevant provisions.~~

(2) The local authority may give notice, in the manner prescribed by regulations, that the variation will be converted into a plan change when the relevant provisions become operative.

(3) If notice is given, on and from the date on which the relevant provisions become operative, the variation must be treated as if it were a plan change to the relevant provisions.

Compare: 1991 No 69 Schedule 1 cl 17(1A), (1B)

Amending operative plan without plan change

48 Amending operative plan without plan change

(1AAA) A local authority may, without using the process in this schedule, amend a land use plan to alter any mapped spatial information if—

(a) the alteration has no more than a minor effect; and

(a) the local authority is satisfied that no person is adversely affected by the alteration.

(1AAB) A territorial authority may, without using the process in this schedule, amend a land use plan to change the spatial application of any provisions in respect of land that has been vested in a territorial authority for a public purpose as the result of a subdivision if the territorial authority is satisfied that the change is appropriate for the purpose for which the land was vested.

(1AAC) A regional council may, without using the process in this schedule, amend a natural environment plan to—

(a) prescribe an aquaculture area in accordance with **section 115** to reflect any new aquaculture settlement area that is notified under section 12 of the Maori Commercial Aquaculture Claims Settlement Act 2004; or

(b) alter the boundaries of an aquaculture area in accordance with **section 115** to reflect any space that is added or removed from an aquaculture settlement area by notice under section 12 of the Maori Commercial Aquaculture Claims Settlement Act 2004.

(1) A local authority may, without using the process in this schedule, amend a plan to—

(a) alter any ~~other~~ information ~~in a way that has a minor effect~~ (other than information to which **subclause (1AAA), (1AAB), or (1AAC)** applies) if the alteration has no more than a minor effect; or

(b) correct any minor error.

~~(2) A territorial authority may, without using the process in this schedule, also amend a land use plan to—~~

~~(a) alter any mapped spatial information, if—~~

~~(i) the alteration has no more than a minor effect; and~~

~~(ii) the territorial authority is satisfied that no person is adversely affected by the alteration; or~~

~~(b) change the spatial application of any provisions in respect of land vested in the territorial authority for a public purpose as the result of a subdivision, if the territorial authority is satisfied that applying different provisions to that land is appropriate for the purpose for which the land was vested.~~

(3) A local authority must publish (in the ~~prescribed~~ manner prescribed by regulations) a notice of any amendments made under this clause no later than 5 working days after making ~~them~~ the amendments.

(4) In ~~subclause (2)~~ this clause, **land that has been vested in the territorial authority for a public purpose** includes land vested in the territorial authority for the ~~purpose~~ purposes of—

(a) a road; or

(b) a reserve (including an esplanade reserve).

Compare: 1991 No 69 Schedule 1 cl 20A

Part 2
Change requests and private plan changes

49 Request for change to plan

~~Any~~ A person (other than the local authority) may, in the ~~prescribed~~ manner prescribed by regulations, request a change to a plan (a **change request**).

Compare: 1991 No 69 Schedule 1 cls 21, 22

49A Joint change request and application to exchange recreation reserve land

(1) A change request may be made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977 if the local authority—

(a) is also the administering body in which the recreation reserve land is vested; and

(b) agrees that the change request and application may be made jointly.

(2) If a joint change request and application is made, the application to exchange recreation reserve land must be—

(a) processed, with the change request, in accordance with this Part; and

(b) decided under section 15AA of the Reserves Act 1977.

(3) However, the following provisions do not apply in relation to the application to exchange recreation reserve land:

(a) **clauses 26 to 38** (which relate to panel recommendations, council decisions, and appeals, and which would otherwise be applied by **clause 55(3) or 56(3)**):

(b) **clauses 53 and 56(6) and (7)** (which relate to appeals).

Compare: 1991 No 69 ss 65(4A), 73(2A), Schedule 1 cl 21(5)

50 How local authority deals with change request

(1) A local authority—

(a) may ask for more information on a change request in the ~~prescribed~~ manner prescribed by regulations; and

(b) may commission a report on ~~a~~ the change request in the ~~prescribed~~ manner prescribed by regulations; and

(c) must otherwise deal with the change request in the ~~prescribed~~ manner prescribed by regulations.

(2) A local authority may modify a change request if the requester agrees.

Compare: 1991 No 69 Schedule 1 cls 23, 24

51 Local authority must decide if and how plan change will proceed

(1) A local authority that receives a change request must decide to do 1 or more of the following:

(a) adopt all or part of the change request as its own plan change (*see* **clause 55**):

(b) process all or part of the change request as a private plan change (*see* **clause 56**):

(c) reject all or part of the change request, and therefore refuse to process it further, but only ~~on 1 or more of the grounds set out in **clause 52**:~~ if,—

(i) within the last 12 months, the substance of the request or part of the request has been considered and given effect to, or rejected by, the local authority or the Environment Court; or

(ii) the plan has been operative for less than 12 months:

(d) process all or part of the change request under—

(i) **Part 4** of this Act as if it were an application for a planning consent (for a change request to a land use plan); or

(ii) **Part 4 of the Natural Environment Act 2025** as if it were an application for a natural resource permit (for a change request to a natural environment plan).

(2) The local authority must—

(a) make its decision ~~under **subclause (1)**~~ within the ~~prescribed~~ time frame prescribed in regulations; and

(b) notify the requester of ~~that~~ its decision in the ~~prescribed~~ manner prescribed by regulations.

Compare: 1991 No 69 Schedule 1 cl 25

~~**52 Grounds for rejecting request**~~

~~A local authority may reject all or part of a change request only on 1 or more of the following grounds:~~

~~(a) the request or part of the request is frivolous or vexatious:~~

~~(b) within the last 2 years, the substance of the request or part of the request has been considered and given effect to, or rejected by, the local authority or the Environment Court:~~

~~(c) the request or part of the request is not in accordance with sound planning practice:~~

~~(d) the request or part of the request would make —~~

~~(i) the land use plan inconsistent with **subpart 3 or 4 of Part 2 or subpart 2 of Part 3** of this Act; or~~

~~(ii) the natural environment plan inconsistent with **subpart 3, 4, or 5 of Part 2 or subpart 2 of Part 3 the Natural Environment Act 2025**:~~

~~(e) the plan has been operative for less than 2 years:~~

~~(f) the local authority has insufficient information to enable it to consider or approve the request, but only if the requester has refused —~~

~~(i) to provide any information asked for by the local authority in the prescribed manner; or~~

~~(ii) to agree to the commissioning of a report asked for by the local authority in the prescribed manner.~~

~~Compare: 1991 No 69 Schedule 1 cls 23(6), 25(3), (4)~~

53 Requester may appeal against decision on process

(1) A requester may appeal to the Environment Court against any of the following decisions of a local authority:

(a) a decision under **clause 51(1)(a)** to adopt, in part only, a ~~requested plan~~ change request as the local authority's own plan change:

(b) a decision under **clause 51(1)(b)** to process, in part only, a ~~requested plan~~ change request as a private plan change:

(c) a decision under **clause 51(1)(c)** to reject all or part of a ~~requested plan~~ change request ~~in whole or in part~~:

(d) a decision under **clause 51(1)(d)** to process all or part of a change request as an application for a planning consent or natural resource permit ~~(as the case requires) in whole or in part~~.

(2) A notice of appeal under this section must—

(a) be lodged in the ~~prescribed~~ form, and within the ~~prescribed~~ time frame, prescribed by regulations; and

(b) contain the ~~prescribed~~ information prescribed by regulations; and

(c) be served in the ~~prescribed~~ manner prescribed by regulations.

(3) The Environment Court may decide an appeal as it thinks fit.

Compare: 1991 No 69 Schedule 1 cl 27

54 Withdrawing change request

A requester or the local authority may withdraw a change request in the ~~prescribed~~ manner prescribed by regulations.

Compare: 1991 No 69 Schedule 1 cl 28

55 Process if local authority adopts requested plan change as its own

(1) This clause applies if a local authority decides (under **clause 51(1)(a)**) to adopt all or part of a ~~requested plan~~ change request as its own plan change.

(2) The local authority must, no later than 4 months after deciding to adopt the request, notify the adopted plan change or part of the plan change for submissions.

(3) **Clauses 3 and 15 to 47** and **Parts 3 and 4** of this schedule apply to the adopted plan change as if it were a plan change proposed by the local authority.

(4) To avoid doubt, **clauses 5 to 14** of this schedule do not apply to a plan change adopted by a local authority.

Compare: 1991 No 69 Schedule 1 cl 25(2)(a)

56 Process for private plan change

(1) This clause applies if a local authority decides (under **clause 51(1)~~(a)~~(b)**) to process all or part of a ~~requested plan~~ change request as a private plan change.

(2) The local authority must notify the requested plan change or part of the plan change for submissions—

(a) no later than 4 months after deciding to process the request as a private plan change; or

(b) within any time frame directed by the Environment Court after hearing an appeal under **clause 53**.

(3) **Clauses 15 to 40 and 44 to 47** and **Part 4** of this schedule apply to the private plan change,—

(a) with all necessary modifications, as if a reference to a plan change (including a reference to a proposed plan that includes a plan change) were a reference to the private plan change; and

(b) with the modifications set out in **subclauses (4) to (7)**.

(4) The local authority must send copies of all submissions and further submissions on the private plan change to the requester.

(5) The requester has a right to appear at—

(a) any hearing before the independent hearings panel; and

(b) any hearing on an appeal against the private plan change.

(6) The local authority must advise the requester in writing where an electronic copy of the notice of the local authority's decisions on the private plan change can be found.

(6A) If the local authority's decision on the private plan change is subject to the grant of an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977, the local authority must advise the requester that—

(a) the private plan change is subject to a decision by the administering body on the application to exchange the recreation reserve land; and

(b) the decision on the exchange will be made under the Reserves Act 1977 after the applicable appeal period under **clause 32, 33, or 34** has expired and any appeals have been determined or withdrawn.

(7) The requester may appeal to the Environment Court under **clause 32, ~~or~~ 33, or 34** as if—

(a) the requester were a submitter for ~~a purpose~~ the purposes of those clauses; and

(b) the restrictions on appealing in relation to a matter or provision addressed in a submission did not apply to the requester.

(7A) A provision (including a rule) in a private plan change has legal effect on and from the date on which the provision becomes operative under **clause 45**.

(8) To avoid doubt, **clauses 5 to 14 and Part 3** of this schedule do not apply to a private plan change.

Compare: 1991 No 69 Schedule 1 cl 29

Part 3
Legal effect of rules in proposed plan

57 What this Part does

(1) This Part specifies when a rule in a proposed plan has legal effect.

(2) This Part—

(a) does not apply to objectives, policies, environment limits (including target dates), designations, a relief framework, or methods in a proposed plan (all being provisions other than rules); and

(b) does not limit or affect the weight that a consent authority (under this Act) or a permit authority (under the **Natural Environment Act 2025**) gives to the provisions described in **paragraph (a)** before the proposed plan becomes operative.

Compare: 1991 No 69 s 86A

58 When rules in proposed ~~plans~~ plan have legal effect

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

(1A) **Subclause (1)** applies except as otherwise specified by **subclause (2), (4), (5), or (7)**.

(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— does either or both of the following:

(i) protects significant historic heritage~~; or~~:

(ii) relates to natural hazards; or

(c) for a proposed natural environment plan ~~only~~, the rule— does 1 or more of the following:

(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.

(3) However, a rule in a proposed natural environment plan described in **subclause (2)(c)(i), (ii), or (iii)** does not have immediate legal effect if~~, and to the extent that,~~ it is a rule that controls fishing in the coastal marine area.

(4) A rule in a proposed plan has legal effect on and from a date specified in an order of the Environment Court in accordance with **clause 59**.

(5) A rule in a proposed plan has legal effect on and from the date the rule becomes operative if—

(a) a national standard provides that the rule will have legal effect only when it becomes operative; or

(b) the local authority decides that the rule will have legal effect only when it becomes operative.

(6) However, **subclause (5)(b)** applies only if—

(a) the local authority makes the decision before notifying the proposed plan for public submissions; and

(b) the notification includes the decision; and

(c) the local authority does not rescind the decision (by publishing a notice in the prescribed manner that the decision is rescinded).

(7) If a local authority rescinds a decision under **subclause (6)(c)**, then the rule has legal effect on and from the later of—

(a) the date that the local authority notifies its decision on the rule in accordance with **clause 27**; and

(b) the day after the date of the notice under **subclause (6)(c)**.

(8) In this clause, **immediate legal effect**, in relation to a rule in a proposed plan, means the rule has legal effect on and from the date that the proposed plan is notified for public submissions.

Compare: 1991 No 69 ss 86B, 86C

59 Environment Court may order rule to have legal effect ~~from date other than standard date~~ on alternative date

(1) A local authority may apply to the Environment Court for a rule in a proposed plan to have legal effect from a date other than the date ~~on which the local authority notifies its decision on the rule in accordance with **clause 27**~~ that applies under **clause 58(1)**.

(2) The local authority may make the application before or after the proposed plan is notified for submissions.

(3) If the court grants the application, ~~the order must specify the date from which the rule is to have legal effect, being a date no earlier than the later of —~~

~~(a) the date that the proposed plan is notified for submissions; and~~

~~(b) the date of the order.~~

(a) the order must specify the date from which the rule is to have legal effect, being a date no earlier than the later of—

(i) the date on which the proposed plan is notified for submissions; and

(ii) the date of the order; and

(b) the rule has legal effect on and from the specified date.

(4) However, the court must not make an order ~~in respect of~~ for a rule ~~that has immediate legal effect in accordance with **clause 58**.~~ that—

(a) has immediate legal effect under **clause 58(2)**; or

(b) has legal effect only when operative under **clause 58(5)(a)**.

Compare: 1991 No 69 ~~s~~ ss 86B(1)(b), 86D

60 Local authority must identify rules ~~having~~ that have early or delayed legal effect

(1) A local authority must include a ~~notation~~ note in a proposed plan clearly identifying any rule that has legal effect, or is to have legal effect, on and from one of the alternative dates ~~in accordance with~~ under **clause 58(2), (4), or (5)**.

(2) The local authority must include the ~~notation~~ note—

(a) when the proposed plan is notified for submissions; or

(b) as soon as practicable after an order under **clause 59** is determined, if the rule is subject to an order determined after the proposed plan is notified for submissions.

(3) If the date ~~that~~ from which a rule is to have legal effect changes as a result of a decision being rescinded under **clause 58(6)(c)**, the local authority must update the ~~notation~~ note to reflect the new date as soon as practicable after giving the notice under **clause 58(6)(c)**.

(4) A ~~notation~~ note under this ~~section~~ clause—

(a) does not form part of the proposed plan; and

(b) may be removed by the local authority, without using the process in this schedule, when the rule becomes operative.

Compare: 1991 No 69 s 86E

61 ~~Rules~~ When rules in proposed plan must be treated as operative ~~if no submissions in opposition made or all are withdrawn~~

(1) A rule in a proposed plan that is notified for public submissions must be treated as operative (and any previous rule as inoperative) on and from—

(a) the day after the period for making submissions ends, if no submissions in opposition to the rule have been made or all submissions in opposition are withdrawn before that date; or

(b) the day after the date that the last of any submissions in opposition to the rule are withdrawn, if that occurs after the date in **paragraph (a)** ~~.~~; or

(c) the day after the period for making appeals ends, if no appeals have been lodged in relation to the rule; or

(d) the day after the date on which the last of any appeals in relation to the rule are determined or withdrawn.

(2) A rule in a proposed plan that is notified for targeted submissions must be treated as operative (and any previous rule as inoperative) on and from—

(a) the date that the local authority publishes its decision on the panel's recommendation on the rule under **clause 27**, if no submissions in opposition to the rule have been made or all submissions in opposition are withdrawn before that date; or

(b) the day after the date that the last of any submissions in opposition to the rule are withdrawn, if that occurs after the date in **paragraph (a)**~~.~~; or

(c) the day after the period for making appeals ends, if no appeals have been lodged in relation to the rule; or

(d) the day after the date on which the last of any appeals in relation to the rule are determined or withdrawn.

Compare: 1991 No 69 s 86F

Part 4
Regulatory relief

62 Purpose

The purpose of this Part is to provide a mechanism for relief to be granted if a specified rule in a plan has a significant adverse impact on the reasonable use of land.

63 Interpretation

In this Part, unless the context otherwise requires,—

~~**impact** means the impact of a specified rule on the reasonable use of land~~

prescribed criteria means criteria prescribed in national instruments or regulations

reasonable use in relation to land,—

(a) in the case of a natural environment plan, includes the use or potential use of land for any activity where the actual or potential effects on any natural resource or on any person (other than the person who owns the land) would not be significant; and

(b) in the case of a land use plan, includes the use or potential use of land for any activity where the actual or potential effects on any land use or on any person (other than the person who owns the land) would not be significant

specified rule means a rule on a specified topic.

64 Duty to consider impact of specified ~~rule~~ rules proposed in plan

~~(1) When preparing or deciding a proposed plan or private plan change that contains a specified rule, a local authority must consider the impact of the pro-~~

~~posed rule on the reasonable use of land if the rule is substantially different in the operative plan.~~

(1) When preparing or deciding a proposed plan or private plan change that contains 1 or more specified rules, a local authority—

(a) must consider the impact of the proposed specified rule or rules on the reasonable use of land; but

(b) is not required to consider the impact of a proposed specified rule that is substantially similar to a specified rule in the operative plan.

(2) The duty described in **subclause (1)** does not apply to—

(a) the use of land that is publicly owned; or

(b) the private use of public land; or

(c) the coastal marine area except for privately owned land.

(3) A local authority must comply with this clause when preparing a plan under **clause 4**.

64A When requirements in clauses 65 to 67A must be complied with

A local authority must comply with **clauses 65 to 67A** before consulting on the subject matter of the proposed plan under **clause 5**.

Preparation of relief framework

65 Duty to prepare relief framework in proposed plan

~~(1) If a local authority considers, after taking into account any prescribed criteria, that a specified rule in its proposed plan is reasonably likely to have a significant impact on the reasonable use of land, the authority must—~~

~~(a) develop a relief framework in accordance with the requirements in this Part, and any requirements in national instruments and regulations; and~~

~~(b) include the relief framework in the proposed plan when it is notified for submissions.~~

(1) A local authority must include a relief framework in its proposed plan if it considers, after taking into account any prescribed criteria, that—

(a) a specified rule in its proposed plan is reasonably likely to have a significant adverse impact on the reasonable use of land; or

(b) 2 or more specified rules in its proposed plan are reasonably likely to collectively have a significant adverse impact on the reasonable use of the same land.

(1A) The local authority—

(a) must develop the relief framework in accordance with the requirements in this Part and any requirements in national instruments and regulations; and

(b) may develop more than 1 relief framework; and

(c) must include the relief framework (or frameworks) in the proposed plan when it is notified for submissions.

(2) The requirements in regulations referred to in **subclause ~~(1)(a)~~ (1A)** may include methodologies for the purpose of—

(a) defining levels of impact within a relief framework; and

(b) classifying types of impact; and

(c) setting the types of relief available for different types and levels of impact; and

(d) identifying impacted land owners.

66 Assessment of ~~materiality of~~ significance of impacts

~~(1) A local authority must carry out an assessment of the materiality of impacts—~~

~~(a) at a general level, when developing its relief framework for inclusion in its proposed plan; and~~

~~(b) at a site-specific level, when implementing its relief framework after the plan is made operative.~~

(1) When developing a relief framework as required by **clause 65**, a local authority must carry out a general assessment of the impacts of a specified rule or rules to determine whether there are significant adverse impacts on the reasonable use of land.

(2) A local authority must assess the ~~materiality of the~~ significance of the impacts by considering—

(a) the extent to which the specified rule—

(i) restricts or removes development potential; and

(ii) imposes obligations for the protection, restoration, or non-use of land; and

(iii) creates compliance costs or regulatory constraints that affect ~~affects~~ the reasonable use ~~or enjoyment~~ of land; and

(iv) affects land value; and

(aa) prescribed criteria that apply when assessing the impact of 2 or more specified rules on the same land; and

(b) any other matters required by national instruments or regulations.

66A Considerations for developing relief framework

(1) This clause applies to a local authority when preparing or deciding a proposed plan or private plan change for which a relief framework is required by **clause 65**.

(2) A local authority must carry out a general assessment of relief in which—

(a) similar impacts are treated the same way; and

(b) relief can be adjusted to the scale of the impact.

(3) Relief provided in a relief framework is not required—

(a) to be provided on an equivalent basis; or

(b) to fully address any significant adverse impact of any specified rule.

(4) A relief framework must—

(a) include criteria for assessing impacts; and

(b) provide for how eligibility for relief is determined; and

(c) state the nature of relief available; and

(d) include any other matter required by national instruments or regulations.

67 How relief framework must provide for impacts

A ~~regulatory~~ relief framework prepared by a local authority must—

~~(a) identify both—~~

~~(i) the types of impact that a local authority considers is reasonably likely to occur; and~~

~~(ii) the levels of impact (as informed by the assessment of the materiality of impacts); and~~

(a) identify both the types and levels of impact that a local authority considers are reasonably likely to occur as informed by the assessment carried out under **clause 66**; and

(b) identify, in accordance with any prescribed criteria, what constitutes a significant adverse impact on the reasonable use of land; and

(c) specify criteria for grouping similar impacts based on the type or level of impact; and

(d) provide for how relief is to be made available ~~in accordance with **clause 70**~~ (*see* **clause 67A**); and

(e) include any other ~~matters~~ matter required by national instruments or regulations.

67A Types of relief under relief framework

A relief framework may, without limitation, include any of the following types of relief available to an eligible person:

(a) monetary payment:

(b) waiving or reducing local government rates or fees for an application for a planning consent or natural resource permit:

(c) granting additional development rights elsewhere on the person's land or on other land that they own:

(d) offering alternative parcels of land in exchange for the person's land:

(e) providing access to targeted grant programmes, restoration, fencing, planting, or other mitigation activities.

Implementation of relief framework

68 Eligibility for relief

~~(1) A person is eligible for relief under a relief framework in a plan only if—~~

~~(a) they own land that is impacted by a specified rule in the plan; and~~

~~(b) they own that land when the plan is made operative.~~

(1) A person is eligible for relief under a relief framework in a plan only if they own land to which the relief framework applies and they own that land when the plan is made operative.

(2) A person who makes a change request is not eligible for relief as a result of any plan change or private plan change from that request.

~~(3) A person who makes a submission on a proposed plan or plan change is not eligible for relief as a result of that submission.~~

(3) A person is not eligible for relief if—

(a) they make a submission on a proposed plan or plan change requesting or supporting amendments that a specified rule apply to land that is or includes land that they own; and

(b) the plan is amended so that the specified rule applies to that land.

(3A) **Subclause (3)** does not prevent a person from being eligible for relief in respect of other land that the person owns and to which their submission does not relate.

~~(4) A person who has received voluntary incentives provided in a plan is not eligible for relief under a relief framework in the same plan.~~

(4) If a person has received voluntary incentives provided in a plan in respect of land that they own, the person—

(a) is not eligible for relief in respect of that land under a relief framework in the same plan; but

(b) is not prevented from being eligible for relief in respect of other land that they own and to which a relief framework in the plan applies.

~~(5) A person who received relief under a relief framework in a plan in respect of land, is not eligible for relief under a relief framework in a proposed plan in respect of the same land unless the impact on the land is substantially worse.~~

(5) A person who received relief under a relief framework in a plan in respect of land is not eligible for relief under a relief framework in a subsequent plan in respect of the same land unless the impact of the specified rule or rules on the reasonable use of land is substantially worse.

(6) This clause does not prevent a person from being eligible for relief if the relief framework provides for relief to be granted where the impact is less than a significant adverse impact on the reasonable use of land.

(7) *See* **clause 37 of Schedule 1**.

~~(6) If the first proposed plan includes a specified rule,~~

~~(a) **subclause (1)** does not apply if a person is eligible for relief under **subclause (7)**; and~~

~~(b) to avoid doubt, **subclause (5)** does not apply in that case.~~

~~(7) When the first proposed plan is made operative, a person is eligible for relief under the relief framework in the plan if~~

~~(a) the person owned land when the last RMA operative plan was publicly notified; and~~

~~(b) the land was subject to a rule in the RMA operative plan that is similar to a specified rule in the first proposed plan; and~~

~~(c) the land is impacted by the specified rule; and~~

~~(d) the land has not changed ownership between the time that the RMA operative plan was publicly notified and the time that the first proposed plan is notified.~~

~~(8) In **subclauses (6) and (7)**,~~

~~**RMA operative plan** means an operative district plan or regional plan under the Resource Management Act 1991 for the district or region in which the land is located~~

~~**first proposed plan** means the first proposed land use plan or proposed natural environment plan.~~

~~**69 Considerations for developing and implementing relief framework**~~

~~(1) This section applies to a local authority when~~

~~(a) preparing or deciding a proposed plan or private plan change for which a relief framework is required; and~~

~~(b) implementing a relief framework.~~

~~(2) A relief framework requires a broad assessment of relief in which~~

~~(a) similar impacts are treated the same way; and~~

~~(b) relief can be adjusted to the scale of the impact; and~~

~~(c) relief need not be granted on a like-for-like basis.~~

~~(3) A relief framework must~~

~~(a) include criteria for assessing impacts; and~~

~~(b) provide for how eligibility for relief is determined; and~~

~~(c) state the nature of relief available; and~~

~~(d) include any other matter required by national instruments or regulations.~~

70 ~~Nature of relief~~ Relief to be provided to eligible persons

A local authority must provide an eligible person with the relief to which they are entitled under the relief framework.

~~(2) A relief framework may, without limitation, include any of the following types of relief:~~

~~(a) monetary payment:~~

~~(b) waiving or reducing local government rates or fees for planning consent applications:~~

~~(c) granting additional development rights elsewhere on the property or on another site owned by the landowner:~~

~~(d) offering alternative parcels of land in exchange for the affected site:~~

~~(e) providing access to targeted grant programmes, restoration, fencing, planting, or other mitigation activities.~~

71 Duty to implement relief framework

~~(1) A local authority must, as soon as reasonably practicable after its plan is made operative, implement the relief framework.~~

~~(2) The local authority must —~~

~~(a) carry out a relief assessment by —~~

~~(i) identifying land that is impacted by the specified rule; and~~

~~(ii) applying the relief framework to the land; and~~

~~(b) notify affected persons of the results of the assessment.~~

~~(3) The identification of land under **subclause (2)(a)** must —~~

~~(a) be informed by the assessment of the materiality of impacts required by **clause 66(1)(b)**; and~~

~~(b) be carried out in accordance with any prescribed methodology.~~

~~(4) The notice to affected persons must state —~~

~~(a) the reasons why the land was identified for relief; and~~

~~(b) how the relief framework was applied to the land; and~~

~~(c) the relief available to the person; and~~

~~(d) how the requirements of **clause 69(2)** were met; and~~

~~(e) the dispute resolution processes available to the person under this Act.~~

~~(5) The local authority must, as soon as reasonably practicable after carrying out a relief assessment, give public notice on its internet site —~~

~~(a) that the assessment has been carried out; and~~

~~(b) that notices under this section will be sent to affected persons (if any).~~

~~(6) A notice under this section must comply with any prescribed requirements.~~

(1) A local authority must implement the relief framework—

(a) as soon as is reasonably practicable after its plan is made operative; and

(b) if a specified rule that has a significant adverse impact on the reasonable use of land is included in the plan as a result of a private plan change or plan change, as soon as is reasonably practicable after that rule becomes operative.

(2) The local authority must—

(a) carry out a relief assessment by—

(i) identifying land in respect of which any specified rule or rules have a significant adverse impact; and

(ii) assessing the impacts on the land at a site-specific level in accordance with **clause 66(2)**; and

(iii) applying the relief framework to the land; and

(b) notify eligible persons of the results of the assessment.

(3) In carrying out a relief assessment, the local authority—

(a) must consider—

(i) treating similar impacts the same way; and

(ii) adjusting relief to the scale of the impact; but

(b) is not required to provide relief on an equivalent basis nor fully address any significant adverse impact of any specified rule.

(4) A notice to an eligible person must state—

(a) the reasons why the land was identified for relief; and

(b) how the relief framework was applied to the land; and

(c) the relief available to the person; and

(d) how the requirements in **subclause (3)** were met; and

(e) the dispute resolution processes available to the person under this Act.

(5) The local authority must, as soon as practicable after carrying out its relief assessment, give public notice on its internet site that—

(a) the relief assessment has been carried out; and

(b) notices under this section will be sent to eligible persons (if any).

(6) A notice under this clause must comply with any requirements prescribed by regulations.

71A Person may decline relief

(1) A person who receives a notice of a relief assessment under **clause 71(2)** may decline the relief set out in the relief assessment by notifying the local authority in accordance with requirements prescribed by regulations.

(2) If a person's decision to decline relief is made in accordance with the prescribed requirements, a local authority may, for the purposes of **clause 68(5)**, treat the person as if they had received relief.

Review of relief decision

72 Review of decision where relief notice received

(1) If a person who receives ~~a~~ notice of a relief assessment under **clause 71(2)** considers there are errors in the local authority's application of the relief framework to their ~~property~~ land, the person—

(a) may apply to the local authority for a review of the relief assessment within 30 working days after ~~of~~ receiving the notice; and

(b) must identify those errors in their application.

(2) A review under this clause is limited to an assessment of—

(a) the applicant's ~~property~~ land; and

(b) the type and level of impact of ~~the specified provision~~ any specified rule or rules on the ~~property~~ land; and

(c) the relief that the applicant is eligible to receive under the relief framework in respect of the ~~property~~ land.

73 Review of decision ~~where~~ if relief notice not received

(1) A person may apply to the local authority for a review of its decision in applying the relief framework (after having carried out the relief assessment under **clause 71(2)**) if the person—

(a) is eligible, in accordance with **clause 68**, for relief under the relief framework; and

(b) has not received a relief notice.

(2) An application for a review under this clause must—

(a) be made no later than 30 working days after the public notice made under **clause 71**; and

(b) set out the relief that the person considers they are entitled to under the relief framework; and

(c) include reasons and supporting evidence, sufficient to enable the application to be determined on the papers.

(3) A review under this clause is limited to an assessment of—

(a) the applicant's expectation of relief under the relief framework as set out in their application; and

(b) the application of the relief framework to the applicant's ~~property~~ land.

74 How application for review must be considered

(1) A local authority must, in accordance with any prescribed requirements, consider an application for review made to it under **clause 72 or 73** and decide to—

(a) dismiss the application; or

(b) uphold the application in whole or in part and provide a relief notice or updated relief notice.

(2) The local authority must—

(a) consider the application and all material provided with it; and

(aa) carry out a new relief assessment in light of the new information; and

(b) consider, in light of that information, whether—

(i) its original assessment of the types of impact and levels of the impact was carried out in accordance with the relief framework and the requirements of this Part ~~criteria in the relief methodology in its plan~~; or

(ii) an alternative relief mechanism set out in the plan is more appropriate.

(3) The local authority must—

(a) decide the application within 15 working days; and

(b) provide its decision to the applicant in writing and give reasons; and

(c) if applicable, update the relief notice and provide it to the applicant.

(4) If further information is requested under **clause 75**, the time frame in **subclause (3)(a)** is subject to any excluded time period prescribed by regulations.

(5) The applicant has a right of review ~~objection~~ to the Planning Tribunal against the local authority's decision under this clause.

75 Requests for further information

A local authority may, in accordance with any prescribed requirements,—

(a) seek further information from an applicant seeking a review under **clause 72 or 73**; and

(b) require the information to be provided within a specified time; and

(c) dismiss an application if the information is not provided within the specified time.

76 Review of decisions granting regulatory relief

(1) The tribunal may review an application lodged under **clause 74(5)** against a local authority's decision in considering an application under **clause 72 or 73**.

(2) The purpose of the tribunal's review under **subclause (1)** is to determine whether the local authority—

(a) correctly assessed the impact of the specified rule or rules; and

(b) correctly applied the relief framework in the plan to the relevant land.

(3) If the tribunal concludes that the local authority did not correctly apply its relief framework, the tribunal may determine that an alternative relief mechanism set out in the plan is more appropriate for the land.

Schedule 4
Independent hearings panels

~~**s 77(4)** **ss 67A(2), 77A**~~

How panel is appointed ~~and assigned to instrument~~

1 Application and interpretation

(1) This schedule sets out provisions that apply in relation to independent hearings panels for—

(a) draft regional spatial plans under this Act (*see* **clause 15 of Schedule 2**); and

(b) proposed land use plans and private plan changes under this Act (*see* **section ~~77(4)~~ 77A** and **clause 23 of Schedule 3**); and

(c) proposed natural environment plans and private plan changes under the **Natural Environment Act 2025** (*see* **section ~~94(4)~~ 94A of that Act** and **clause 23 of Schedule 3** of this Act).

(2) The provisions in this schedule apply in relation to all of the instruments listed in **subclause (1)**, except where a provision indicates that it applies to a particular type of instrument or instruments.

(3) When this schedule is applied for the purposes of this Act, unless the context otherwise requires, a term used in this schedule that is defined in **section 3** has the meaning given in **section 3**.

(4) When this schedule is applied for the purposes of the **Natural Environment Act 2025**, unless the context otherwise requires, a term used in this schedule that is defined in **section 3 of the Natural Environment Act** has the meaning given in **section 3 of that Act**.

Example

Clause 4 refers to a "proposed plan". That means a proposed plan as defined in **section 3** for the purposes of this Act (a proposed land use plan), and a proposed plan as defined in **section 3 of the Natural Environment Act 2025** (a proposed natural environment plan) for the purposes of that Act.

(5) In this schedule, unless the context otherwise requires,—

central government ~~member~~ appointee, in relation to an independent hearings panel, means a member of that panel appointed by the Minister under **clause ~~57~~ 5**

local authority,—

(a) in relation to a regional spatial plan or draft regional spatial plan under this Act, means a local authority (as that term is defined in **section 3** of this Act) that is jointly responsible for the regional spatial plan

(b) in relation to a land use plan or proposed land use plan under this Act, means the ~~territorial~~ local authority (as that term is defined in **section 3** of this Act) responsible for the land use plan; and

(c) in relation to a natural environmental plan or proposed land use plan under the **Natural Environment Act 2025**, means the regional council (as that term is defined in **section 3** of that Act) responsible for the natural environment plan

local authority ~~member~~ appointee, in relation to an independent hearings panel, means a member of that panel appointed—

(a) by 2 or more local authorities jointly under **clause ~~58~~ 6** or following a determination under that clause ~~**clause 59**~~; or

(b) by a local authority on its own under **clause ~~60~~ 7**.

2 Direction on skills, experience, or qualifications of panel members

(1) The Minister may issue a direction on the skills, experience, or qualifications that members of an independent hearings panel must collectively hold.

(2) A direction under this clause is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

~~**3 How a spatial plan committee assigns panel to draft regional spatial plan**~~

~~(1) The local authorities of a region must assign to a draft regional spatial plan an independent hearings panel—~~

~~(a) that the local authorities appoint jointly in accordance with **clause 6**; and~~

~~(b) whose membership—~~

~~(i) collectively reflects the expertise required for the matters being considered, informed by the goals of this Act and the **Natural Environment Act 2025**; and~~

~~(ii) meets the experience and qualifications levels directed under **clause 2**.~~

~~(2) The local authorities must, as soon as is reasonably practicable after assigning a panel,—~~

~~(a) advise the Minister of the names of the panel members; and~~

~~(b) publish (in the prescribed manner) the names of the members.~~

3 Appointing panel to draft regional spatial plan

(1) The local authorities of a region must, as soon as practicable after approving a draft regional spatial plan for notification, appoint an independent hearings panel for the draft regional spatial plan.

(2) The local authorities must appoint the panel jointly, in accordance with **clause 6**.

(3) The local authorities must appoint a panel whose membership (together with any central government appointees) collectively—

(a) meets the experience and qualification requirements directed under **clause 2**; and

(b) reflects the expertise required for the matters being considered.

~~**4 How local authority assigns panel to a proposed plan**~~

~~(1) A local authority must assign an independent hearings panel to a proposed plan or private plan change whose members collectively meet the requirements of any applicable direction under **clause 2**.~~

~~(2) The local authority must assign a panel that was appointed—~~

~~(a) by the local authority jointly with 1 or more other local authorities in accordance with **clause 6**; or~~

~~(b) by the local authority on its own in accordance with **clause 7**.~~

~~(3) The local authority must, as soon as is reasonably practicable after assigning a panel to a proposed plan or private plan change,—~~

~~(a) advise the Minister of the names of the panel members; and~~

~~(b) publish (in the preseribed manner) the names of the members.~~

4 Appointing panel to proposed plan

(1) A local authority must, as soon as is reasonably practicable after notifying a proposed plan or private plan change for submissions, appoint an independent hearings panel for the proposed plan or private plan change.

(2) The local authority may—

(a) appoint the panel jointly with 1 or more other local authorities in accordance with **clause 6**; or

(b) appoint the panel on its own in accordance with **clause 7**.

(3) The local authority must appoint a panel whose membership (together with any central government appointees) collectively meets the experience and qualification requirements directed under **clause 2**.

~~**5 Minister may appoint central government members**~~

~~(1) The Minister may appoint 1 or more central government members to sit on any panel assigned to a proposed plan or private plan change.~~

~~(2) The Minister must make any appointment under **subclause (1)** no later than 20 working days after being advised that the panel has been assigned to the proposed plan or private plan change.~~

~~(3) The number of central government members must not exceed the number of local authority members.~~

~~(4) The territorial authority must publish (in the prescribed manner) the names of any central government member as soon as is reasonably practicable after the Minister advises the territorial authority of the appointment.~~

5 Minister may appoint members of panel

(1) The Minister may appoint 1 or more persons as members of any independent hearings panel for a draft regional spatial plan, proposed plan, or private plan change.

(2) The Minister must make any appointment under **subclause (1)** as soon as is reasonably practicable after—

(a) the draft regional spatial plan is approved for notification; or

(b) the proposed plan or private plan change is notified for submissions.

(3) The number of central government appointees on a panel must not exceed the number of local authority appointees.

6 Jointly appointed panel

(1) To appoint an independent hearings panel jointly, the relevant local authorities must agree on the following:

(a) the number of local authority ~~panel members~~ appointees:

(b) the persons to be appointed as local authority ~~members (including the chairperson of the panel)~~ appointees, or a process to appoint those members:

(c) the remuneration and expenses to be paid to the local authority ~~panel members~~ appointees:

(d) how the local authorities will provide administrative and specialist support to the panel that is sufficient to enable it to carry out its functions within the applicable time frames:

(e) how any costs of the panel that the local authorities are jointly responsible for will be shared ~~amongst~~ among the local authorities.

(1A) The local authorities must appoint a chairperson of the panel in accordance with any requirements prescribed by regulations made under **section 282A**.

(2) If local authorities are unable to agree on any of the matters set out in **subclause (1) or (1A)**, they must, within the time frame prescribed by regulations, advise the Minister ~~in writing of the matters in dispute~~ that a decision is required on the matter.

(3) The Minister must appoint an ~~appropriate expert to make determinations on the matters that the local authorities have advised are in dispute as soon as is reasonably practicable after receiving the advice~~ independent person to determine the matter.

~~(4) The appointed expert must determine the matters in dispute as soon as is reasonably practicable after their appointment.~~

~~(5) The local authorities must comply with any determinations made by the appointed expert.~~

(4) The local authorities, and the independent person, must comply with any procedural requirements relating to dispute resolution that are prescribed by regulations for the purposes of this clause.

(5) A determination is binding on the local authorities.

7 Panel appointed by local authority

(1) To appoint ~~a~~ an independent hearings panel on its own, a local authority must decide the following:

(a) the number of local authority ~~panel members~~ appointees:

(b) the persons to be appointed as local authority ~~members (including the chairperson of the panel)~~ appointees:

(c) the remuneration and expenses to be paid to the local authority ~~panel members~~ appointees:

(d) how the territorial authority will provide administrative and specialist support for the panel that is sufficient to enable it to ~~undertake~~ carry out its functions within the statutory time frames.

(2) The local authority must appoint a chairperson of the panel in accordance with any requirements prescribed by regulations made under **section 282A**.

7A Elected members ineligible as panel member

An elected member of a local authority must not be appointed as a member of an independent hearings panel.

Powers and duties of panel

7B Powers and duties of panel, protection from liability

(1) An independent hearings panel—

(a) has any powers and duties relating to control of hearings that are prescribed in regulations made under **section 282A**; and

(b) otherwise, may regulate its own proceedings.

(2) A member of an independent hearings panel is not liable for anything the member does, or omits to do, in good faith in performing the functions or duties, or exercising the powers, of a panel.

Funding of panel

8 Funding of panel and related activities

(1) If an independent hearings panel is ~~assigned to the~~ appointed for an instrument or instruments of more than 1 local authority, those local authorities are jointly responsible for all costs incurred by the panel and for the activities related to

the performance or exercise of the panel's functions and powers under this Act or the **Natural Environment Act 2025**.

(2) If an independent hearings panel is ~~assigned solely to instruments or an instrument~~ appointed solely for an instrument or instruments of a single local authority, that local authority is responsible for all costs incurred by the panel and for the activities related to the performance or exercise of the panel's functions and powers under this Act or the **Natural Environment Act 2025**.

(3) Without limiting **subclauses (1) and (2)**, the local authorities jointly are, or the single local authority (as the case requires) is, responsible for—

(a) the remuneration and expenses of the local authority members of the panel and any central government member of the panel; and

(b) the administrative costs of each hearing session; and

(c) the remuneration of any expert, mediator, other dispute resolution facilitator, or any other person whose services are engaged by the panel under this Act or the **Natural Environment Act 2025** (as the case requires); and

(d) the allowances payable to any witness called by the panel; and

(e) the costs of any special advisor or friend of submitter appointed by the panel; and

(f) the costs of administrative and secretarial support services to the panel.

(4) Each local authority ~~member of a panel~~ appointee—

(a) appointed jointly under **clause 6** must be paid at a rate determined in accordance with **clause 6(1)(c) or (4)** (as the case requires); and

(b) appointed by a local authority under **clause 7** must be paid at the rate determined by the local authority in accordance with **clause 7(c)**.

(5) Each central government ~~member of a panel~~ appointee must be paid—

(a) remuneration by way of salary, fees, or allowances at a rate determined by the Minister; and

(b) actual and reasonable travelling and other expenses incurred in carrying out their office in accordance with the Fees and Travelling Allowances Act 1951, and that Act applies as if the members were members of a statutory Board within the meaning of that Act.

(6) In this clause, **instrument** means—

(a) a draft regional spatial plan; or

(b) a proposed plan ~~(including a variation)~~; or

(c) a private plan change.

Compare: 1991 No 69 Schedule 1 cl 63

Schedule 5
Designations

s 106

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1 Interpretation

In this schedule, unless the context otherwise requires,—

construction project plan means the plan required for a designation under **Part 5** of this schedule

core infrastructure operation and **core infrastructure operator** have the meanings given in **clause 9**

designating authority has the meaning given in **clause 8(1)**

designation has the meaning given in **clause 3**

designation footprint, in relation to a designation or proposed designation, means the area subject to the designation or proposed designation

earlier designation has the meaning given in **clause 6(4)**

eligible infrastructure has the same meaning as in section 8 of the Infrastructure Funding and Financing Act 2020

~~**infrastructure**, in relation to a designation or an application to be approved as a designating authority, means —~~

~~(a) pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy; or~~

~~(b) a network for the purpose of —~~

~~(i) telecommunication as defined in section 5 of the Telecommunications Act 2001; or~~

~~(ii) radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989; or~~

~~(c) facilities used to generate electricity for supply, excluding any facility that a person uses primarily to generate electricity for their own use; or~~

~~(d) lines (and any associated facilities, including support structures for those lines) used or intended to be used to convey electricity, excluding any lines or associated facilities that a person uses primarily in connection with a facility to generate electricity for their own use; or~~

~~(e) a water supply distribution system, including a system for irrigation; or~~

~~(f) a drainage system, including a stormwater network; or~~

~~(g) a sewerage system; or~~

~~(h) structures for transport on land by cycleways, rail, roads, walkways, or any other means; or~~

~~(i) facilities for the loading or unloading of cargo or passengers transported on land by any means; or~~

~~(j) an aerodrome as defined in section 5 of the Civil Aviation Act 2023; or~~

~~(k) a navigation installation as defined in section 5 of the Civil Aviation Act 2023; or~~

~~(l) facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988; or~~

~~(m) a relevant school or an institution as those terms are defined in section 10 of the Education and Training Act 2020; or~~

~~(n) a health facility operated by Health New Zealand to meet its obligations under the Pae Ora (Healthy Futures) Act 2022; or~~

~~(o) facilities for an emergency service (such as an ambulance or a fire service); or~~

~~(p) defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990; or~~

~~(q) a corrections prison as defined in **section 3(1) of the Corrections Act 2004**; or~~

~~(r) resource recovery facilities or waste disposal facilities, including privately operated facilities that are open to the public; or~~

~~(s) anything prescribed as a core infrastructure operation by regulations~~

later designation has the meaning given in **clause 6(4)**

project includes a work

proposed designation means—

(a) a proposal for a designation that has been notified by a designating authority under **clause 13 or 34(2)~~(b)~~**; but

(b) excludes a proposed designation that has been—

(i) incorporated into the relevant land use plan or proposed land use plan; or

(ii) cancelled; or

(iii) withdrawn

recommending authority, in relation to a proposed designation, means the recommending authority under **clause 22**

responsible infrastructure authority has the same meaning as in section 7 of the Infrastructure Funding and Financing Act 2020

responsible SPV and **SPV** have the same meanings as in section 7 of the Infrastructure Funding and Financing Act 2020

submitter, in relation to a proposed designation, means a person who made a submission on that proposed designation.

2 Recognition of identified Māori land as taonga tuku iho

A person exercising a power or performing a function or duty under this Act relating to a designation or proposed designation that may affect identified Māori land must—

(a) exercise that power, or perform that function or duty, in a manner that recognises that the identified Māori land is a taonga tuku iho for the owners of the land and the hapū associated with the land; and

(b) in doing so, consider the rights and interests of owners of the identified Māori land to retain, control, use, and occupy the land for the benefit of present and future generations of owners, their whānau, and their hapū.

Compare: 2023 No 46 s 512

Part 1
Effect of designations and proposed designations

3 Meaning of designation

In this Act, unless the context otherwise requires, **designation** means a set of provisions in a land use plan relating to a project that—

(a) are decided by a designating authority under **clause ~~20~~ 28 of Schedule 2, clause 29 of Schedule 3, or clause 26** of this schedule; and

(b) ~~that~~ do 1 or more of the following:

(i) ~~authorise~~ allow the use of land for the project (*see* **section 17(1)(d) and clause 4(1)(a)** of this schedule):

(ii) protect land set aside for the project against anything that would prevent or hinder the project (*see* **clause 4(1)~~(b)~~(c)**):

(iii) restrict the use of any land, subsoil, airspace, or space occupied by water for the safe and efficient operation of the project (*see* **clause 4(3)**).

Compare: 1991 No 69 s 166 definition of **designation**

4 Effect of designation

(1) If a designation is included in a land use plan,—

(a) the designating authority may use land for a project in a way that contravenes a rule in a land use plan or a rule in a proposed land use plan that has legal effect if the use of land for the project is authorised by the designation; and

(b) the designating authority may use land for a project in a way that contravenes a national rule~~;~~ if—

(i) the use of land for the project is authorised by the designation; and

(ii) ~~the national rule expressly allows a designation to be more enabling that the national rule or~~ **section 42** ~~otherwise allows~~ provides that the designation ~~to prevail~~ prevails over, or is otherwise not required to comply with, the national rule; and

(c) no person may do anything in relation to the land subject to the designation that would prevent or hinder the project to which the designation relates, unless the designating authority expressly approves it ~~allowed by an approval from the designating authority~~ under **clause 42 or 43**.

(2) The actions restricted by **subclause (1)(c)** include—

(a) using the land; and

(b) changing the character, intensity, or scale of any use of the land; and

(c) subdividing the land.

(3) A person must not breach a restriction in a designation on the use of any land, subsoil, airspace, or space occupied by water that is subject to the designation.

(4) The other provisions of a land use plan or proposed land use plan apply to the land that is subject to a designation only to the extent that the land is used for a purpose that is not the designated purpose.

(~~6~~5) In this clause, **other provisions**~~, mean~~ means the provisions in the land use plan or proposed land use plan other than the designation.

Compare: 1991 No 69 s 176

5 Effect of proposed designation

(1) A person must not, during the period described in **subclause (3)**, do anything in relation to land subject to a proposed designation that would prevent or hinder the project to which the proposed designation relates, unless the designating authority expressly ~~allowed by an approval from the designating authority~~ approves it under **clause 42**.

(2) The actions restricted by **subclause (1)** include—

(a) using the land; and

(b) changing the character, intensity, or scale of any use of the land; and

(c) subdividing the land.

(3) The period—

(a) starts on the following date (as applicable):

(i) if the proposed designation is using the process in **Part 3** of this schedule, the date ~~that~~ on which the designating authority notifies it under **clause 13**:

(ii) if the proposed designation is using the spatial planning process in **Part 4** of this schedule, the date ~~that~~ on which the designating authority provides the notice of the proposed designation to the spatial plan committee in accordance with **clause 34(2)(b)**:

(iii) if the proposed designation is a modified designation incorporated into a proposed land use plan under **clause 7(5) of Schedule 3**, the date of the designating authority's response under **clause 7(4)** of that schedule:

(iv) if the proposed designation is incorporated into a proposed land use plan under **clause 9 of Schedule 3**, the date ~~that~~ on which the territorial authority decides to incorporate the proposed designation into its proposed plan under that clause:

(b) ends on the earliest of the following:

(i) the date ~~that~~ on which the proposed designation is included in the land use plan as a designation:

(ii) the date ~~that~~ on which the proposed designation is cancelled:

(iii) the date ~~that~~ on which the proposed designation is withdrawn.

(4) If the proposed designation applies to land subject to a designation held by another designating authority, **subclause (1)** does not apply to anything done by the other designating authority on the overlapping land in accordance with that designation.

(5) A person who contravenes **subclause (1)** does not commit an offence against this Act unless the person knew, or could reasonably be expected to have known, of the existence of the proposed designation.

Compare: 1991 No 69 s 178

6 Earlier and later designations

(1) This clause applies if the same area of land is subject to 2 or more overlapping designations held by different designating authorities.

Designating authority that holds earlier designation may exercise designation without seeking approval

(2) Despite **clause 4(1)(c)**, a designating authority that holds an earlier designation—

(a) may do anything authorised by that earlier designation on the area of land; and

(b) is not required to seek the approval of a designating authority that holds any later designation.

Designating authority that holds later designation must seek approval

(3) A designating authority that holds a later designation must not do anything authorised by the later designation on the area of land that would prevent or hinder the project to which an earlier designation relates, unless ~~specifically~~ expressly authorised by an approval granted under **clause 43** from ~~each~~ the designating authority that holds ~~an~~ the earlier designation.

(4) In this ~~clause~~ schedule,—

earlier designation, in relation to any other designation on the same area of land, means a designation that ~~first applied~~ began to apply to that area before the other designation (even if the conditions of that designation ~~has~~ have been altered after the other designation applied to the area)

later designation, in relation to any other designation on the same area of land, means a designation that ~~first applied~~ began to apply to that area after the other designation.

(5) For the ~~purpose~~ purposes of **subclause (4)**,—

(a) a designation ~~**first applies**~~ **begins to apply to an area** when the designation—

(i) is incorporated into the land use plan or a proposed land use plan under **clause 30 or 35** of this schedule or **clause 31 of Schedule 3** in relation to that area ~~of land~~; or

(ii) is altered to apply to that area, if it did not previously apply to that area ~~of land~~; and

(b) if 2 or more designations on an area of land are incorporated into a land use plan or proposed land use plan at the same time, the designations must be treated as having ~~first applied~~ begun to apply to the area in the order in which the relevant designating authority did the following (as applicable to the designation):

(i) gave notice of a proposed designation under **clause 13(1)**:

(ii) provided notice of a proposed designation to the spatial plan committee ~~in accordance with~~ under **clause 34(2)(b)**:

(iii) published the information required under **clause 9(2) of Schedule 3**.

Compare: 1991 No 69 s 177

7 Designation may not authorise ~~the~~ use of land in ~~the~~ coastal marine area

A designation may not authorise the use of land in the coastal marine area for a project.

Part 2
Designating authorities

8 Designating authorities

(1) Only the following persons (**designating authorities**) may propose or hold a designation:

(a) a Minister of the Crown:

(b) a local authority:

(ba) a water service provider as defined in section 4 of the Local Government (Water Services) Act 2025:

(c) a core infrastructure operator approved as a designating authority under **clause 10**:

(d) a person ~~that operates infrastructure~~ approved as a designating authority under **clause 11**.

(2) A designating authority that is a Minister of the Crown may propose or hold a designation only for a project that is a public work that the ~~Minister~~ Crown is financially responsible for.

(3) A designating authority that is a local authority may propose or hold a designation only for a project that is—

(a) a public work that the local authority is financially responsible for; or

(b) the construction of eligible infrastructure—

(i) that a responsible SPV or the local authority is financially responsible for; and

(ii) for which the local authority is a responsible infrastructure authority.

(4) A designating authority that is a person approved under **clause 10 or 11** may propose or hold a designation only for a project that is within the scope of their approval.

(5) In this clause,—

construction of eligible infrastructure includes any work that is required to facilitate the future construction of eligible infrastructure

public work has the same meaning as in section 2 of the Public Works Act 1981.

Compare: 1991 No 69 ss 166 (definitions of **requiring authority** and **relates to the construction of eligible infrastructure**), 168(1)–(3), 168A(1)

9 Meaning of core infrastructure ~~operator~~ operation and core infrastructure ~~operation~~ operator

In this schedule, unless the context otherwise requires ~~otherwise~~,—

core infrastructure operation has a meaning that corresponds to the meaning of core infrastructure operator

core infrastructure operator means a person who—

(a) undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy; or

(b) operates or proposes to operate a network for the purpose of—

(i) telecommunication as defined in section 5 of the Telecommunications Act 2001; or

(ii) radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989; or

(c) is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or

(d) undertakes or proposes to undertake the distribution, or storage and distribution, of water for the purpose of supply (including for the purpose of irrigation); or

(e) undertakes or proposes to undertake a drainage or sewerage system; or

(f) constructs or operates, or proposes to construct or operate, a road, railway line, cycleway, walkway, or similar facility (such as light rail, a busway, or a shared-use path); or

~~(g) constructs or operates, or proposes to construct or operate, a railway line; or~~

(h) is—

(i) an airport authority as defined section 2(1) of the Airport Authorities Act 1966 for the purpose of operating an airport as defined in that section; or

(ii) an airport operator as defined in section 5 of the Civil Aviation Act 2023 for the purpose of operating an aerodrome for which that operator is registered under that Act; or

(i) operates—

(i) an inland port (not contiguous with the coastal marine area) associated with a coastal port operated under the Port Companies Act 1988; or

(ii) the landward operations of a seaward port operated under the Port Companies Act 1988; or

(iii) Northport (being the port at Marsden Point) or any inland port associated with Northport; or

(j) is Health New Zealand in relation to any health facilities that it operates or proposes to operate to meet its obligations under the Pae Ora (Healthy Futures) Act 2022; or

(k) operates or proposes to operate ~~infrastructure~~ facilities for an emergency service (such as an ambulance or ~~afire~~ a fire service); or

(l) is a responsible SPV that constructs or proposes to construct eligible infrastructure; or

(m) undertakes or proposes to undertake any operation that ~~regulations prescribe~~ is prescribed by regulations as a core infrastructure operation.

Compare: 1991 No 69 s 166~~,~~ definition of **network utility operator**

10 Minister may approve core infrastructure operator as designating authority

(1) A core infrastructure operator may apply to the Minister for approval as a designating authority in relation to—

(a) a particular project; or

(b) a particular core infrastructure operation.

(2) The Minister must not grant approval unless satisfied that—

(a) approving the core infrastructure operator is appropriate for the purposes of carrying out the project or core infrastructure operation ~~(as relevant)~~; and

(b) the core infrastructure operator is likely to—

(i) satisfactorily carry out all the responsibilities (including the financial responsibilities) of a designating authority under this Act; and

(ii) give appropriate regard to the interests of those affected and to the interests of the built environment.

(3) However, if the core infrastructure operator is a responsible SPV seeking approval ~~in relation to~~ for a project that is the construction of eligible infrastructure, the core infrastructure operator need not have financial responsibility for the construction for the Minister to be satisfied of the matter in **subclause (2)(b)(i)**.

(4) The Minister may inquire into the application and request any information ~~as~~ that the Minister considers necessary or desirable.

(5) The Minister may grant approval subject to any conditions (including provision of a bond) that the Minister considers necessary or desirable.

(6) The Minister must notify an approval (including any conditions) in the *Gazette*.

Compare: 1991 No 69 s 167(1)–(4A)

11 Minister may approve other infrastructure operators as designating authority

(1) ~~Any~~ A person ~~that operates infrastructure~~ may apply to the Minister for approval as a designating authority ~~in relation to~~ for a particular project that is other infrastructure.

(2) The Minister must not grant approval unless satisfied that—

(a) the project would provide a significant public benefit; and

(b) approving the applicant is appropriate for the purposes of carrying out the project; and

(c) the applicant is likely to—

(i) satisfactorily carry out all the responsibilities (including the financial responsibilities) of a designating authority under this Act; and

(ii) give appropriate regard to the interests of those affected and to the interests of the built environment.

(3) In ~~assessing~~ deciding whether a project would provide a significant public benefit ~~for the purposes of **subclause (2)(a)**~~, the Minister must have regard to—

(a) the extent to which the project benefits the public generally versus a small section of the public; and

(b) the economic benefits of the project; and

(c) the size and scale of the project.

(4) ~~For the purposes of **subclause (2)(a)**, a~~ A project is not precluded from having a significant public benefit just because the operator charges a fee for access or obtains a commercial benefit from it.

(5) In ~~assessing~~ deciding whether ~~approval is~~ approving the applicant is appropriate for the purposes of carrying out the project ~~for the purposes of **subclause (2)(b)**~~, the Minister must have regard to—

(a) the extent to which the project could be more appropriately progressed using another process provided by this Act (such as a plan change or a ~~planning~~ land use consent); and

(b) the extent to which the size and scale of the project justifies a designation.

(6) The Minister may inquire into the application and request any information ~~as~~ that the Minister considers necessary or desirable.

(7) The Minister may grant approval subject to any ~~conditions~~ condition (including provision of a bond) that the Minister considers necessary or desirable.

(8) The Minister must notify an approval (including any conditions) in the *Gazette*.

(9) In this clause, **other infrastructure** means—

(a) facilities used to process (including to refine) or store fuel products:

(b) facilities used to store water:

(c) facilities used to generate electricity for supply, excluding any facility that a person uses primarily to generate electricity for their own use:

(d) lines (and any associated facilities, including support structures for those lines) used or intended to be used to convey electricity, excluding any lines or associated facilities that a person uses primarily in connection with a facility to generate electricity for their own use:

(e) facilities used to store electricity or other energy:

(f) facilities used for loading or unloading cargo or passengers transported on land by any means:

(g) an aerodrome as defined in section 5 of the Civil Aviation Act 2023:

(h) a navigation installation as defined in section 5 of the Civil Aviation Act 2023:

(i) facilities used for loading or unloading cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988:

(j) a relevant school or an institution as those terms are defined in section 10 of the Education and Training Act 2020:

(k) an early childhood education and care centre (as defined in section 10 of the Education and Training Act 2020), that is associated with and co-located with a relevant school or an institution (as those terms are defined in that section):

(l) facilities used for an emergency service (such as an ambulance or a fire service):

(m) defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990:

(n) a corrections prison as defined in section 3(1) of the Corrections Act 2004:

(o) resource recovery facilities or waste disposal facilities, including privately operated facilities that are open to the public.

12 Revoking approval of designating authority

(1) The Minister may revoke a designating authority's approval if satisfied that—

(a) the designating authority is unlikely to undertake or complete the project or core infrastructure operation for which they were approved as a designating authority; or

(b) the designating authority is unlikely to satisfactorily carry out any of its responsibilities (including financial responsibilities) as a designating authority under this Act; or

(c) if the designating authority was approved under **clause 10**, the designating authority is no longer a core infrastructure operator.

(2) The Minister must notify a revocation in the *Gazette*.

(3) On and from the date of a revocation, the Minister becomes the designating authority responsible for any designation or proposed designation held by the former designating authority.

(4) The Minister may hold a designation transferred to them under this clause even if the ~~Minister~~ Crown is not financially responsible for the project (as otherwise required by **clause 8(2)**).

Compare: 1991 No 69 s 167(5), (6)

Part 3
Securing designation

13 Notice of proposed designation

(1) A designating authority may, at any time, give notice to a territorial authority of a proposed designation for a project.

(2) A notice of a proposed designation must—

(a) describe the nature of the project; and

(aa) describe the intended effect of the proposed designation in terms of **clause 3(b)**; and

(b) set out the boundaries of the designation footprint; and

(c) set out any conditions that the designating authority proposes for the designation; and

(d) include an assessment of the effects of confirming the designation ~~on the built environment~~ described in **clause 24(1)(c) and (d)**; and

(e) include an assessment of the strategic need for the project and designation in the general location of the designation footprint; and

(f) state whether, or the extent to which, the designating authority is seeking to incorporate the details of a construction project plan into the designation for the purposes of **clause 36(2)(a)**; and

(g) include any ~~prescribed~~ information prescribed by regulations.

(2A) However, an assessment of strategic need under **subclause (2)(e)** is not required if—

(a) a regional spatial plan identifies the project in a location consistent with the location of the designation footprint; or

(b) the designating authority has an interest in the land sufficient for undertaking the project.

(3) The assessment ~~of the effects of confirming the designation on the built environment~~ required by **subclause (2)(d)** must include an assessment of the proposed designation against any relevant provisions of—

(a) ~~the goals, the national policy direction, and a national standard~~ a national instrument in accordance with **section 12**; and

(b) the land use plan and any proposed land use plan.

~~(4) However, an assessment of strategic need under **subclause (2)(c)** is not required if—~~

~~(a) the relevant spatial plan identifies the project in a location consistent with the location of the designation footprint; or~~

~~(b) the designating authority has an interest in the land sufficient for undertaking the project.~~

(5) The information in the assessment need only be at a level of detail that is proportionate to the nature and significance of any adverse effects of the project on the built environment.

(6) ~~To avoid doubt, a~~ A territorial authority that wants to secure a proposed designation (in its capacity as a designating authority) may issue a notice under this clause.

Compare: 1991 No 69 s 168; SR 2003/153 Schedule 1 form 18

14 No duty under this Act to consult about proposed designation

The following apply to a designating authority that gives notice of a proposed designation under **clause 13** and the relevant territorial authority:

(a) neither has a duty under this Act to consult any person about the proposed designation:

(b) each must comply with a duty under any other ~~enactment~~ legislation to consult any person about the proposed designation:

(c) each may consult any person about the proposed designation.

Compare: 1991 No 69 s 36A

15 Option to incorporate proposed designation into proposed land use plan

(1) This clause applies if a territorial authority intends to notify a proposed land use plan for public submissions no later than 40 working days after receiving a notice of proposed designation under **clause 13**.

(2) The territorial authority may, with the written consent of the designating authority, incorporate the proposed designation into the proposed plan to be considered through ~~that~~ the process in **Schedule 3** (*see* **clause 8 of Schedule 3**).

(3) If the territorial authority incorporates the proposed designation into the proposed plan, this Part ceases to apply to the proposed designation.

Compare: 1991 No 69 s 170

Deciding whether to notify for submissions

16 Decision to notify for submissions

A territorial authority must, no later than 10 working days after receiving a notice of a proposed designation under **clause 13**,—

(a) decide (in accordance with **clauses 17 to 19**) whether to notify the proposed designation for public submissions; and

(b) if it does not notify it for public submissions, decide (in accordance with **clause 20**) whether to notify it for targeted submissions.

Compare: 1991 No 69 s 169(1)

17 Deciding whether to notify for public submissions

(1) A territorial authority must notify a proposed designation for public submissions if—

(a) the designating authority requests notification for public submissions; or

(b) a national rule~~;~~ or a rule in a land use plan~~, or a rule in a proposed plan with legal effect~~ requires notification for public submissions; or

(c) the territorial authority decides (under **clause 19**) that~~ the project~~ confirming the proposed designation will or is likely to have adverse effects on the built environment that are more than minor; or

(d) **clause 18** applies (which relates to a failure to respond to a request for information or agree to commission a report).

(2) The territorial authority must not notify a proposed designation for public submissions if a national rule~~;~~ or a rule in a land use plan~~, or a rule in a proposed plan that has legal effect~~ precludes notification for public submissions, unless ~~the designating authority requests it or **clause 18** applies.~~—

(a) the designating authority requests public notification; or

(b) **clause 18** applies.

(2A) The territorial authority must not notify a proposed designation for public submissions if an infrastructure design solution precludes notification for public submissions.

(3) ~~**Subclause (2)** overrides~~ **Subclauses (2) and (2A)** override **subclause (1)(c)**.

Compare: 1991 No 69 ss 169(1), (1A), (1BC), 149ZCB

18 ~~Notification~~ Public notification decision: failing to respond to information request or commission report

A territorial authority must notify a proposed designation for public submissions if—

(a) the territorial authority has not already decided whether to notify the proposed designation for submissions; and

(b) either—

(i) the territorial authority requests further information from the designating authority under **section 119** (as applied by **clause ~~20~~ 21**), but the designating authority—

(A) refuses to provide the information; or

(B) does not provide it by the relevant deadline; or

(ii) the territorial authority notifies the designating authority under **section 120** (as applied by **clause 21**) that it wishes to commission a report, but the designating authority—

(A) refuses to agree to commission the report; or

(B) does not respond by the relevant deadline.

Compare: 1991 No 69 s 169(1A), (1B)

19 ~~Notification~~ Public notification decision: determining if adverse effects on built environment are more than minor

~~When~~ In deciding whether ~~a project~~ confirming a proposed designation will or is likely to have adverse effects on the built environment that are more than minor, the territorial authority must disregard—

(a) ~~must disregard~~ any effects on persons who own or occupy—

(i) the land to which the designation will apply; or

(ii) any land adjacent to that land; and

(b) ~~must disregard~~ any effect on a person who has given written approval for the proposed designation; and

(c) ~~may disregard~~ an adverse effect of the project if a national rule~~;~~ or a rule in a land use plan~~, or a rule in a proposed plan that has legal effect~~ permits an activity with that adverse effect.

Compare: 1991 No 69 ss 169(1), 149ZCE

20 Deciding whether to notify for targeted submissions

(1) If a territorial authority decides not to notify a proposed designation for public submissions, it must decide if there ~~is~~ are any ~~affected person in relation to the project.~~ of the following in relation to the proposed designation:

(a) an affected person (under **clause 20A**):

(b) an affected protected customary rights group (under **clause 20B(1)**):

(c) an affected customary marine title group (under **clause 20B(2)**).

~~(2) The territorial authority must decide that a person is an affected person if—~~

~~(a) the project will have adverse effects on the person that are more than minor; or~~

~~(b) the person owns or occupies any land to which the proposed designation applies.~~

~~(3) When making that decision, the territorial authority—~~

~~(a) must have regard to every relevant statutory acknowledgement; and~~

~~(b) may disregard an adverse effect of the project on a person if a national rule, a rule in a plan, or a rule in a proposed plan with legal effect permits an activity with that effect; and~~

~~(c) must disregard any person if—~~

~~(i) the person has given, and not withdrawn, written approval for the project; or~~

~~(ii) it is unreasonable in the circumstances to seek the person's written approval.~~

(4) The territorial authority must notify the proposed designation for targeted ~~submission~~ submissions to any affected person, unless a national rule, a rule in a land use plan, or ~~a rule in a proposed plan that has legal effect~~ an infrastructure design solution precludes notification for targeted submissions.

(5) The territorial authority must notify the proposed designation for targeted submissions to an affected protected customary rights group or an affected customary marine title group even if a national rule, a rule in a land use plan, or a rule in a proposed land use plan that has legal effect precludes notification for targeted submissions.

Compare: 1991 No 69 ss 149ZCC, 169(1), (1C) ~~149ZCC, 149ZCF~~

20A Targeted notification decision: deciding if person is affected person

(1) A territorial authority must decide that a person is an affected person in relation to a proposed designation if—

(a) confirming the proposed designation will have adverse effects on the person that are more than minor; or

(b) the person owns or occupies any land to which the proposed designation applies.

(2) When making that decision, the territorial authority must—

(a) have regard to every relevant statutory acknowledgement; and

(b) disregard an adverse effect of confirming the designation on a person if a national rule or a rule in a land use plan permits an activity with that effect.

(3) Despite **subclauses (1) and (2)**, the territorial authority must decide that a person is not an affected person if—

(a) the person has given, and not withdrawn, written approval for the proposed designation; or

(b) it is unreasonable in the circumstances to seek the person's written approval.

Compare: 1991 No 69 ss 149ZCF, 169(1)

20B Targeted notification: affected protected customary rights groups and affected customary marine title groups

(1) A territorial authority must decide that a protected customary rights group is an affected protected customary rights group in relation to a proposed designation in the protected customary rights area relevant to that group if—

(a) confirming the proposed designation may have adverse effects on a protected customary right carried out in accordance with Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011; and

(b) the protected customary rights group has not given, or has withdrawn, written approval for the proposed designation.

(2) A territorial authority must decide that a customary marine title group is an affected customary marine title group in relation to a proposed designation that is an accommodated activity in the customary marine title area relevant to that group if—

(a) confirming the proposed designation may have adverse effects on the exercise of the rights applying to a customary marine title group under subpart 3 of Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011; and

(b) the customary marine title group has not given, or has withdrawn, written approval for the proposed designation.

Compare: 1991 No 69 ss 95F, 95G, 149ZCC, 169(1)

21 Requests for further information or reports, submissions, conferences, and mediation

(1) **Sections 119, 120, 121, 131, 132, 133, and 134** apply to a proposed designation being considered using the process under this Part~~.~~, Those sections apply with all necessary modifications and as if a reference to—

(a) ~~a reference to~~ an application for planning consent were a reference to the proposed designation; and

(b) ~~a reference to~~ an applicant were a reference to the designating authority; and

(c) ~~a reference to~~ a planning consent were a reference to a designation; and

(d) ~~a reference to~~ a consent authority were a reference to a territorial authority; and

(e) ~~a reference to~~ an activity were a reference to the project; and

(f) ~~a reference to~~ an affected person under **section 128** were a reference to an affected person under **clause ~~20~~ 20A**; and

(g) ~~a reference to~~ a decision on an application for planning consent were a reference to a recommendation under **clause 24**.

~~(2) However, **sections 119, 120, and 121** do not apply, the territorial authority is the designating authority responsible for the proposed designation.~~

(3) A territorial authority must not request further information about a proposed designation in accordance with **section 119** (as applied by this clause) unless also satisfied that the information—

(a) is necessary for the territorial authority to understand the proposed designation (including the effects on the built environment of confirming the proposed designation); and

(b) is not information that would be more appropriately provided and considered through a construction project plan.

Compare: 1991 No 69 ss 168A(2), 169(2)

22 Recommending authority

~~(1) A territorial authority may appoint 1 or more hearings commissioners who are not members of the territorial authority to be the recommending authority on a proposed designation.~~

(2) ~~However, the~~ A territorial authority must appoint 1 or more independent hearings commissioners to be the recommending authority ~~on~~ for a proposed designation if any of the following apply:

(a) the territorial authority is the designating authority for the proposed designation:

(b) the proposed designation is notified for public submissions:

(c) if the proposed designation is notified for targeted ~~submission~~ submissions, the designating authority or a submitter requests no later than 5 working days after the close of submissions that 1 or more hearings commissioners be appointed.

(2A) A territorial authority may appoint 1 or more independent hearings commissioners to be the recommending authority for a proposed designation in any other case.

(3) If the territorial authority does not appoint independent hearings commissioners, the territorial authority is the recommending authority.

(4) In this clause, **independent hearings commissioner** means a hearings commissioner who is not a member of the territorial authority.

Compare: 1991 No 69 ss 100A, 168A(2), 169(2)

23 Obligation to hold ~~a~~ hearing

(1) A hearing must not be held in relation to a proposed designation unless—

(a) the designating authority has requested a hearing; or

(b) **subclause (2)** applies.

(2) This subclause applies if—

(a) a submitter has requested to be heard and has not subsequently advised that they do not wish to be heard; and

(b) the recommending authority considers a hearing will be the most effective and efficient means to test the information, and any issues, related to the proposed designation; and

(c) the parties have attended a conference or mediation under **section 134** (as applied by **clause 21**), if the recommending authority considers a conference or mediation to be appropriate.

(3) A hearing must be a joint hearing or a combined hearing in the circumstances prescribed ~~in~~ by regulations.

(4) A hearing (including a joint hearing or a combined hearing) must be conducted in the manner prescribed ~~in~~ by regulations.

24 Recommendations on proposed designation

(1) In ~~When~~ considering a proposed designation and any submissions received, the recommending authority must have regard to—

(a) the strategic need for the project and designation in the general location proposed; and

(b) any relevant provisions of—

(i) ~~the goals, the national policy direction, and a national standard~~ a national instrument in accordance with **section 12**; and

(ii) the land use plan and any proposed land use plan; and

(iii) an infrastructure design solution; and

(ba) whether confirming the designation would be consistent with the regional spatial plan; and

(c) the following effects of confirming the designation:

(i) any positive effect:

(ii) any significant adverse effect on the built environment; and

(d) any other adverse effect on the built environment of confirming the designation, but only if and to the extent that—

(i) the recommending authority considers that effect cannot be appropriately managed through a construction project plan; or

(ii) the designating authority is seeking to incorporate the details of a construction project plan into the designation for the purposes of **clause 36(2)(a)**.

(1A) However, **subclause (1)(a)** does not apply if—

(a) the relevant spatial plan identifies the project in a location consistent with the location of the designation footprint; or

(b) the designating authority has an interest in the land within the designation footprint sufficient to undertake the project.

(1B) The recommending authority must disregard—

(a) any effect that is outside of the scope of this Act (*see* **section 14**):

(b) any adverse effect on a person who has given, and not withdrawn, written approval for the proposed designation:

(c) any adverse effect on the built environment if a national rule, a rule in a land use plan, or a rule in a proposed land use plan with legal effect permits an activity with that effect.

(2) The requirement in **subclause (1)(a)** to have regard to the strategic need for the project and designation in the general location proposed—

(aaa) requires consideration of—

(i) how necessary the project and designation are to meet the designating authority's objectives for seeking the designation; and

(ii) whether the general location that is proposed for the designation is appropriate in light of those objectives; but

(a) does not require ~~the recommending authority to —~~

(i) ~~carry out or consider~~ an assessment or consideration of any alternative sites, routes, or methods of undertaking the project; or

(ii) ~~consider~~ consideration of whether the project could have been better provided in any alternative location; ~~and~~ or

(iii) a granular or property-specific assessment of the location proposed.

~~(b) does not apply if —~~

~~(i) the relevant spatial plan identifies the project in a location consistent with the location of the designation footprint; or~~

~~(ii) the designating authority has an interest in the land within the designation footprint sufficient to undertake the project.~~

(3) The positive effects to be had regard to under **subclause (1)(c)(i)** may include any positive effect proposed or agreed by the designating authority to offset or compensate for any adverse effects on the built environment of confirming the designation.

(4) The recommending authority—

(a) may recommend to the designating authority that it—

(i) confirm the proposed designation; or

(ii) confirm the proposed designation, but modify it or impose conditions; or

(iii) withdraw the proposed designation; and

(b) must give reasons.

~~(5) If the recommending authority is the territorial authority, it must—~~

~~(a) make the recommendation under **subclause (4)** by publishing a notice on an internet site to which the public has free access; and~~

~~(b) include the reasons required by **subclause (4)(b)** in that notice.~~

Compare: 1991 No 69 ss 168A(3)–(4), 171

25 Designation conditions

(1) A recommending authority may recommend a condition on a proposed designation under **clause 24** only if it is satisfied that~~—~~ the condition does not relate to a matter of detail that would be more appropriately addressed through a construction project plan.

~~(a) the condition is no more onerous than necessary to manage an adverse effect described in **clause 24(1)(c)(ii) or (d)**; and~~

~~(b) the condition does not relate to a matter of detail that would be more appropriately addressed through a construction project plan.~~

(2) However, **subclause ~~(1)(b)~~ (1)** does not apply if and to the extent that the designating authority is seeking to incorporate the details ~~of a construction project plan~~ described in **clause 37(2)** into the designation for the purposes of **clause 36(2)(a)**.

(3) If the proposed designation relates to a wastewater network or a stormwater network (as those terms are defined in section 5 of the Water Services Act 2021) and the designating authority is relying on an infrastructure design solution, the recommending authority—

(a) must not recommend a condition that is contrary to the requirements of the infrastructure design solution; and

(b) subject to **subclause (1)**, must recommend conditions that are no more or less restrictive than is necessary to comply with the infrastructure design solution.

26 Decision of designating authority

(1) A designating authority must, no later than 30 working days after receiving a recommendation under **clause 24(4) ~~or (5)~~**, advise the relevant territorial authority whether the designating authority—

(a) accepts the recommendation in whole; or

(b) accepts the recommendation in part and rejects it in part; or

(c) rejects the recommendation in whole.

(2) The designating authority may modify the proposed designation only if~~, and only if,~~ that modification—

(a) is recommended by the recommending authority; or

(b) is not inconsistent with the proposed designation as notified under **clause 16**.

(3) The designating authority must advise the territorial authority of its reasons if it—

(a) rejects the recommendation in whole or in part; or

(b) modifies the proposed designation.

(4) However, if the designating authority is the territorial authority, it must—

(a) publish a notice of its decision within the deadline specified in **subclause (1)** in the ~~prescribed~~ manner prescribed by regulations; and

(b) include any reasons required by **subclause (3)** in that notice.

Compare: 1991 No 69 s 172

27 Notice of decision on designation

(1) A territorial authority must ensure that a notice of a decision under **clause 26** ~~and a statement of the time within which an appeal against the decision may be lodged~~ is served on—

(a) each person who made a submission; and

(b) each land owner and occupier directly affected by the decision.

(1A) The notice must include a statement of the time within which an appeal against the decision may be lodged.

(2) The territorial authority must serve the notice ~~as described in **subclause (1)**~~ no later than—

(a) 15 working days after receiving notice of the decision under **clause 26** (if the territorial authority is not the designating authority); or

(b) 10 working days after making the decision under **clause 26** (if the territorial authority is the designating authority).

(3) If the territorial authority does not include a full copy of the decision in the notice, it must—

(a) make a copy of the decision available (whether physically or by electronic means) at all its offices and all public libraries in the district; and

(b) include with the notice a statement of the places where a copy of the decision is available; and

(c) send or provide, on request, a copy of the decision within 3 working days after the request is received.

Compare: 1991 No 69 s 173

28 Appeals against decision of designating authority

(1) Any 1 or more of the following persons may appeal to the Environment Court against the whole or any part of a decision of a designating authority under **clause 26**:

(a) the relevant territorial authority (unless the designating authority is that territorial authority):

(b) a submitter.

(2) A notice of appeal ~~under this clause~~ must—

(a) state the reasons for the appeal and the relief sought; and

(b) include any ~~prescribed~~ information prescribed by regulations; and

(c) be lodged with the Environment Court and be served on the designating authority no later than 15 working days after the date of the notice given ~~in accordance with~~ under **clause 27**.

(3) The appellant must ensure that a copy of the notice of appeal is served on the territorial authority and every submitter no later than 5 working days after the notice is lodged with the court.

Compare: 1991 No 69 s 174(1)–(3)

29 Determining appeals

(1) In determining an appeal, the Environment Court must have regard to the matters set out in **clause 24(1)** and comply with **clauses 24(2) to (4) and 25** as if it were the recommending authority.

(2) The court may—

(a) confirm the proposed designation; or

(b) confirm the proposed designation, but modify it or impose conditions; or

(c) cancel the proposed designation.

Compare: 1991 No 69 s 174(4)

30 Designation to be incorporated into land use plan

(1) **Subclause (2)** applies to a territorial authority if—

(a) a designating authority makes a decision under **clause 26**; and

(b) either ~~one~~ of the following applies:

(i) no appeal is lodged under **clause 28** against the decision within the time period permitted by that clause:

(ii) all appeals lodged under **clause 28**~~, including any further appeals,~~ are determined or withdrawn; and

(c) as a result of the decision and any appeals, the proposed designation is confirmed with or without conditions or modifications (but not cancelled).

(2) The territorial authority must, as soon as is practicable and without using the process in **Schedule 3**,—

(a) incorporate the designation (as confirmed or modified) into its land use plan and any proposed land use plan; and

(b) state in its land use plan and any proposed land use plan the name of the designating authority responsible for the designation.

Compare: 1991 No 69 s 175

31 Withdrawing proposed designation

(1) A designating authority that has notified a proposed designation under **clause 13** may withdraw the proposed designation at any time before—

(a) the proposed designation is incorporated into the land use plan under **clause 30**; or

(b) the relevant proposed land use plan becomes operative (if the proposed designation was incorporated into a proposed land use plan under **clause 15**).

(2) The designating authority must give notice of any withdrawal to the territorial authority (unless the designating authority is the territorial authority).

(3) The territorial authority must—

(a) give public notice of any withdrawal; and

(b) if the proposed designation had been notified for submissions, serve the notice on any person who made a submission; and

(c) if the proposed designation was incorporated into a proposed land use plan under **clause 15**, amend the proposed plan without using the process in **Schedule 3** to remove the proposed designation.

Compare: 1991 No 69 s 168(4), (5), Schedule 1 cl 4(9), (10)

Part 4
Securing designation through spatial planning process

32 Designating authority may apply to notify proposed designation through spatial planning process

(1) ~~After receiving an invitation~~ In response to a notice from a spatial plan committee under **clause ~~7~~ 12 of Schedule 2**, a designating authority may apply to the committee to ~~include~~ notify a proposed designation ~~in~~ with the draft regional spatial plan that the committee is preparing and have it considered through that process.

(2) The designating authority's application must be made in the manner prescribed by regulations and must—

(a) describe the project to which the proposed designation relates; and

(b) ~~set out~~ explain why the designating authority considers the project meets the criteria in **clause 33(2)** of this schedule; and

(ba) state whether the designating authority would like the committee to consider identifying the indicative location of the designation in the regional spatial plan, if its application under this clause is declined; and

(c) be made no later than the deadline specified in the ~~invitation~~ spatial plan committee's notice.

33 Spatial plan committee must decide whether to accept application

(1) A spatial plan committee must decide whether to accept an application ~~received~~ made under **clause 32**.

(2) The committee may accept the application only if satisfied that—

(a) ~~at least~~ 1 or more of the following ~~applies~~ apply:

(i) the project is nationally significant or regionally significant:

(ii) the project will have regionally significant benefits:

(iii) the project will cross territorial authority boundaries; and

(b) it is appropriate in the circumstances for the proposed designation to be ~~included in~~ notified with the draft regional spatial plan and be considered through that process.

(2A) **Subclause (3)** applies if—

(a) the committee declines the application; and

(b) the designating authority's application stated that it would like the committee to consider identifying the indicative location of the designation in the regional spatial plan.

(3) ~~If the committee declines the application,~~ The committee must—

(a) ~~it must~~ consider whether to~~, instead,~~ identify the indicative location of a future designation for the project to which the application relates in the draft regional spatial plan (*see* ~~**clause 7(1)(a)**~~ **clauses 13 and 14 of Schedule 2**); and

(b) ~~it must~~ advise the designating authority in writing of the outcome, with its reasons.

(4) A designating authority ~~whose application is declined has a right of objection~~ may apply to the Planning Tribunal to review a decision to decline an application made under **clause 32**.

34 Designating authority must prepare notice of proposed designation

(1) If the spatial plan committee accepts the application, it must advise the designating authority in writing that it accepts the application.

(2) The designating authority may, no later than a deadline specified by the spatial plan committee in writing,—

(a) prepare a notice of the proposed designation in accordance with **clause 13(2) to (5)**; and

(b) provide it to the spatial plan committee.

(3) The spatial plan committee must ~~include any~~ notify the notice of a proposed designation ~~provided in accordance with **subclause (2)** in~~ with the draft regional spatial plan that it notifies under **clause ~~14~~ 18 of Schedule 2**.

35 Designation to be incorporated into land use plan and draft regional spatial plan

(1) ~~**Subclause (2)** applies to a territorial authority~~ This clause applies if—

(a) a designating authority makes a decision under **clause ~~20~~ 28 of Schedule 2**; and

(b) ~~one~~ either of the following applies:

(i) no appeal is lodged under **clause ~~26~~ 31 of Schedule 2** against the decision within the time period ~~permitted by that clause~~ for making appeals:

(ii) all appeals lodged under that clause, including any further appeals, are determined or withdrawn; and

(c) as a result of the decision and any appeals, the proposed designation is confirmed with or without conditions or modifications (but not cancelled).

(2) The spatial plan committee must, as soon as practicable and without using any further process, ~~incorporate~~ identify the designation (as confirmed or modified) ~~into~~ in the draft regional spatial plan.

(3) The territorial authority of the relevant district must, as soon as practicable and without using the process in **Schedule 3**,—

(a) incorporate the designation (as confirmed or modified) into its land use plan and any proposed land use plan; and

(b) state in its land use plan and in any proposed land use plan the name of the designating authority responsible for the designation.

Compare: 1991 No 69 s 175

Part 5
Construction project ~~plan~~ plans

36 When construction project plan is required

(1) A construction project plan is required for a designation that authorises the construction of a project.

(2) However, a construction project plan is not required—

(a) if the details referred to in **clause 37(2)** are incorporated into the designation and the designation expressly states that a construction project plan is not required for the project; or

(b) if the territorial authority waives the requirement for a construction project plan for the project or any specific construction activity or enabling activity (such as site clearance); or

(c) ~~in relation to~~ for any construction activity or enabling activity that is otherwise authorised under this Act (whether or not the activity requires a natural resource permit under the **Natural Environment Act 2025**).

(3) If a construction project plan is required ~~in relation to~~ for any construction activity or enabling activity, that activity must not ~~commence~~ begin until ~~the plan~~ a construction project plan is confirmed under **clause 39**.

(4) To avoid doubt, a territorial authority may waive a requirement for a construction project plan ~~in relation to~~ for a designation for which it is the designating authority.

(5) In this clause, an activity is **otherwise authorised under this Act** if that activity is—

(a) identified in the designation as an activity that may occur without a construction project plan; or

(b) authorised by a land use consent; or

(ba) authorised by a water services standard; or

(c) a permitted activity under this Act; or

(d) otherwise permitted because it does not ~~breach~~ contravene a national rule, a rule in a land use plan, ~~and any~~ or a rule in a proposed land use plan that has legal effect.

Compare: 1991 No 69 s 176A(1), (2)

37 Requirements of construction project plan

(1) The purpose of a construction project plan for a project authorised by a designation is to—

(a) confirm the final design of the project; and

(b) set out how any adverse effects of the construction or operation of the project ~~or its construction~~ on the built environment will be avoided, ~~minimised, or~~ remedied, or mitigated.

(2) A construction project plan—

(a) must set out the ~~final~~ design of the project, including ~~where~~, if relevant,—

(i) the location and dimensions of the project within the designation footprint (including the likely finished contour of the site); and

(ii) the layout of the site, including any vehicular access, circulation, and any provision for parking; and

(iii) the landscaping proposed; and

(b) must identify any adverse effects ~~of the construction~~ on the built environment; and

(c) must set out how the designating authority will avoid, ~~minimise, or~~ remedy, or mitigate those effects; and

(d) must set out any other matter that the designation specifies must be addressed in the construction project plan; and

(e) may include any other comparable matter that is relevant to understanding the effects of the project on the built environment.

(2A) A designating authority may choose to prepare 2 or more construction project plans in relation to a designation, each covering different parts or stages of the project.

(3) A construction project plan may include conditions.

Compare: 1991 No 69 s 176A(3)

38 Designating authority must submit construction project plan to territorial authority

(1) A designating authority must submit any construction project plan that is required for a project to the territorial authority.

(2) No later than 20 working days after receiving ~~the~~ a construction project plan, the territorial authority ~~may request that the designating authority make changes to it.~~

(a) may request that the designating authority make changes to the plan; but

(b) must not request a change that is inconsistent with an infrastructure design solution that the project relies on.

(3) The designating authority must notify the territorial authority of its decision on the request.

(4) If the designating authority decides not to make a change requested, the territorial authority may appeal against that decision to the Environment Court.

(5) A notice of appeal must—

(a) state the reasons for the appeal and the relief sought; and

(b) include any ~~prescribed~~ information prescribed by regulations; and

(c) be lodged with the Environment Court and be served on the designating authority no later than 15 working days after the date of the notice under **subclause (3)**.

(6) In determining any appeal, the Environment Court must consider whether the changes requested by the territorial authority ~~are necessary in order to manage the adverse effects of the project or its construction on the built environment, having regard to the scale and significance of those effects.~~

(a) are necessary in order to manage the adverse effects of the project on the built environment, having regard to the scale and significance of those effects; and

(b) will implement any infrastructure design solution that the project relies on.

~~(7) This clause does not apply if the territorial authority is the designating authority.~~

(7) This clause applies, with all necessary modifications, if the territorial authority is the designating authority.

Compare: 1991 No 69 s 176A(1), (4), (5), (6), (7)

39 When construction project plan is confirmed

(1) If the territorial authority does not request any changes to a construction project plan, the plan is confirmed on the earlier of—

(a) the date on which the territorial authority advises the designating authority that it requests no changes; or

(b) the close of the period ~~in~~ for requesting changes under **clause 38(2)**.

(2) If the designating authority accepts all changes requested by the territorial authority, the plan is confirmed when the designating authority notifies the territorial authority of its decision to accept the changes under **clause 38(3)**.

(3) If the designating authority decides not to make a change requested by the territorial authority, the plan is confirmed on—

(a) the close of the appeal period in **clause 38(5)(c)**, if no appeal is lodged; or

(b) the date ~~that~~ on which the appeal, and any further appeal, is determined or withdrawn.

~~(4) If the territorial authority is the designating authority, the plan is confirmed when the territorial authority publishes it in accordance with **clause 40**.~~

(4) As soon as is reasonably practicable after a plan is confirmed, the designating authority must publish it on an internet site to which the public has free access.

~~**40 Designating authority must publish construction project plan**~~

~~(1) A designating authority must publish a construction project plan on an internet site to which the public has free access.~~

~~(2) A designating authority must publish a plan—~~

~~(a) as soon as reasonably practicable after it is confirmed; or~~

~~(b) if the designating authority is the territorial authority, as soon as is reasonably practicable after deciding it.~~

40 Altering construction project plan

(1) A designating authority may alter a construction project plan after it has been confirmed by submitting an amendment to the plan or stage of the plan (a **proposed amendment**) to the territorial authority.

(2) **Clauses 38 and 39** apply to a proposed amendment with all necessary modifications and as if a reference to—

(a) a construction project plan were a reference to the proposed amendment; and

(b) the adverse effects of the construction or operation of the project on the built environment were a reference to the change in the adverse effects of the construction or operation of the project on the built environment.

41 Designating authority must comply with construction project plan

A designating authority must comply with a construction project plan (including any conditions in that plan) as if it were a condition of the relevant designation.

Part 6
Other matters

Approval from designating authority

42 Approval to use land subject to designation or proposed designation

(1) A person may apply ~~in writing~~, in the manner prescribed by regulations, to a designating authority that holds a designation for approval to do something in relation to land subject to the designation that would otherwise contravene **clause 4(1)(c)**.

(2) A person may apply ~~in writing~~, in the manner prescribed by regulations, to a designating authority responsible for a proposed designation for approval to do something that would otherwise contravene **clause 5(1)**.

(2A) The designating authority may request further information on an application in the manner prescribed by regulations.

(3) A designating authority must, no later than 40 working days after receiving an application ~~under this clause~~, notify the applicant ~~in writing~~ (in the manner prescribed by regulations) of its decision to—

(a) grant approval (with or without conditions); or

(b) refuse approval.

(3A) The designating authority—

(a) may decline approval only if satisfied that the thing proposed would prevent or hinder the project to which the designation relates; and

(b) may impose a condition on an approval only if satisfied that the condition is necessary to avoid preventing or hindering the project.

(4) If a designating authority does not notify the applicant of a decision within the deadline specified in **subclause (3)**, the application must be treated as if it were approved without conditions.

43 Approval to exercise later designation

(1) A designating authority that holds a later designation may apply ~~in writing~~, in the manner prescribed by regulations, to a designating authority that holds an earlier designation for approval to do something in relation to land that would otherwise contravene **clause 4(1)(c) or 6(3)**.

(1A) The designating authority that holds the earlier designation may request further information on an application in the manner prescribed by regulations.

(2) A designating authority that holds an earlier designation must, no later than 40 working days after receiving an application ~~under this clause~~, notify the other designating authority ~~in writing~~ (in the manner prescribed by regulations) of its decision to—

(a) grant approval (with or without conditions); or

(b) refuse approval.

(3) ~~However, a~~ A designating authority that holds an earlier designation—

(a) may decline approval only if satisfied that the thing proposed by the other designating authority would prevent or hinder the project to which the earlier designation relates; and

(b) may impose a condition on an approval only if satisfied that the condition is necessary to avoid preventing or hindering the project to which the earlier designation relates.

(4) If a designating authority that holds an earlier designation does not notify the other designating authority of a decision within the deadline specified in **subclause (2)**, the application must be treated as if it were approved without conditions.

44 Right of ~~objection~~ review if designating authority refuses approval

(1) A person who is refused approval by a designating authority under **clause 42 or 43**, or is granted approval subject to a condition, may ~~object~~ apply to the Planning Tribunal ~~against the refusal or condition~~ to review the decision.

(2) ~~A notice of an objection~~ An application for review must—

(a) state the reasons for the appeal and the relief sought; and

(b) include any ~~prescribed~~ information prescribed by regulations; and

(c) be lodged with the Planning Tribunal and be served on the designating authority no later than 15 working days after the date on which the ~~objector~~ person received notice under **clause 42(3) or 43(2)**.

(3) In considering ~~an objection~~ a review of a decision under **clause 42**, the tribunal must have regard to—

(a) whether the decision ~~objected against~~ of the designating authority would render the land that is subject to the designation or proposed designation incapable of reasonable use; and

(b) whether the decision ~~objected against~~ has caused or is likely to cause serious hardship to the ~~objector~~ person; and

(c) the extent to which the decision may be modified without wholly or partly nullifying the effect of the designation or proposed designation.

(4) In considering ~~an objection~~ a review of a decision under **clause 43**, the tribunal must have regard to—

(a) whether the decision ~~objected against~~ of the designating authority would frustrate the implementation of the later designation; and

(b) whether the decision ~~objected against~~ has caused or is likely to cause serious hardship to the designating authority responsible for the later designation; and

(c) the extent to which the decision may be modified without wholly or partly nullifying the effect of the earlier designation.

(5) The tribunal may confirm, modify, or reverse the decision ~~objected against~~ of the designating authority.

Compare: 1991 No 69 s 179

Altering designations

45 Alterations to designations using process in Part 3

(1) A designating authority that holds a designation may~~, at any time,~~ notify a territorial authority of a proposed alteration to the designation (a **proposed alteration**) that it seeks to be considered using the process in **Part 3** of this schedule.

(2) **Part 3** of this schedule applies to a proposed alteration under this clause with all necessary modifications and as if a reference to—

(a) ~~a reference to~~ a proposed designation were a reference to the proposed alteration; and

(b) ~~a reference to~~ the project were a reference to the change to the project authorised by the designation; and

(c) ~~a reference to~~ the effects of the project or proposed designation were a reference to the change to the effects of the project or proposed designation.

Compare: 1991 No 69 s 181(1), (2)

46 Alterations to designations using spatial plan process in Part 4

(1) A designating authority that holds a designation may, after receiving an invitation from a spatial plan committee under **clause ~~7~~ 12 of Schedule 2**, apply to the committee to notify an alteration to that designation (a **proposed alteration**) in the draft regional spatial plan that the committee is preparing.

(2) **Part 4** of this schedule applies to a proposed alteration under this clause with all necessary modifications and as if—

(a) a reference to a proposed designation were a reference to the proposed alteration; and

(b) a reference to the project were a reference to the change to the project authorised by the designation; and

(c) a reference to the effects of the project or proposed designation were a reference to the change to the effects of the project or proposed designation; and

(d) **subclause (3)** applied instead of **clause 33(2)**.

(3) The spatial plan committee may accept an application to notify a proposed alteration only if satisfied that—

(a) ~~at least~~ 1 or more of the following applies:

(i) the change to the project is nationally significant or regionally significant:

(ii) the change to the project will have regionally significant benefits:

(iii) the change to the project occurs across territorial authority boundaries:

(iv) the proposed alteration ~~is to support~~ supports, or is otherwise closely connected with, a proposed designation that a designating authority is requesting be notified through the draft regional spatial plan; and

(b) it is appropriate in the circumstances for the proposed alteration to be notified through the draft regional spatial plan.

47 Minor alterations to designations

(1) A territorial authority may~~, at any time,~~ alter a designation in its land use plan or a proposed designation in a proposed land use plan, without using a process in **Part 3 or 4** of this schedule, or **Schedule 3**, if ~~**subclause (2) or (3)** applies:~~

(a) the alteration—

(i) involves no more than a minor change to the effects on the built environment; or

(ii) involves only minor changes to the boundaries of the designation or proposed designation; and

(b) the territorial authority and the designating authority agree to the alteration; and

(c) written notice of the proposed alteration has been given to every owner or occupier of land directly affected by the alteration, and those owners or occupiers agree with the alteration.

~~(2) The territorial authority may alter a designation or proposed designation if—~~

~~(a) either or both of the following apply:~~

~~(i) the alteration involves no more than a minor change to the effects on the built environment:~~

~~(ii) the alteration involves only minor changes to the boundaries of the designation or proposed designation; and~~

~~(b) the territorial authority and the designating authority agree to the alteration; and~~

~~(c) written notice of the proposed alteration has been given to every owner or occupier of land directly affected by the alteration, and those owners or occupiers agree with it.~~

(3) A ~~The~~ territorial authority may alter a designation in its land use plan or a proposed designation in a proposed land use plan, without using a process in **Part 3 or 4** of this schedule or **Schedule 3**, if—

(a) the effect of the alteration is to make any condition of the designation consistent with, or more consistent with, any rule in a land use plan or national rule that is more lenient than the current condition; and

(b) the territorial authority and the designating authority agree to the alteration; and

(c) written notice of the proposed alteration has been given to every owner or occupier of land directly affected by the alteration.

Removing designations

48 Removing designations

(1) If a designating authority no longer wants all or part of a designation, it may give notice that it seeks the removal of all or part of that designation to—

(a) the territorial authority; and

(b) every person who is known by the designating authority to be the owner or occupier of any land to which the designation applies; and

(c) any other person who, in the opinion of the designating authority, is likely to be affected by the designation.

(2) As soon as is reasonably practicable after receiving the notice, the territorial authority must, without using the process in **Schedule 3**, amend its land use

plan and any proposed land use plan to remove the designation or part of the designation.

(3) However, if the territorial authority considers that the effect of removing part of the designation on the remaining parts of the designation is more than minor, it may, no later than 20 working days after receiving the notice, decline to remove that part of the designation.

~~(4) **Subclause (3)** applies despite **subclause (2)**.~~

(5) A designating authority may object to the Planning Tribunal against any decision to decline to remove part of a designation under **subclause (3)**.

Compare: 1991 No 69 s 182

Lapse of designation

49 Lapse of designation

~~*Lapse period*~~

(1) The lapse period of a designation ~~is~~—

(a) is either—

(i) 10 years after the date on which the designation is included in the land use plan; or

(ii) any other period specified in the designation when it was incorporated into the plan; and

(b) includes any extension to the lapse period under **subclause (2)(b)**.

~~*Designation lapses if not given effect to or extended before end of lapse period*~~

(2) A designation lapses on the expiry of its lapse period unless—

(a) it is given effect to before the end of that period; or

(b) the territorial authority decides, on an application made by the designating authority ~~within~~ no later than 3 months before the expiry of the lapse period, to ~~fix a longer~~ extend the lapse period.

~~*Test for extending lapse period*~~

(3) A territorial authority may extend a lapse period ~~under **subclause (2)(b)**~~ only if satisfied that substantial progress or effort has been made, and is continuing to be made, towards giving effect to the designation.

(4) A lapse period can be extended more than once ~~under **subclause (2)(b)** multiple times~~.

~~*Right of objection*~~

(5) A designating authority ~~may object~~ has a right of review to the Planning Tribunal if a territorial authority refuses to extend a lapse period ~~under **subclause (2)(b)**~~.

~~*Consequence of lapse*~~

(6) If a designation lapses,—

(a) the designation ceases to have any legal effect; and

(b) the territorial authority must, as soon as is reasonably practicable,—

(i) amend its land use plan and any proposed land use plan to remove the lapsed designation without using the process in **Schedule 3**; and

(ii) give notice on an internet site to which the public has free access that the designation has lapsed.

~~*Alteration to designation may not extend lapse period*~~

(7) A territorial authority must not alter the lapse period of a designation other than in accordance with **subclause (2)(b)**.

(8) To avoid doubt,—

(a) an alteration to a designation does not have a lapse period; and

(b) if a designation is altered under **clause 45, 46, or 47**, the designation continues to have the lapse period it had before the alteration.

Compare: 1991 No 69 ss 184, 184A

Transferring designations

50 Transferring designation to another designating authority

(1) If financial responsibility for a project authorised by a designation is transferred from one designating authority to another,—

(a) responsibility for any relevant designation is also transferred; and

(b) the designating authority that is transferring responsibility must advise the Minister and the relevant territorial authority of the transfer.

(2) The territorial authority must, without using the process in **Schedule 3**, amend its land use plan and any proposed land use plan to note the transfer.

Compare: 1991 No 69 s 180

51 Temporary transfer of designation to another designating authority

(1) A designating authority that holds a designation (the **original designating authority**) may temporarily transfer responsibility for all or part of its designation to another designating authority (the **new designating authority**) to enable the new designating authority to relocate any infrastructure to which the designation relates.

(2) The new designating authority must give the territorial authority and the Minister written notice of the temporary transfer that—

(a) includes the original designating authority's consent to the transfer; and

(b) describes the infrastructure to be relocated.

(3) If a construction project plan is required for the relocation under **clause 36**, the new designating authority may prepare the construction project plan as if it were the original designating authority.

(4) The original designating authority must give the territorial authority and the Minister written notice of when the temporary transfer is complete, at which point responsibility for the designation transfers back to the original designating authority.

(5) The territorial authority must, without using the process in **Schedule 3**, amend its land use plan and any proposed land use plan to—

(a) note the transfer, as soon as practicable after it occurs; and

(b) note the transfer back to the original designating authority, as soon as ~~is~~ practicable after it occurs.

Compare: 2023 No 46 s 541(2)

52 Delegating functions, duties, and powers relating to designation to responsible SPV

(1) This clause applies to a designating authority that is a local authority and holds a designation authorising construction work that—

(a) is required to facilitate the future construction of eligible infrastructure for which the local authority is a responsible infrastructure authority; and

(b) the local authority is financially responsible for.

(2) If a responsible SPV (who is not a designating authority) proposes to take over the construction work, the designating authority may delegate to that responsible SPV any functions, duties, and powers in relation to the designation that relate to the construction work.

(3) The responsible SPV must perform those delegated functions and duties and exercise those delegated powers in accordance with any conditions included in the designation or any construction project plan.

(4) A delegation does not affect the performance or exercise of any function, duty, or power by the responsible infrastructure authority.

Compare: 1991 No 69 s 180A

Acquiring land

53 Environment Court may order taking of land

(1) An owner of an estate or interest in land (including a leasehold estate or interest) that is subject to a designation or proposed designation may apply to the Environment Court in the ~~prescribed~~ manner prescribed by regulations for an order requiring the designating authority responsible for the designation or proposed designation to acquire or lease all or part of the owner's estate or interest in the land under the Public Works Act 1981.

(2) The application must—

(a) be in the ~~preseribed~~ form prescribed by regulations; and

(b) be served on the designating authority and the relevant territorial authority in the ~~preseribed~~ manner prescribed by regulations.

(3) The Environment Court may make an order ~~applied for under **subclause (1)** if it is~~ satisfied that—

(a) the owner has tried but been unable to enter into an agreement for the sale of the estate or interest in the land subject to the designation or proposed designation at a price not less than the market value that the land would have had if it had not been subject to the designation or proposed designation; and

(b) either—

(i) the designation or proposed designation prevents reasonable use of the owner's estate or interest in the land; or

(ii) the applicant was the owner, or the spouse, civil union partner, or de facto partner of the owner, of the estate or interest in the land when the designation or proposed designation was created.

(4) Before making an order ~~under **subclause (1)**~~, the court may direct the owner to take further action to try to sell the estate or interest in the land.

(5) If the Environment Court makes an order to take an estate or interest in land under the Public Works Act 1981, the owner of that estate or interest is deemed to have entered into an agreement with the designating authority responsible for the designation or proposed designation for the purposes of section 17 of the Public Works Act 1981.

(6) ~~Where~~ If **subclause (5)** applies in respect of a designating authority that is a core infrastructure operator approved under **clause 10**,—

(a) any agreement ~~shall be~~ is deemed to have been entered into with the Minister for Land Information on behalf of the core infrastructure operator as if the land were required for a Government work; and

(b) all costs and expenses incurred by the Minister for Land Information in respect of the acquisition of the land are recoverable from the core infrastructure operator as a debt due to the Crown.

(7) The amount of compensation payable for an estate or interest in land ordered to be taken under this clause must be assessed as if the designation or proposed designation had not been created.~~—~~

~~(a) must be assessed as if the designation or proposed designation had not been created; and~~

~~(b) despite **subclause (5)**, does not include compensation under section 72DA of the Public Works Act 1981.~~

(8) **Subclauses (9) and (10)** apply if the designation or proposed designation to which the order relates is for a critical infrastructure project—

(a) within the meaning of section 39AAB of the Public Works Act 1981; and

(b) in relation to which the designating authority may use Part 2A of that Act to acquire the owner's land.

(9) The owner must be paid compensation in recognition of the land being acquired for a critical infrastructure project and, for that purpose, must be treated as if they were an owner of land entitled to the compensation specified in section 39AAK(2)(b) of that Act unless the exclusion in section 39AAL(1) of that Act applies.

(10) To avoid doubt, the owner is not entitled to compensation under section 39AAK(2)(c) of that Act.

Compare: 1991 No 69 s 185

54 Compulsory acquisition on behalf of core infrastructure operator

(1) A responsible core infrastructure operator may apply to the Minister for Land Information in the ~~prescribed~~ manner prescribed by regulations to have land required—

(a) for a project that is a critical infrastructure project within the meaning of section 39AAB of the Public Works Act 1981 acquired or taken under Part 2A of that Act, and, if the Minister for Land Information agrees, that land may be acquired or taken:

(b) for any other project acquired or taken under Part 2 of the Public Works Act 1981 as if the project were a Government work within the meaning of section 2 of that Act, and, if the Minister for Land Information agrees, that land may be acquired or taken.

(2) The effect of any Proclamation taking land for the purposes of **subclause (1)** is ~~shall be~~ to vest the land in the responsible core infrastructure operator instead of the Crown.

(3) Any land held under any ~~enactment~~ legislation or in any other manner by the Crown or a local authority may, with the consent of the Crown or that authority and on such terms and conditions (including price) ~~as~~ that may be agreed, be set apart for a project of a responsible core infrastructure operator in the manner provided in sections 50 and 52 of the Public Works Act 1981 (with the necessary modifications), but the setting apart ~~shall~~ is not ~~be~~ subject to sections 40 and 41 of that Act. Any land so set apart ~~shall vest~~ vests in the responsible core infrastructure operator.

(4) Any claim for compensation under the Public Works Act 1981 in respect of land acquired or taken in accordance with this clause must ~~shall~~ be made against the Minister for Land Information.

(5) All costs and expenses incurred by the Minister for Land Information in respect of the acquisition or taking of land in accordance with this clause (including

any compensation payable by the Minister) are ~~shall be~~ recoverable from the responsible core infrastructure operator as a debt due to the Crown.

(6) Sections 40 and 41 of the Public Works Act 1981 apply to land acquired or taken in accordance with this clause as if the responsible core infrastructure operator concerned were the Crown.

(7) ~~This~~ However, this clause does not apply if the responsible core infrastructure operator is a responsible SPV and the land is protected Māori land as defined in section 11 of the Infrastructure Funding and Financing Act 2020.~~—~~

~~(a) the responsible network utility operator is Transpower (as defined in section 2 of the Public Works Act 1981):~~

~~(b) the responsible network utility operator is a responsible SPV and the land is protected Māori land as defined in section 11 of the Infrastructure Funding and Financing Act 2020.~~

(8) For the purposes of this clause, an interest in land, including a leasehold interest, may be acquired or taken as if references to land were references to an interest in land.

(9) In this clause, **responsible core infrastructure operator**, in relation to a project, means a core infrastructure operator that is a designating authority for—

(a) the project~~:~~; or

(b) a core infrastructure operation to which the project relates.

Compare: 1991 No 69 s 186

Schedule 6
Information required in applications for consent

s 109

Information required in application for planning consent

~~**1 Information must be specified in sufficient detail**~~

~~Information included in an application for a planning consent must—~~

~~(a) be sufficiently detailed and adequate to enable the consent authority to undertake its assessment; and~~

~~(b) be proportionate to the scale and significance of the activity.~~

~~Compare: 2023 No 46 Schedule 9 cl 1~~

2 Information required in all applications

(1) An application for a planning consent for an activity (the **activity**) must include the following:

(a) the full name and address of the applicant:

(b) the full name and address of each owner or occupier of the site at which the activity is to occur (if different from the applicant):

(c) a description of the activity:

(d) a description of the site at which the activity is to occur:

(e) a description of any other activities that are part of the proposal to which the application relates:

(f) a description of any other natural resource permits or planning consents required for the proposal to which the application relates.

(2) An application must include an assessment of the activity against—

(a) any relevant provisions of the land use plan or proposed land use plan or national rule; and

(b) any relevant provisions of other key instruments if, and only to the extent that, the matter is not addressed by the plan or proposed plan or national rule.

(3) An application must include an assessment of the activity's effects on the built environment that includes the information required by **clause 6**.

Compare: 2023 No 46 Schedule 9 cl 1

3 Additional information required in some applications

An application must also include any of the following that apply:

(a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements~~, conditions, and permissions~~ for the per-

mitted activity (so that a planning consent is not required for that activity under **section 32(2)**):

(b) if the application is affected by **section 164** (which relates to existing planning consents), an assessment of the value of the investment of the existing consent holder (for the purposes of **section 139(1)(f)**)~~.~~:

(c) if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of **section 159**).

Compare: 1991 No 69 Schedule 4 cl 3

4 Additional information required in application for subdivision consent

An application for a subdivision consent must also include information that adequately defines the following:

(a) the position of all new boundaries:

(b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan:

(c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips:

(d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips:

(e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under **clause 22 of Schedule 7**:

(f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under **clause 22 of Schedule 7**):

(g) the locations and areas of land to be set aside as new roads.

Compare: 1991 No 69 Schedule 4 cl 4

4A Additional information required in application for reclamation

An application for a planning consent for a reclamation must also include information to show the area to be reclaimed, including the following:

(a) the location of the area:

(b) if practicable, the position of all new boundaries:

(c) any part of the area to be set aside as an esplanade reserve or esplanade strip.

Compare: 1991 No 69 Schedule 4 cl 5

5 Additional information required in application for consent that changes spatial application of plan provisions

An application for a planning consent that authorises a change to the plan provisions that apply to an area in accordance with **section 98** after the consent is given effect to must—

(a) identify the location and boundaries of the area to which the change would apply; and

(b) identify which standardised plan provisions the applicant proposes should apply to that area; and

(c) include an assessment of the significant benefits that the planning consent and change to plan provisions would provide to the provision of any of the following in the district:

(i) housing:

(ii) employment:

(iii) infrastructure.

Assessment of environmental effects

6 Information required in assessment of environmental effects

(1) Information included in an assessment of environmental effects under **clause 2(3)**—

(a) need only address a matter to the extent that the information is relevant to the provisions of a land use plan or proposed land use plan or national rule; and

(b) must include detail proportionate to the scale and significance of the matter.

(2) Subject to **subclause (1)**, an assessment of the activity's effects on the built environment must include the following information:

(a) if it is likely that the activity will result in any significant adverse effect on the built environment, a description of any possible alternative locations or methods for undertaking the activity:

(b) an assessment of the actual or potential effect on the built environment of the activity:

(c) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:

(d) a description of how any adverse effects on the built environment will be—

(i) avoided, minimised, or remedied, where practicable:

(ii) offset or compensated for, where appropriate:

(e) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:

(f) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:

(g) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).

(3) To avoid doubt, **subclause (2)(e)** obliges an applicant to identify persons affected by the proposal, but does not—

(a) oblige the applicant to consult any person; or

(b) create any ground for expecting that the applicant will consult any person.

Schedule 7
~~Further provisions relating to subdivision~~ Subdivision and reclamation

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Key definitions relating to subdivision

1 Interpretation

In this schedule, unless the context otherwise requires,—

allotment has the meaning given in **clause 3**

certificate of approval,—

(a) in relation to a survey plan, means a certificate of approval issued by a territorial authority under **clause 18**; and

(b) in relation to a reclamation plan, means a certificate of approval issued by a regional council under **clause 72**

company lease—

(a) means a lease or licence or other right of occupation of any building or part of any building on, or to be erected on, any land—

(i) that is granted by a company owning an estate or interest in the land; and

(ii) that is held by a person by virtue of being a shareholder in the company; and

(b) includes a licence within the meaning of section 122 of the Land Transfer Act 2017

completion certificate means a certificate issued under **clause 26**

consent notice means a notice issued under **clause 27**

cross lease means a lease of any building or part of any building on, or to be erected on, any land—

(a) that is granted by any owner of the land; and

(b) that is held by a person who has an estate or interest in an undivided share in the land

deposit, in relation to a survey plan or reclamation plan,—

(a) means a deposit by the Registrar-General of Land under the Land Transfer Act 2017; and

(b) includes approval by the Surveyor-General under **clause 23(3)** (which **clause 23(4)(a)** ~~deems to be~~ treats as a deposit by the Registrar-General of Land)

deposit requirement,—

(a) in relation to a survey plan, means a requirement specified in this schedule as a deposit requirement for the purposes of **clause 23** (*see* **clause 24**); and

(b) in relation to a reclamation plan, means a requirement specified in this schedule as a deposit requirement for the purposes of **clause 73** (*see* **clause 74**)

esplanade reserve means a reserve within the meaning of the Reserves Act 1977—

(a) that is~~-~~—

(i) a local purpose reserve within the meaning of section 23 of that Act, if vested in the territorial authority under **clause 33**; or

(ii) a reserve vested in the Crown or a regional council under **clause 49**; and

(b) that is vested in the territorial authority, regional council, or the Crown for a purpose~~ or purposes~~ set out in **clause 39**

esplanade strip means a strip of land created by the registration of an instrument in accordance with **clause 45** for a purpose~~ or purposes~~ set out in **clause 39**

register means the register of land that is kept by the Registrar-General of Land under section 9 of the Land Transfer Act 2017

Registrar-General of Land has the meaning given to Registrar in section 5(1) of the Land Transfer Act 2017

Surveyor-General has the meaning given in ~~section 5~~ section 4 of the Cadastral Survey Act 2002.

2 Meaning of subdivision of land

(1) In this schedule, **subdivision of land** means—

(a) the division of an allotment by any of the following:

(i) an application to the Registrar-General of Land for the issue of a separate record of title for any part of the allotment:

(ii) the disposition, by way of sale or offer for sale, of the fee simple to part of the allotment:

(iii) a lease of part of the allotment that, including renewals, is or could be for a term of more than 35 years:

(iv) the grant of a company lease or cross lease~~ in respect of~~ for any part of the allotment:

(v) the deposit of a unit plan:

(vi) an application to the Registrar-General of Land for the issue of a separate record of title for any part of a unit on a unit plan; or

(b) an application to the Registrar-General of Land for the issue of a separate record of title in any case where the issue of that record of title is restricted by **clause 31(2)**.

(2) The term **subdivide land** has a corresponding meaning.

Compare: 1991 No 69 s 218(1); 2023 No 46 s 574

3 Meaning of allotment

(1) In this schedule, **allotment** means any of the following:

(a) a parcel of land under the Land Transfer Act 2017 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not—

(i) the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or

(ii) a subdivision consent for the subdivision shown on the survey plan has been granted under this Act:

(b) a parcel of land, or a building or part of a building, that is shown or identified separately—

(i) on a survey plan; or

(ii) on a licence within the meaning of subpart 6 of Part 3 of the Land Transfer Act 2017:

(c) a unit on a unit plan:

(d) any parcel of land that is not subject to the Land Transfer Act 2017.

(2) For the purposes of this ~~clause~~ Act,—

(a) if an allotment is being or has been subdivided from any land, the balance of that land ~~is deemed to be~~ must be treated as an allotment; and

(b) if part of a single allotment is physically separated from any other part of the allotment by a road or in any other manner, the allotment must be treated as a continuous area of land unless the division of the allotment into those parts has been allowed—

(i) by a subdivision consent granted under this Act; or

(ii) by a subdivision approval under any former ~~enactment~~ legislation that relates to the subdivision of land.

(3) In **subclause (2)(b)**, **single allotment** means—

(a) an allotment that is subject to the Land Transfer Act 2017 and comprised in 1 record of title or for which 1 record of title could be issued under that Act; or

(b) an allotment that is not subject to that Act and was acquired by its owner under 1 instrument of conveyance.

Compare: 1991 No 69 s 218(2)–(4); 2023 No 46 s 575

4 Meaning of survey plan

(1) In this schedule, **survey plan**—

(a) means a survey dataset—

(i) of a division of land, or a building or part of a building, prepared in a form suitable for deposit under the Land Transfer Act 2017; or

(ii) of a division of land by or on behalf of a Minister of the Crown of land not subject to the Land Transfer Act 2017:

(b) includes—

(i) a unit plan; and

(ii) a cadastral survey dataset to give effect to the grant of a cross lease or company lease.

(2) In this clause, **cadastral survey dataset** has the same meaning as in section 4 of the Cadastral Survey Act 2002.

Compare: 1991 No 69 s 2(1); 2023 No 46 s 576

Part 1
Further provisions relating to conditions of subdivision consents

5 Purpose of this Part

This Part—

(a) sets out the consent conditions and related provisions that are specific to subdivision consents; but

(b) does not prevent a consent authority from including any other condition in a subdivision consent that is authorised by or under this Act.

Compare: 2023 No 46 s 620

Conditions about certain matters

6 Condition requiring protection against natural hazards

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:

(a) to protect land that forms part of the subdivision against natural hazards, or any risks of natural hazards, from any source:

(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.

Compare: 1991 No 69 s 220(1)(d); 2023 No 46 s 630

7 Conditions about structures, filling, and compaction

A subdivision consent may include a condition imposing 1 or more of the following requirements:

(a) a requirement that sets the bulk, height, location, foundations, or height of floor levels of any structure on an allotment:

(b) a requirement that filling ~~and compaction of~~ and compacting the land and earthworks be carried out to the satisfaction of the territorial authority.

Compare: 1991 No 69 s 220(1)(c), (e); 2023 No 46 s 631

8 Conditions about vesting of ~~land in coastal marine area or~~ bed ~~or~~ of lake or river

A subdivision consent may include a condition requiring that land ~~in the coastal marine area, or~~ that is the bed of a lake or river~~,~~ be vested in a territorial authority ~~in accordance with **clause 22**~~.

Compare: 1991 No 69 s 220(1)(ab); 2023 No 46 s 631

Conditions about esplanade reserves and esplanade strips

9 Conditions about esplanade reserves and esplanade strips

A subdivision consent may include 1 or more of the following conditions:

(a) for the purposes of **clause 40** (new esplanade reserves and esplanade strips required when land is subdivided),—

(i) a condition that waives the requirement for an esplanade reserve or esplanade strip under that clause:

(ii) a condition that reduces the width of the reserve or strip that is required under that clause:

(b) for the purposes of **clause 41** ~~**clause 42**~~ (esplanade reserves required to supplement land previously set aside or reserved),—

(i) a condition that requires an additional esplanade reserve to be set aside in accordance with that clause:

(ii) a condition that reduces the width of the additional reserve that is required under that clause:

(c) if an esplanade strip is required, a condition that specifies what must be included in the instrument that creates the strip (*see* **clause 47** ~~**clause 53**~~).

Compare: 1991 No 69 s 220(1)(a), (aa), (ac); 2023 No 46 s 621

Conditions about easements

10 Condition requiring easement to be granted or reserved

(1) A subdivision consent may include a condition that requires a specified easement to be granted or reserved.

(2) After the easement is granted or reserved, it must not, except with the written consent of the territorial authority,—

(a) be surrendered by the owner of the benefited land or, if it is an easement in gross, by the grantee of the easement; or

(b) be merged by transfer to the owner of the benefited land or the burdened land; or

(c) be varied.

(3) **Subclause (4)** applies—

(a) to any allotment that is benefited land or burdened land under the easement; and

(b) to any instrument of transfer, conveyance, lease, or other disposition of that allotment.

(4) The Registrar-General of Land must refuse to register the instrument unless they are satisfied that the easement has been granted or reserved or will be granted or reserved by the time that the instrument is registered.

(5) The Registrar-General of Land must note on any relevant records of title a memorial that the easement is subject to the provisions of this clause.

Compare: 1991 No 69 ss 220(1)(f), 243(a), (c), (d); 2023 No 46 s 622

11 Condition requiring easement to be extinguished

A subdivision consent may include a condition that—

(a) applies to an existing easement for ~~which the land is the dominant tenement, but which~~ benefited land that the territorial authority considers to be redundant; and

(b) requires that the easement be extinguished entirely or in relation to 1 or more specified allotments.

Compare: 1991 No 69 s 220(1)(g); 2023 No 46 s 623

Conditions about amalgamation of land

12 Requirement to consult Registrar-General of Land before imposing condition about amalgamation

(1) Before granting a subdivision consent that includes a condition described in any of **clauses 13 to 15**, the consent authority must consult the Registrar-General of Land about the practicality of the condition.

(2) If the Registrar-General of Land advises that it is not practical to impose a particular condition, the consent authority—

(a) must not grant a subdivision consent subject to that condition; but

(b) may, if it thinks fit, grant a subdivision consent that is subject to any other condition described in those clauses that the Registrar-General of Land advises is practical in the circumstances.

Compare: 1991 No 69 s 220(3); 2023 No 46 s 625

13 Conditions with requirements for amalgamation

(1) A condition described in this clause may be imposed in respect of~~—~~ either or both of the following:

(a) any part or parts of land being subdivided:

(b) any other adjoining land of the subdividing owner.

(2) A subdivision consent may include a condition requiring that specified land be—

(a) transferred to the owner of any other adjoining land and amalgamated with that land or part of that land; or

(b) amalgamated, ~~where~~ if the specified parts are adjoining; or

(c) amalgamated, whether the specified parts are adjoining or not, for any purpose that is—

(i) specified in a land use plan; or

(ii) necessary to comply with the land use plan; or

(d) held in the same ownership, or by tenancy-in-common in the same ownership, for the purpose of providing legal access or part of the legal access to any proposed allotments in the subdivision.

(3) A condition requiring that land be amalgamated must also include—

(a) a condition described in **clause 14** that the land be held in 1 record of title; or

(b) a condition described in **clause 15** that the land be subject to a covenant restricting a disposal of allotments by any means.

(4) For the purposes of this clause, **adjoining land** includes land that is separated from other land only by a road, railway, drain, water race, river, or stream.

Compare: 1991 No 69 s 220(1)(b), (2); 2023 No 46 s 626

14 Condition requiring ~~that~~ amalgamated land to be held in 1 record of title

(1) A subdivision consent may, to comply with **clause 13(3)**, include a condition requiring that the amalgamated land be held in 1 record of title.

(2) When the condition, or a similar one under a corresponding provision of any former ~~enactment~~ legislation, has been complied with,—

(a) the separate parcels of land included in the record of title in accordance with the condition must not be capable of being disposed of individually, or of again being held under separate records of title, except with the approval of the territorial authority; and

(b) on the issue of the record of title, the Registrar-General of Land must enter on the record of title a memorandum that the land is subject to this clause.

(3) The territorial authority may cancel the condition, in whole or in part,—

(a) whether it was included under **clause 13(3)** or a corresponding provision of any former ~~enactment~~ legislation; and

(b) at any time before or after the survey plan has been deposited.

(4) If the territorial authority cancels the condition after it approves the survey plan under **clause 17**, it must forward to the Registrar-General of Land a certificate to the effect that the condition has been cancelled in whole or in part.

(5) If the territorial authority cancels the condition, it must,—

(a) if it has not yet approved the survey plan under **clause 17**, note the cancellation on the survey plan; and

(b) in any other case, forward to the Registrar-General of Land a certificate to the effect that the condition has been cancelled in whole or in part.

(6) The certificate referred to in **subclause (5)(b)** must be signed by the chief executive or other authorised officer of the territorial authority.

(7) The Registrar-General of Land must note the records accordingly.

~~(8) *See* **clause 19(5) and (6)**, which sets out what is required if the territorial authority cancels the condition before it approves the survey plan.~~

Compare: 1991 No 69 s 241(2)–(4); 2023 No 46 s 627

15 Condition requiring covenant against ~~transfer~~ disposal of allotments

(1) A subdivision consent may, to comply with **clause 13(3)**, include a condition requiring that the amalgamated land be made subject to a covenant ~~against the disposal of allotments by any means~~ that any specified part or parts of the land must not, without the consent of the territorial authority, be disposed of except in conjunction with other land.

~~(2) **A covenant against the disposal of allotments** is a covenant that any specified part or parts of the land must not, without the consent of the territorial authority, be disposed of except in conjunction with other land.~~

(3) The covenant—

(a) must be in writing; and

(b) must be signed by the owner of the land and the chief executive or other authorised officer of the territorial authority; and

(c) must be treated—

(i) as an instrument capable of registration under the Land Transfer Act 2017 that, when registered, creates in favour of the territorial authority an interest in the land in respect of which it is registered, within the meaning of section 51 of that Act; and

(ii) as if it runs with the land and binds subsequent owners.

(4) The territorial authority may cancel the covenant, in whole or in part,—

(a) whether or not it was required by a condition included under **clause 13(3)** or a corresponding provision of any former ~~enactment~~ legislation; and

(b) at any time, whether before or after the survey plan is deposited.

(5) If the territorial authority cancels the covenant after it approves the survey plan under **clause 17**, it must forward to the Registrar-General of Land a certificate to the effect that the covenant has been cancelled in whole or in part.

(6) The certificate must be signed by the chief executive or other authorised officer of the territorial authority.

(7) The Registrar-General of Land must note the records accordingly.

~~(8) *See* **clause 19(5) and (6)**, which sets out what is required if the territorial authority cancels the covenant before it approves the survey plan.~~

Compare: 1991 No 69 s 240(3)–(5); 2023 No 46 s 628

16 ~~Prior~~ Previously registered instruments protected

(1) This clause applies if—

(a) either—

(i) specified land is amalgamated in 1 record of title with other land in accordance with a condition imposed under **clause 14**; or

(ii) a covenant ~~against transfer of allotments~~ is registered ~~over land~~ in accordance with a condition imposed under **clause 15** to the effect that specified land must not be disposed of except in conjunction with other land; and

(b) that other land is already subject to a registered instrument under which a power to sell, a right of renewal, or a right or obligation to purchase is lawfully conferred or imposed; and

(c) that power, right, or obligation becomes exercisable but ~~is not able to~~ cannot be exercised or fully exercised because of **clause ~~13~~ 14 or 15**.

(2) The specified land must be treated as if it were, and had always been, part of the other land that is subject to that instrument.

(3) All rights and obligations in respect of, or encumbrances on, that other land ~~are deemed also to be~~ must be treated as rights and obligations in respect of, or encumbrances on, the specified land.

(4) If the instrument referred to in **subclause (1)(b)** is a mortgage, charge, or lien, it must be treated as having priority over any mortgage, charge, or lien against the specified land that is registered after, as the case may be,—

(a) the issue of the record of title in accordance with **clause 14**; or

(b) the registration of the covenant in accordance with **clause 15**.

(5) If **subclause (2), (3), or (4)** applies, the Registrar-General of Land must ~~enter~~ record, on all the records of title for the land, ~~a memorial to the effect~~ that the land in that title is subject to **subclause (4)**.

(6) If a memorial has been entered on a record of title under this clause, and the Registrar-General of Land is notified about a cancellation of all or part of a condition or covenant to which this clause applies, the Registrar-General of Land must alter the memorial accordingly.

Compare: 1991 No 69 s 242; 2023 No 46 s 629

Part 2
Approving and depositing survey ~~plan~~ plans for subdivision

Subpart 1—Approval of survey plan by territorial authority

How survey plans for subdivisions are approved

17 Requirements for approval of survey plans

(1) A person subdividing land may submit a survey plan for a subdivision of land to a territorial authority for its approval if—

(a) a subdivision consent has been obtained for the subdivision, and that consent has not lapsed; or

(b) a certificate of compliance has been obtained for ~~that~~ the subdivision, and that certificate has not lapsed.

(2) Within 10 working days after receiving the survey plan, the territorial authority must—

(a) approve the survey plan if satisfied that—

(i) the survey plan conforms with the subdivision consent or certificate of compliance; and

(ii) any applicable requirements in **clause 19, ~~20, or~~ 22, or 42A** are met; or

(b) decline the survey plan and notify the ~~owner~~ person of that decision and the reasons for it.

Compare: 1991 No 69 s 223(1), (1A), (2); 2023 No 46 ~~s~~ ss 577, 578

18 Certificate of approval by territorial authority

(1) If a territorial authority approves a survey plan under **clause 17**, the chief executive or an authorised officer of the territorial authority (the **responsible person**) must issue a certificate of approval.

(2) The certificate of approval is conclusive evidence that all roads, private roads, reserves, land vested in the territorial authority in lieu of reserves, and private ways shown on the survey plan have been authorised and accepted by the territorial authority under this Act and under the Local Government Act 1974.

(3) The certificate of approval must include the following information:

(a) a statement that the territorial authority has approved the survey plan~~; and~~:

(b) the date of approval and survey plan number~~; and~~:

(c) the name of the responsible person~~; and~~:

~~(d) the link between the certificate of approval and the survey plan; and~~

(e) if applicable,—

(i) conditions requiring easements to be granted or reserved ~~(*see* **clause 10**)~~:

(ii) conditions requiring amalgamated land to be held in 1 record of title:

(iii) a requirement to show esplanade reserves and esplanade strips on a survey plan.

(4) The certificate of approval must be lodged with the Registrar-General of Land before the survey plan is deposited.

(5) The certificate of approval does not affect any obligation of the subdividing owner under any condition of a subdivision consent or bond entered into relating to the subdivision.

(6) **Subclause (4)** is a deposit requirement for the purposes of **clause 23**.

(7) In this clause, **private road** and **private way** have the meanings given in section 315 of the Local Government Act 1974.

Compare: 1991 No 69 ss 223(3)–(6), 224(c); 2023 No 46 s 579

19 ~~Approval requirements~~ Requirements relating to conditions of subdivision consent

(1) This clause applies to a survey plan for a subdivision of land~~, but only~~ if a subdivision consent is obtained for ~~that~~ the subdivision.

(2) If the consent includes a condition described in **clause 10** (condition requiring easement to be granted or reserved), a memorandum must be included in the survey plan that shows, in respect of the easements required by the condition,—

(a) which is the benefited land and which is the burdened land; or

(b) in the case of an easement in gross, the name of the proposed grantee and ~~which is~~ the burdened land.

(3) If the consent includes a condition described in **clause 14** (condition requiring amalgamated land to be held in 1 record of title), the condition must be specified in the survey plan.

(4) If the consent includes a condition described in **clause 15** (condition requiring covenant against transfer of allotments for amalgamated land),—

(a) the owner of the land must enter into the covenant required by that condition; and

(b) the territorial authority must include a certificate to that effect ~~must be included~~ in the survey plan ~~by the territorial authority~~.

Compare: 1991 No 69 ss 221(1), 240(1), (5)(a), 241(1), (4)(a), 243(b), (f)(i); 2023 No 46 s 580

~~**20 Approval if esplanade reserve or esplanade strip required**~~

~~(1) Subject to **clause 21**, a territorial authority must not approve a survey plan unless any esplanade reserve or esplanade strip required under this schedule is shown on the survey plan.~~

~~(2) Despite anything in the Land Transfer Act 2017,—~~

~~(a) an esplanade strip must not be required to be surveyed; but~~

~~(b) if an esplanade strip is shown on a survey plan, it must be clearly identified in any way the Surveyor-General considers appropriate.~~

~~Compare: 1991 No 69 s 237(1)–(3); 2023 No 46 s 581~~

~~**21 If separate survey plan approved**~~

~~(1) This clause applies if—~~

~~(a) an esplanade reserve or esplanade strip is required under this schedule for a subdivision to be effected by—~~

~~(i) the grant of a cross lease or company lease; or~~

~~(ii) the deposit of a unit plan; and~~

~~(b) it is not practical to show the esplanade reserve or esplanade strip on the survey plan submitted for approval under **clause 17** (the **primary survey plan**).~~

~~(2) A territorial authority must not approve a primary survey plan until a separate survey plan (a **secondary survey plan**) showing the esplanade reserve or esplanade strip has been prepared and submitted to the territorial authority for approval under this clause.~~

~~(3) If a territorial authority approves a secondary survey plan under this clause, a memorandum to that effect must be endorsed on both the primary survey plan and the secondary survey plan.~~

~~(4) The secondary survey plan must be deposited before, or at the same time as, the primary survey plan.~~

~~(5) Subject to this clause, nothing in **section 3.4** or this schedule applies to a secondary survey plan approved by a territorial authority under this clause.~~

~~(6) **Subclause (2)** is a deposit requirement for the purposes of **clause 23**.~~

~~Compare: 1991 No 69 s 237(4), (5); 2023 No 46 s 582~~

22 Requirements if subdivided land includes ~~river bed or~~ bed of lake ~~bed~~ or river or is in coastal marine area

(1) This clause applies to a survey plan for a subdivision of land if any part of an allotment created by the subdivision—

(a) is within the coastal marine area; or

(b) is within the bed of a ~~river or~~ lake or river.

(2) The survey plan must show the land described in **subclause (1)(a)** as part of the common marine and coastal area.

(3) The survey plan must show as vesting in the territorial authority any part of the land described in **subclause (1)(b)** that—

(a) adjoins an esplanade reserve that the survey plan shows as vesting in the territorial authority; or

(b) is required to be vested in the territorial authority as a condition of a subdivision consent.

Compare: 1991 No 69 s 237A; 2023 No 46 s 583

Subpart 2—Depositing survey plans

How survey plans for subdivisions are deposited

23 Depositing survey plans for subdivisions

(1) After a territorial authority approves the survey plan for a subdivision of land under **clause 17**, the ~~person subdividing the land~~ owner of the land or a person authorised by the owner may provide the approved survey plan—

(a) to the Registrar-General of Land for deposit, if the land is subject to the Land Transfer Act 2017; or

(b) to the Surveyor-General for approval, if the land is not subject to the Land Transfer Act 2017 and is being subdivided by or on behalf of a Minister of the Crown.

(2) The Registrar-General of Land ~~must~~, after receiving a survey plan ~~provided to them under this clause~~,—

(a) may deposit the survey plan~~, but only~~ if the deposit requirements are satisfied; or

(b) if any of the deposit requirements are not satisfied, must decline to deposit the survey plan and notify the owner of that decision and the reasons for it.

(3) The Surveyor-General must, after receiving a survey plan ~~provided under this clause~~,—

(a) approve the survey plan~~, but only~~ if the deposit requirements are satisfied; or

(b) if any of the deposit requirements are not satisfied, decline to approve the survey plan and notify the owner of that decision and the reasons for it.

(4) If the Surveyor-General approves a survey plan for a subdivision of land ~~under this clause~~,—

(a) the approval is to be treated as, and has the same legal effect as, the deposit of a survey plan by the Registrar-General of Land; and

(b) the land becomes subject to the Land Transfer Act 2017.

Compare: 1991 No 69 ss 224, 228(1)(a), (2); 2023 No 46 s 584

Deposit requirements

24 Deposit requirements for the purposes of clause 23

(1) A survey plan for a subdivision may be deposited no later than 3 years after it is approved by the territorial authority under **clause 17**.

(2) A survey plan that is a unit plan must comply with the requirements of the Unit Titles Act 2010 that relate to the deposit of a unit plan.

(3) **Subclauses (1) and (2)** are deposit requirements for the purposes of **clause 23**.

(4) *See also* the following clauses, which set deposit requirements for the purposes of **clause 23**:

(a) **clause 18(6)** (certificate of approval by territorial authority):

~~(b) **clause 21(4)** (if separate survey plan approved):~~

(c) **clause 25(3)** (~~requirement for~~ certificate that consent conditions are complied with):

(d) **clause 28(3)** (requirement for written consent if land will vest in territorial authority or the Crown):

(e) **clause 29~~(2)~~(3)** (~~requirement for~~ certificate that building code requirements are complied with):

(f) **clause 30(5)** (requirements ~~where~~ if conditions are imposed relating to amalgamated land):

(fa) **clause 42A(6)** (approval of survey plans if esplanade reserve or esplanade strips required):

(g) **clause 45(3)** (how esplanade strips are created).

Compare: 1991 No 69 s 224(c), (e), (h); 2023 No 46 ss 585, 586

25 ~~Requirement for certificate~~ Certificate that consent conditions are complied with

(1) This clause applies to a survey plan for a subdivision of land~~, but only~~ if there is a subdivision consent for that subdivision.

(2) A certificate that consent conditions are complied with must be lodged with the Registrar-General of Land.

(3) **Subclause (2)** is a deposit requirement for the purposes of **clause 23**.

(4) A territorial authority may issue a certificate that consent conditions are complied with only if it is satisfied that,—

(a) for any condition of the subdivision consent that has not been complied with,—

(i) a completion certificate has been issued under **clause 26**; or

(ii) a consent notice has been issued under **clause 27**; or

(iii) a financial assurance in the form of a bond has been entered into by the person subdividing the land in compliance with a condition of a subdivision consent imposed under **section 151(1)(c)**; and

(b) all other conditions of the subdivision consent have been complied with.

(5) The certificate must be signed by a person authorised by the territorial authority to sign certificates issued under this clause.

Compare: 1991 No 69 s 224(c); 2023 No 46 s 587

26 Completion certificate

(1) This clause applies if compliance with a condition of a subdivision consent depends on the completion by the owner of any work required by the territorial authority.

(2) The territorial authority may, for the purposes of **clause 25(4)**, issue a certificate (a **completion certificate**) to the effect that the owner has entered into a financial assurance in the form of a bond binding the owner to carry out and complete the work—

(a) to the satisfaction of the territorial authority; and

(b) within the period specified by the territorial authority (the **specified completion period**).

(3) The territorial authority may~~ from time to time~~ extend the specified completion period, but the extension does not affect any security given for the performance of the bond.

(4) The territorial authority may exercise all of the powers conferred ~~upon~~ on a consent authority by ~~**clause 3**~~ **clause 4 of Schedule 8** as if the bond entered into under this clause were a condition of a subdivision consent.

(5) ~~The provisions of **clause 4**~~ **Clause 5 of Schedule 8** ~~apply~~ applies as if the bond entered into under this clause were a condition of a subdivision consent.

(6) In this clause, **work**—

(a) includes anything, whether in the nature of works or otherwise, ~~required by~~ that the territorial authority ~~to be done by~~ requires the owner to do as a condition of a subdivision consent; but

(b) does not include contributions of money or land (including esplanade reserves and esplanade strips) as a condition of a subdivision consent.

Compare: 1991 No 69 s 222; 2023 No 46 s 632

27 Consent notice for subdivision consent with ongoing requirements

(1) This clause applies if a subdivision consent includes an ongoing requirement.

(2) The consent authority must issue a consent notice that—

(a) specifies the ongoing requirements; and

(b) is signed by a person authorised by the territorial authority to sign notices of ongoing requirements; and

(c) is to be lodged with the Registrar-General of Land before the survey plan for the subdivision is deposited; and

(d) is to be treated as an instrument creating an interest in the land within the meaning of section 51 of the Land Transfer Act 2017, and may be registered under that Act accordingly; and

(e) is to be treated as a covenant running with the land when registered under the Land Transfer Act 2017 and must, despite anything to the contrary in section 103 of that Act, bind all subsequent owners of the land.

(3) **Subclause (4)** applies if, after a survey plan has been deposited under **clause 23**, it is found that the notice of ongoing requirements was defective in respect of the requirements to apply to the subdivision.

(4) The Registrar-General of Land may accept and register a revised notice of ongoing requirements, if that is necessary to correctly reflect the requirement of the subdivision consent.

(5) For the purposes of this clause and **clause 35**, **ongoing requirement**—

(a) means any condition imposing a requirement that the subdividing owner and subsequent owners must comply with on a continuing basis after the deposit of a survey plan; but

(b) does not include a condition imposing a requirement in respect of which—

(i) a bond is required to be entered into by the subdividing owner; or

(ii) a completion certificate is capable of being, or has been, issued.

Compare: 1991 No 69 s 221; 2023 No 46 s 633

28 Requirement for written consent if land will vest in territorial authority or the Crown

(1) This clause applies to a survey plan for a subdivision ~~only~~ if land shown on the survey plan will vest in the Crown or a territorial authority.

(2) Written consent to the subdivision must be given by the following persons:

(a) in the case of land subject to the Land Transfer Act 2017, every registered owner of an interest in the land, including any encumbrance; or

(b) in the case of land not subject to that Act, every person who has an interest in the land, including any encumbrance, as evidenced by an instrument registered under the Deeds Registration Act 1908.

(3) **Subclause (2)** is a deposit requirement for the purposes of **clause 23**.

Compare: 1991 No 69 s 224(b); 2023 No 46 s 588

29 ~~Requirement for certificate~~ Certificate that building code requirements are complied with

(1) This clause applies to a survey plan~~, but only~~ if it is for a subdivision of land that is to be effected by—

(a) the grant of a cross lease or company lease; or

(b) the deposit of a unit plan.

(2) A certificate must be lodged with the Registrar-General of Land certifying, for every building or part of a building (even if under construction) to which the cross lease, company lease, or unit plan relates, that ~~they comply~~ it complies, or will comply, with the provisions of the building code described in section 116A of the Building Act 2004.

(3) **Subclause (2)** is a deposit requirement for the purposes of **clause 23**.

(4) The certificate must be signed by a person authorised by the territorial authority to sign certificates issued under this clause.

Compare: 1991 No 69 s 224(f); 2023 No 46 s 589

30 Requirements ~~where~~ if conditions are imposed relating to amalgamated land

(1) This clause applies to a survey plan for a subdivision of land~~, but only~~ if the subdivision is authorised by a subdivision consent.

(2) If the consent includes a condition described in **clause 14** (condition requiring amalgamated land to be held in 1 record of title), the Registrar-General of Land must be satisfied that the land will be held in 1 record of title.

(3) **Subclause (4)** applies if—

(a) the consent includes a condition described in **clause 15** (condition requiring covenant against ~~transfer~~ disposal of allotments for amalgamated land); and

(b) a certificate to the effect that the covenant has been entered into is included in the survey plan (as required by **clause 19(4)(b)**).

(4) The covenant entered into must be lodged with the Registrar-General of Land for registration.

(5) **Subclauses (2) and (4)** are deposit requirements for the purposes of **clause 23**.

Compare: 1991 No 69 ss 240(2), 241(1)(b), (c); 2023 No 46 s 590

Effect of deposit of survey plans for subdivisions

31 When records of title may be issued

(1) The Registrar-General of Land may, under the Land Transfer Act 2017, issue a record of title for any land that is shown as a separate allotment on a survey plan (being a record of title issued to give effect to the subdivision of land shown on that survey plan).

(2) However, the Registrar-General of Land must not issue the record of title unless they are satisfied that—

(a) the survey plan has been deposited under **clause 23(2)** or approved by the Surveyor-General under **clause 23(3)**; or

~~(b) the survey plan has been approved by the Surveyor-General under **clause 23(3)**; or~~

(ba) a reclamation plan has been deposited under **clause 73(2)**; or

(c) the territorial authority has given a certificate, signed by the ~~principal administrative officer~~ chief executive or other authorised officer, to the effect that—

(i) the allotment is in accordance with the requirements of the land use plan and a proposed land use plan (if there is one) for the area to which the survey plan relates; or

(ii) if there is no land use plan for the area to which the survey plan relates, the allotment is in accordance with a proposed land use plan for the area~~.~~; or

(d) the survey plan has been deposited in accordance with the Unit Titles Act 2010; or

(e) the survey plan was deposited under section 224 of the Resource Management Act 1991 or was approved by the Surveyor-General for the purposes of section 228 of that Act and section 228(2) of that Act was complied with; or

(f) the survey plan was deposited under section 306 of the Local Government Act 1974 or was a Crown plan to which section 306(7) of that Act applied; or

(g) the survey plan was approved under Part 25 of the Municipal Corporations Act 1954; or

(h) the survey plan was approved under Part 2 of the Counties Amendment Act 1961; or

(i) the plan did not require the approval of the local authority under Part 2 of the Counties Amendment Act 1961 and was deposited under the Land Transfer Act 2017 after Part 2 of the Counties Amendment Act 1961 came into force; or

(j) the record of title is issued to give effect to any agreement for sale and purchase, agreement to lease, or other contract to create an interest in land or a building or part of a building made before the commencement of the Resource Management Act 1991.

(3) **Subclause (4)** applies if—

(a) land that is not subject to the Land Transfer Act 2017 is subdivided by or on behalf of a Minister of the Crown; and

(b) the survey plan to which the subdivision relates is deposited by way of the Surveyor-General approving the survey plan (*see* **clause 23(4)(a)**).

(4) Either of the following may ask the Registrar-General of Land to issue a record of title for the land in the name of ~~His Majesty the King~~ the Sovereign:

(a) the Director-General of Conservation, if the land is a conservation area (as defined in section 2(1) of the Conservation Act 1987), a reserve under the Reserves Act 1977, a national park under the National Parks Act 1980, or a wildlife sanctuary or wildlife refuge under the Wildlife Act 1953; or

(b) the Surveyor-General, or another officer authorised in writing by the Surveyor-General, in every other case.

(5) In the case of land to which **subclause (4)** applies, the Registrar-General of Land must not issue a record of title for land shown on separate allotments on an approved survey plan unless the requirements of **clause 23** are complied with.

Compare: 1991 No 69 ss 226(1), 228(1)(b), (2); 2023 No 46 s 591

32 Vesting of roads

(1) This clause applies if—

(a) a survey plan for a subdivision is deposited in accordance with this subpart; and

(b) any land on the survey plan is shown as road to be vested in a local authority or the Crown.

(2) When the plan is deposited, the land shown as road vests as follows:

(a) a regional road vests in the territorial authority or regional council~~, as required by the relevant subdivision consent~~ (as the case requires):

(b) a road declared as a~~ government~~ Government road under any Act vests in the Crown:

(c) a State highway vests in the Crown or the territorial authority, as the case may be:

(d) any other road vests in the territorial authority.

(3) Land vests under this clause free from all interests in land including any encumbrances (without the necessity of any instrument of release or discharge or otherwise).

(4) In this clause, **State highway** has the same meaning as in section 5 of the Land Transport Management Act 2003.

Compare: 1991 No 69 s 238; 2023 No 46 s 592

33 Vesting of reserves or other land

(1) This clause applies if—

(a) a survey plan for a subdivision is deposited in accordance with this subpart; and

(b) the plan—

(i) shows any land to be vested in the territorial authority or the Crown as a reserve or in lieu of reserves; or

(ii) shows any land, or any part of the bed of a river (not being part of the coastal marine area) or bed of a lake, as land to be vested in the territorial authority or the Crown.

(2) When the plan is deposited,—

(a) any land that is shown as a reserve to be vested in the territorial authority or the Crown vests in the territorial authority or the Crown for the purposes shown on the survey plan and subject to the Reserves Act 1977; and

(b) any land that is shown as land to be vested in the territorial authority or in the Crown in lieu of reserves vests in the territorial authority or in the Crown; and

(c) any land, or any part of the bed of a river (not being part of the coastal marine area) or bed of a lake, that is shown as land to be vested in the territorial authority or the Crown vests in the territorial authority or the Crown.

(3) Land vests under **subclause (2)**—

(a) subject to any specified interest in the land that the territorial authority has certified, on the survey plan, ~~must~~ as needing to remain with the land; and

(b) otherwise free from all interests in land, including any encumbrances (without ~~the necessity of~~ needing any instrument of release or discharge or otherwise).

(4) Any land vested in the Crown vests under the Land Act 1948 unless this Act provides otherwise.

Compare: 1991 No 69 s 239; 2023 No 46 s 593

34 Land shown on survey plan as coastal marine area becomes part of common marine and coastal area

(1) This clause applies if—

(a) a survey plan for a subdivision is deposited in accordance with this subpart; and

(b) any land is shown on the survey plan as land in the coastal marine area.

(2) When the plan is deposited, the land becomes part of the common marine and coastal area.

Compare: 1991 No 69 s 237A; 2023 No 46 s 594

Other provisions

35 Variation or cancellation of consent notice

(1) This clause applies if a consent notice is issued under **clause 27** with ongoing requirements.

(2) At any time after the related survey plan is deposited by the Registrar-General of Land,—

(a) the current owner of the subdivided land may apply to a territorial authority to vary or cancel any requirement specified in the notice; and

(b) the territorial authority may, whether or not an application is made under **paragraph (a)**, review any requirement specified in a notice of ongoing requirements and vary or cancel the requirement.

(3) ~~**Sections 109 to 148 and 158(3) to 163**~~ **Sections 108 to 155, 158 to 162, and 167(3) to 172** apply, with the necessary modifications, to an application made, or a review conducted, under **subclause (2)**.

(4) **Subclause (5)** applies if—

(a) the notice of ongoing requirements is registered under the Land Transfer Act 2017; and

(b) the Registrar-General of Land is satisfied that a requirement specified in the notice—

(i) has been varied or cancelled after an application is made or a review is conducted under this clause; or

(ii) has expired.

(5) The Registrar-General of Land must make an entry in the register, and on any relevant instrument of title, noting that the notice of ongoing requirements has been varied or cancelled or has expired (as applicable).

(6) The requirement in the notice of ongoing requirements then takes effect as varied, or ceases to have effect, as the case may be.

Compare: 1991 No 69 s 221(3), (3A), (5); 2023 No 46 s 634

36 Agreement to sell land or building before deposit of survey plan

(1) This clause applies if—

(a) there is an agreement to sell any land, building, or part of a building that constitutes a subdivision of land; and

(b) the agreement is made before the survey plan for the subdivision is approved under **clause 17**.

(2) The agreement is not illegal or void by reason only that it was entered into before the survey plan is deposited.

(3) The agreement must be treated as if it were made subject to the following conditions:

(a) the purchaser may, by notice in writing to the vendor, cancel the agreement at any time before the expiry of 14 days after the date on which the agreement is made:

(b) the purchaser may, at any time after the applicable date, by notice in writing to the vendor, rescind the contract if the vendor—

(i) has not made reasonable progress towards submitting a survey plan to the territorial authority for its approval; or

(ii) has not complied with the deposit requirements within a reasonable time after the date on which the survey plan is approved by the territorial authority.

(4) An agreement may be rescinded under **subclause (3)(b)** even if the parties cannot be restored to the position that they were in immediately before the agreement was made.

(5) However, if an agreement is rescinded and the parties cannot be restored to their pre-agreement position, the rights and obligations of each party must, in the absence of agreement between the parties, be ~~the rights and obligations~~ determined by a court of competent jurisdiction.

(6) In **subclause (3)(b)**, **applicable date** means the later of—

(a) ~~the date that is~~ 5 years after the date on which the subdivision consent was granted; and

(b) ~~the date that is~~ 1 year after the date of the agreement.

Compare: 1991 No 69 s 225; 2023 No 46 s 601

37 Revocation of conditions about easements

(1) This clause applies if a subdivision consent includes a condition described in—

(a) **clause 10** (condition requiring easement to be granted or reserved); or

(b) **clause 11** (condition requiring easement to be extinguished).

(2) The territorial authority may at any time, whether before or after the survey plan is deposited or approved by the Surveyor-General under **clause 23**, revoke the condition in whole or in part.

(3) If the territorial authority revokes the condition, then,—

(a) if the survey plan is awaiting approval by the Surveyor-General under **clause 23(3)**, a memorandum of the revocation must be ~~endorsed~~ included on the survey plan or a notice of the revocation must be forwarded by the territorial authority to the Surveyor-General; and

(b) in any other case, the territorial authority must forward to the Registrar-General of Land a certificate to the effect that the condition has been revoked in whole or in part.

(4) The certificate referred to in **subclause (3)(b)** must be signed by the chief executive or other authorised officer of the territorial authority.

(5) The Registrar-General of Land must note the records accordingly.

Compare: 1991 No 69 s 243(e), (f); 2023 No 46 s 624

Part 3
Esplanade reserves, esplanade strips, and access strips

38 Meaning of relevant land

In this Part, **relevant land**,—

(a) in relation to an instrument that creates an esplanade strip, means the land over which the esplanade strip is created; and

(b) in relation to an easement for an access strip, means the land over which the access strip is created.

Compare: 2023 No 46 Schedule 11 cl 1

Subpart 1—Esplanade reserves and esplanade strips

39 Purposes of esplanade reserves and esplanade strips

An esplanade reserve or an esplanade strip has 1 or more of the following purposes:

(a) to contribute to the protection of conservation values by, in particular,—

(i) maintaining or enhancing the natural functioning of the adjacent ~~sea~~ coastal marine area, river, or lake:

(ii) maintaining or enhancing water quality:

(iii) maintaining or enhancing aquatic or riparian habitats:

(iv) protecting the natural values associated with the esplanade reserve or esplanade strip:

(b) to mitigate or reduce natural hazards or any risks of natural hazards:

(c) to enable public access to or along the ~~sea~~ coastal marine area, a river, or a lake:

(d) to enable public recreational use of the esplanade reserve or esplanade strip and adjacent ~~sea~~ coastal marine area, river, or lake~~, where~~ if the use is compatible with conservation values.

Compare: 1991 No 69 s 229; 2023 No 46 s 609

~~*Requirements to create esplanade reserves and esplanade strips when land is subdivided or reclaimed*~~

40 New esplanade reserves and esplanade strips required when land is subdivided

(1) This clause applies if, when land is subdivided under this Act, any allotment is created that—

(a) is adjacent to the ~~sea~~ coastal marine area or a lake; or

(b) is adjacent to a river or has a river flowing through it.

Reserves and strips required

(2) If the allotment is less than 4 hectares in area, an esplanade reserve must be set aside from it under **clause 44** unless—

(a) a rule in a land use plan provides otherwise; or

(b) a subdivision consent waives the requirement for the reserve.

(3) If the allotment is 4 hectares or more in area,—

(a) an esplanade reserve must be set aside from it under **clause 44**~~, but only~~ if—

(i) a rule in a land use plan requires the reserve to be set aside; and

(ii) the requirement is not waived by a subdivision consent; and

(b) an esplanade strip must be created under **clause 45**~~, but only~~ if—

(i) a rule in a land use plan requires the strip to be created; and

(ii) the requirement is not waived by a subdivision consent.

(4) For the purposes of **subclauses (2) and (3)**, the size of an allotment (that is, whether it is less than, equal to, or more than 4 hectares in area) must be determined before any esplanade reserve is set~~-side~~ aside from it under this clause.

(5) The registered owner of the allotment may be entitled to compensation (*see* **clauses 63 and 64**).

Location and width

(6) A reserve or strip required by this clause must be set aside from the allotment (in the case of a reserve) or created (in the case of a strip) along the bank of the river, margin of the lake, or mark of mean high-water springs of the sea.

(7) A reserve or strip required by this clause must be,—

(a) if required for an allotment of less than 4 hectares,—

(i) the width that is required by a rule in a land use plan; or

(ii) if there is no such requirement, 20 metres in width; or

(b) if required for an allotment of 4 hectares or more, the width that is required by a rule in a land use plan; or

(c) in either case, any lesser width that is specified as a condition of the subdivision consent.

Interpretation

(8) In this clause,—

lake means a lake whose bed has an area of 8 hectares or more

river means a river whose bed has an average width of 3 metres or more where the river flows through or adjoins an allotment.

Compare: 1991 No 69 s 230; 2023 No 46 s 611

41 Esplanade reserves required to supplement land previously set aside or reserved

(1) This clause applies if, when land is subdivided under this Act,—

(a) any of the land is adjacent to esplanade land that was previously set aside or reserved; and

(b) in relation to any allotment created by the subdivision, the width of the esplanade land previously set aside or reserved is less than the required width.

Reserves required

(2) An esplanade reserve must be set aside from the allotment under **clause 44**~~, but only~~ if—

(a) a condition of the subdivision consent requires it; or

(b) a rule in a land use plan requires it.

(3) The registered owner of the allotment may be entitled to compensation (*see* **clauses 63 and 64**).

Location and width

(4) A reserve required by this clause—

(a) must be set aside from the allotment where it adjoins the esplanade land previously set aside or reserved; and

(b) must be the width that is the difference between the width of the esplanade land previously set aside or reserved and the required width.

Interpretation

(5) In this clause,—

esplanade land means any land that is alongside the bank of a river, margin of a lake, or mark of mean high-water springs of the sea

previously set aside or reserved, in relation to esplanade land, means land that—

(a) has been set aside as an esplanade reserve under this Act, the Resource Management Act 1991, or any earlier legislation replaced by the Resource Management Act 1991 ~~that Act~~; or

(b) has been reserved—

(i) for the purpose specified in section 289 of the Local Government Act 1974; or

(ii) for public purposes under section 29(1) of the Counties Amendment Act 1961 or section 11 of the Land Subdivision in Counties Act 1946; or

(c) has been set aside or reserved for public recreation purposes under any other ~~enactment (whether passed before or after the commencement of this Act and~~ legislation whether or not in force at the commencement of this ~~Act~~ clause); or

(d) has been reserved from sale or other disposition under—

(i) section 24 of the Conservation Act 1987; or

(ii) section 58 of the Land Act 1948; or

(iii) the corresponding provisions of any former ~~Act~~ legislation

required width, in relation to the esplanade reserve required for an allotment, means the width of the esplanade reserve or strip that would be required to be set aside from the allotment under **clause 40** ~~,~~ if no esplanade land had been previously set aside from it.

(6) For the purposes of the definition of required width in **subclause (5)**, **clause 40** must be read as if it required the size of the allotment to be determined—

(a) without including any esplanade land previously set aside or reserved from the allotment; but

(b) before any additional esplanade reserve is set aside from it under this clause.

Compare: 1991 No 69 s 236; 2023 No 46 s 612

42 New esplanade reserves and esplanade strips required when land is reclaimed

(1) This clause applies if, when land is reclaimed in accordance with a natural resource permit under the **Natural Environment Act 2025**, any allotment is created that—

(a) is adjacent to the ~~sea~~ coastal marine area or a lake; or

(b) is adjacent to a river or has a river flowing through it.

(2) An esplanade reserve must be set aside from the allotment under **clause 44**~~, or an esplanade strip created under **clause 45**, but only if it is required as~~ if a condition of the natural resource permit for the reclamation requires it.

(3) An esplanade strip must be created under **clause 45**, but only if it is required as a condition of the natural resource permit for the reclamation.

Compare: 2023 No 46 s 613

42A Approval of survey plans if esplanade reserve or esplanade strips required

(1) A territorial authority must not approve a survey plan submitted under **clause 17** unless any esplanade reserve or esplanade strip required under this subpart is shown on the survey plan.

(2) Despite anything in the Land Transfer Act 2017,—

(a) an esplanade strip must not be required to be surveyed; but

(b) if an esplanade strip is shown on a survey plan, it must be clearly identified in any way the Surveyor-General considers appropriate.

(2) Despite **subclause (1)**, a territorial authority may approve a survey plan submitted under **clause 17** (the **primary survey plan**) that does not show an esplanade reserve or esplanade strip required under this subpart if—

(a) the esplanade reserve or esplanade strip is required for a subdivision to be effected by the grant of a cross lease, the grant of a company lease, or the deposit of a unit plan; and

(b) it is not practical to show the esplanade reserve or esplanade strip on the primary survey plan; and

(c) a separate survey plan showing the esplanade reserve or esplanade strip (a **secondary survey plan**) has been prepared and submitted to the territorial authority for approval under this clause.

(3) If a territorial authority approves a secondary survey plan,—

(a) a memorandum to that effect must be included on both the primary survey plan and the secondary survey plan; and

(b) the secondary survey plan must be deposited before, or at the same time as, the primary survey plan.

(4) Nothing in **section 18** or any other provision of this schedule applies to a secondary survey plan.

(6) **Subclause (3)(b)** is a deposit requirement for the purposes of **clause 23**.

Compare: 1991 No 69 s 237; 2023 No 46 s 581

~~*Agreements to create esplanade strips and access strips*~~

43 Esplanade strips created by agreement

A local authority may agree with the registered owner of land to create an esplanade strip under **clause 45** for any of the purposes specified in **clause 39**.

Compare: 1991 No 69 ss 235, 237B(1); 2023 No 46 s 614

~~*How esplanade reserves are set aside and esplanade strips are created*~~

44 ~~How esplanade reserves are set aside~~ Esplanade reserves to vest on subdivision

(1) This clause applies if~~;~~—

(a) **clause 40 or 41** requires an esplanade reserve to be set aside from an allotment when land is subdivided under this Act; or

(b) **clause 42** requires an esplanade reserve to be set aside from an allotment when land is reclaimed under the **Natural Environment Act 2025**.

(2) After a survey plan for the subdivision, or reclamation plan for the reclamation, is deposited ~~under this Act~~ in accordance with this schedule, the land that the plan identifies as an esplanade reserve—

(a) is set aside and held under the Reserves Act 1977 as a local purpose reserve for esplanade purposes; and

(b) vests in the territorial authority under **clause 33**.

(3) For the purposes of the Reserves Act 1977, the territorial authority is the reserve's administering body.

(4) Nothing in this subpart prevents the change of classification or purpose of an esplanade reserve in accordance with the Reserves Act 1977 or the exercise of any other power under that Act.

Compare: 1991 No 69 s 231; 2023 No 46 s 616

45 How esplanade strips are created

(1) An esplanade strip is created by the registration under the Land Transfer Act 2017 of an instrument that complies with **clauses 46 and 47**.

(2) If an esplanade strip is required by this subpart, the instrument must be lodged with the Registrar-General of Land before the survey plan for the subdivision is deposited.

(3) **Subclause (2)** is a deposit requirement for the purposes of **clauses 23 and 73**.

Compare: 1991 No 69 s 232(1); 2023 No 46 s 617

~~*Registration requirements for instruments creating esplanade strips*~~

46 Registration requirements for instrument that creates esplanade strip

(1) The Registrar-General of Land must not register an instrument to create an esplanade strip unless the requirements of **subclause (2) or (3)** are satisfied.

(2) If the esplanade strip is required by **clause 40, 41, or 42** when land is subdivided or reclaimed, the strip identified in the instrument must be the same as that shown on the survey plan approved by the territorial authority (for subdivisions) or regional council (for reclamations).

(3) If the esplanade strip is created by agreement (*see* **clause 43**),—

(a) every person who has a registered interest in the relevant land must consent to the strip; and

(b) that consent must be provided on a consent form approved under the Land Transfer Act 2017 and ~~attached to~~ included in the relevant instrument.

Compare: 2023 No 46 Schedule 11 cl 2

47 Requirements for instrument that creates esplanade strip

(1) An instrument to create an esplanade strip must,—

(a) for registration purposes, be in the form approved by the Registrar-General of Land; and

(b) for the purpose of recording the rights and interests attaching to the esplanade strip, be in the prescribed form.

(2) The instrument must also—

(a) be created in favour of the local authority; and

(b) be executed by the local authority and the owner of the subdivided land (the **parties**); and

(c) create an interest in land, and may be registered under the Land Transfer Act 2017; and

(d) when registered with the Registrar-General of Land, run with and bind the land that is subject to the instrument; and

(e) bind every mortgagee or other person who has an interest in the land, without that person's consent; and

(f) contain any provisions required by the following clauses:

(i) **clause 56** (provisions prohibiting certain actions):

(ii) **clause 57** (provisions relating to access for esplanade strip created for access purposes or access strips):

(iii) **clause 58** (provisions relating to access for esplanade strips created for recreational purposes); and

(g) provide for any modifications or exclusions decided under **subclause (4)**.

(3) The decisions under **subclause (4)** must be made—

(a) by the territorial authority, if the esplanade strip is required by **clause 40, 41, or 42**; or

(b) by agreement between the local authority and the owner of the relevant land, if the esplanade strip is created by agreement (*see* **clause 43**).

(4) The decisions are as follows:

(a) which provisions in the following clauses (if any) to modify (including by imposing conditions) or to exclude from the instrument:

(i) **clause 59** (provisions prohibiting certain other actions):

(ii) **clause 60** (provisions relating to fencing):

(iii) **clause 61** (provisions relating to closure):

(iv) **clause 62** (provisions relating to access for esplanade strips created for conservation values), if that clause applies:

(b) whether it is appropriate for the instrument to provide for any other matters.

(5) When making the decisions, the relevant persons must consider—

(a) any relevant rules in the land use plan; and

(b) the provisions and other matters included in any existing instrument for an esplanade strip, or easement for an access strip, in the vicinity; and

(c) the purpose~~ or purposes~~ of the strip, including the needs of potential users of the strip; and

(d) the use of the strip and adjoining land by the owner and occupier; and

(e) the use of the river, lake, or coastal marine area within or adjacent to the strip; and

(f) the management of any reserve in the vicinity.

Compare: 1991 No 69 s 232; 2023 No 46 Schedule 11 cls 4, 5

~~*Closure of esplanade strip to public*~~

48 Closure of esplanade strip to public

(1) An esplanade strip may be closed to the public—

(a) for the times and periods specified in the relevant instrument; or

(b) by the local authority during periods of emergency or public risk that are likely to cause loss of life, injury, or serious damage to property.

(2) The local authority must ensure, ~~where~~ if practicable, that the closure is adequately notified (including notification to the public that it is an offence to enter the strip during the period of closure) by signs erected at all entry points to the strip.

(3) However, **subclause (2)** does not apply if the instrument provides that another person is responsible for that notification.

Compare: 1991 No 69 s 237C; 2023 No 46 s 618

48A Effect of change of boundary to esplanade strip

(1) This section applies if, for any reason, any of the following alters in a way that affects the boundary of an esplanade strip within an allotment:

(a) the mark of mean high-water springs:

(b) the bank of a river:

(c) the margin of a lake.

(2) A new esplanade strip that coincides with the alteration is created simultaneously with the alteration.

(3) The instrument that created the original esplanade strip (the **original instrument**)—

(a) continues in existence; and

(b) applies to the new esplanade strip without any alteration other than the location of the esplanade strip.

(4) The new esplanade strip—

(a) has the same dimensions, and is situated and subject to the same conditions, as if it had been created by the original instrument; and

(b) extinguishes in whole or in part (as the case requires) the original esplanade strip.

(5) A person who has an interest in land that is affected by the new esplanade strip is bound by the instrument that applies to that strip.

Compare: 1991 No 69 s 233; 2023 No 46 Schedule 11 cl 18

48B Variation or cancellation of esplanade strip

(1) The registered owner of the land that includes an esplanade strip may apply to the territorial authority to vary or cancel the instrument that created the strip.

(2) The application must—

(a) describe the strip and its location; and

(b) include an assessment of the effects of varying or cancelling the instrument.

(3) **Section 167** applies to the application, with all necessary modifications, as if it were an application by a consent holder for a change or cancellation of a condition of a planning consent.

(4) A territorial authority may initiate a review to vary or cancel an esplanade strip by preparing a statement covering the matters specified in **subclause (2)**.

(5) **Sections 169 to 172** apply to the review, with all necessary modifications, as if it were a review of conditions of a planning consent initiated by the territorial authority.

(6) The territorial authority must have regard to the following matters when considering an application or a review:

(a) the matters set out in **section 139(1)**, which applies with all necessary modifications:

(b) the purpose or purposes for which the esplanade strip was created (*see* **clause 39**):

(c) any change in circumstances that has made the strip, or any of the conditions in the instrument that created the strip, inappropriate or unnecessary.

(7) After all the appeals (if any) are finally determined, the territorial authority must lodge for registration with the Registrar-General of Land a certificate (signed by the chief executive or other authorised officer of the territorial authority) that specifies any variations to the instrument or that the instrument is cancelled (as the case requires).

(8) The Registrar-General of Land must make an appropriate entry in the register and on the instrument noting any variations or any cancellation.

(9) The instrument takes effect as varied or, if cancelled, ceases to have effect.

Compare: 1991 No 69 s 234; 2023 No 46 Schedule 11 cls 19–21

~~*Vesting in Crown or regional council*~~

49 Vesting of esplanade reserve or bed of ~~river or~~ lake or river in the Crown or regional council

(1) The Minister of Conservation or a regional council may declare that all or any part of an esplanade reserve, or the bed of any ~~river or~~ lake or river,—

(a) will cease to be vested in and administered by the territorial authority; and

(b) will vest instead in the Crown or the regional council.

(2) The declaration—

(a) is made by notice in the *Gazette*; and

(b) may be made only with the agreement of the territorial authority; and

(c) must be registered ~~in the office of~~ with the Registrar-General of Land.

(3) Any esplanade reserve vested under this clause may be included in an existing reserve.

(4) If **subclause (3)** does not apply, the reserve has the classification specified in the declaration and must be administered under the Reserves Act 1977 in accordance with that classification.

(5) **Subclause (1)** applies despite anything to the contrary in the Reserves Act 1977.

Compare: 1991 No 69 s 237D; 2023 No 46 s 619

Subpart 2—Access strips

50 Purpose of access strip

(1) The purpose of an access strip is to allow public access—

(a) to or along a ~~river or~~ lake or river or the coast; or

(b) to an esplanade reserve, esplanade strip, or other reserve; or

(c) to land that is owned by the local authority or by the Crown.

(2) However, **subclause (1)(c)** does not include any land that is held for a public work, unless it is held, administered, or managed under the Conservation Act 1987 ~~and the Acts~~ or an Act named in Schedule 1 of that Act.

Compare: 1991 No 69 s 2(1); 2023 No 46 s 610

~~Agreement to create access strip~~

51 Access strips created by agreement

A local authority may agree with the registered owner of land—

(a) to acquire an easement over the land to create an access strip under **clause 52** for a purpose specified in **clause 50**; and

(b) on the conditions on which the easement may be enjoyed.

Compare: 1991 No 69 s 237B(1); 2023 No 46 s 615

~~How access strips are created~~

52 Access strip created by registration of easement

(1) An access strip is created by the registration under the Land Transfer Act 2017 of an easement that complies with the requirements of **clause 53**.

(2) The easement cannot be registered unless—

(a) every person who has a registered interest in the relevant land has consented to creating the access strip; and

(b) that consent is provided on a form of consent approved under the Land Transfer Act 2017 and ~~attached to~~ included in the relevant ~~instrument~~ easement.

Compare: 1991 No 69 s 237B(5), (7); 2023 No 46 Schedule 11 cl 6

53 Requirements for easement that creates access strip

(1) An easement to create an access strip must,—

(a) for registration purposes, be in the form approved by the Registrar-General of Land; and

(b) for the purpose of recording the rights and interests attaching to the esplanade strip, be in the prescribed form.

(2) The ~~instrument~~ easement creating an access strip must also—

(a) be executed by the local authority and the registered owner of the relevant land (the **parties**); and

(b) contain any provisions required by the following clauses:

(i) **clause 56** (provisions prohibiting certain actions):

(ii) **clause 57** (provisions relating to access ~~for~~: esplanade strip created for access purposes ~~or~~ and access strips); and

(c) provide for modifications or exclusions agreed by the parties under ~~**sub-clause**~~ **subclauses (3) and (4)**.

(3) The parties must decide—

(a) which provisions in the following clauses (if any) to modify (including by imposing conditions) or to exclude from the easement:

(i) **clause 59** (provisions prohibiting certain other actions):

(ii) **clause 60** (provisions relating to fencing):

(iii) **clause 61** (provisions relating to closure); and

(b) whether it is appropriate for the easement to provide for any other matters.

(4) When making those decisions, the parties must consider—

(a) any relevant rules in the land use plan; and

(b) the provisions and other matters included in any existing instrument for an esplanade strip, or easement for an access strip, in the vicinity; and

(c) the purpose of the strip, including the needs of potential users of the strip; and

(d) the use of the strip and adjoining land by the owner and occupier; and

(e) where appropriate, the use of the river, lake, or coastal marine area within or adjacent to the access strip; and

(f) the management of any reserve in the vicinity.

Compare: 1991 No 69 s 237B(2)–(4); 2023 No 46 Schedule 11 cls 7, 8

54 How easement to create access strip is varied or cancelled

(1) The local authority and the registered owner may, by agreement, vary or cancel an easement that creates an access strip~~.~~ after taking into account—

(a) **clause 53(3) and (4)**; and

(b) any change in circumstances.

(2) If a variation or cancellation is agreed,—

(a) the territorial authority must lodge for registration with the Registrar-General of Land a certificate (signed by the chief executive or other authorised officer of the territorial authority) that specifies the variations to the easement or that the easement is cancelled; and

(b) the Registrar-General of Land must make an appropriate entry in the register and on the easement noting the variation or cancellation; and

(c) the easement takes effect as varied or, if cancelled, ceases to have effect.

~~(2) The parties must take into account—~~

~~(a) **clause 53(3) and (4)**; and~~

~~(b) any change of circumstances.~~

~~(3) When all the appeals (if any) are finally determined, the local authority must lodge a certificate with the Registrar-General of Land for registration under the Land Transfer Act 2017.~~

~~(4) The certificate must—~~

~~(a) be signed by the chief executive or other authorised officer of the local authority; and~~

~~(b) specify the variations to the easement or that the easement is cancelled.~~

~~(5) The Registrar-General of Land must make an appropriate entry in the register and on the easement noting that the instrument has been varied or cancelled, and the easement has effect as varied or ceases to have any effect, as applicable.~~

Compare: 1991 No 69 ~~ss 234(7)–(8),~~ s 237B(7)–(8); 2023 No 46 Schedule 11 cl 9

~~*Closure of access strip to public*~~

55 Closure of access strip to public

(1) An access strip may be closed to the public—

(a) for the times and periods specified in the relevant easement; or

(b) by the local authority during periods of emergency or public risk that are likely to cause loss of life, injury, or serious damage to property.

(2) The local authority must ensure, ~~where~~ if practicable, that the closure is adequately notified (including notification to the public that it is an offence to enter the strip during the period of closure) by signs erected at all entry points to the strip.

(3) However, **subclause (2)** does not apply if the easement provides that another person is responsible for that notification.

Compare: 1991 No 69 s 237C; 2023 No 46 s 618

Subpart 3—Provisions in instrument to create esplanade strip or easement to create access strip

Provisions that must be included in instruments and easements

56 Provisions prohibiting certain actions

An instrument that creates an esplanade strip or an easement that creates an access strip must specify that the following acts are prohibited on the relevant land:

(a) any act that wilfully endangers, disturbs, or annoys any lawful user (including the land owner or occupier) of the relevant land:

(b) any act, by a person other than the owner or occupier of the relevant land, that—

(i) wilfully damages or interferes with any structure that is on or adjoins the relevant land, including any building, fence, gate, stile, marker, bridge, or notice~~.~~; or

(ii) wilfully interferes with or disturbs any livestock lawfully permitted on the relevant land.

Compare: 1991 No 69 Schedule 10 cl 1; 2023 No 46 Schedule 11 cl 11

57 Provisions relating to access ~~for~~: esplanade strip created for access purposes ~~or~~ and access strips

An instrument that creates an esplanade strip for access purposes ~~or recreational purposes~~, or an easement that creates an access strip, must specify—

(a) that any person has the right, at any time, to pass and repass over and along the relevant land; and

(b) that the right of access is subject to other provisions of the instrument or easement.

Compare: 1991 No 69 Schedule 10 cl 5; 2023 No 46 Schedule 11 cl 14~~, 17~~

58 Provisions relating to access ~~for~~: esplanade strips created for recreational purposes

An instrument that creates an esplanade strip for public recreational use must specify—

(a) that any person has the right, at any time, to enter on the relevant land and remain on that land for any period of time for the purpose of recreation; but

(b) that the right of access is subject to other provisions of the instrument.

Compare: 1991 No 69 Schedule 10 cl 6; 2023 No 46 Schedule 11 cl 17

Provisions that may be included in instruments and easements by agreement

59 Provisions prohibiting certain other actions

An instrument that creates an esplanade strip or an easement that creates an access strip may include prohibitions on 1 or more of the following:

(a) lighting any fire:

(b) carrying any firearm:

(c) discharging or shooting any firearm:

(d) camping:

(e) taking any animal onto, or having charge of any animal on, the relevant land:

(f) taking any vehicle onto, or driving or having charge or control of any vehicle on, the relevant land (whether the vehicle is motorised or non-motorised):

(g) wilfully damaging or removing any plant (unless acting in accordance with the Biosecurity Act 1993):

(h) laying any poison or setting any snare or trap (unless acting in accordance with the Biosecurity Act 1993).

Compare: 1991 No 69 Schedule 10 cl 2; 2023 No 46 Schedule 11 cl 12

60 Provisions relating to fencing

An instrument that creates an esplanade strip or an easement that creates an access strip may include any fencing requirements, including—

(a) a requirement about a gate or stile:

(b) a requirement to reposition or remove any fence.

Compare: 1991 No 69 Schedule 10 cl 3; 2023 No 46 Schedule 11 cl 13

61 Provisions relating to closure

An instrument that creates an esplanade strip or an easement that creates an access strip may specify—

(a) that the relevant land may be closed to the public for any specified period, including particular times and dates; and

(b) who must notify the public, by signs erected at all entry points to the relevant land and any other means agreed, that the relevant land is closed

to the public as a result of closure periods specified in the instrument or easement.

Compare: 1991 No 69 Schedule 10 cl 7; 2023 No 46 Schedule 11 cl 15

62 Provisions relating to access for esplanade strips created for conservation values

An instrument that creates an esplanade strip for the protection of conservation values may specify—

(a) a limited right of access, in that—

(i) no person other than the owner or occupier of the relevant land may enter or remain on that land; or

(ii) only specified persons may enter or remain on the relevant land; and

(b) that the right of access is subject to other provisions of the instrument.

Compare: 1991 No 69 Schedule 10 cl 4; 2023 No 46 Schedule 11 cl 16

Part 4
Compensation

63 Compensation when esplanade reserve taken from allotment of less than 4 hectares

(1) This clause applies if, when land is subdivided under this Act,—

(a) an allotment of less than 4 hectares is created; and

(b) **clause 40 or 41** requires an esplanade reserve to be set aside from that allotment.

(2) The registered owner of the allotment—

(a) is not entitled to compensation for any of the reserve that is within 20 metres of the mark of mean high-water springs of the sea, the bank of a river, or the margin of a lake; but

(b) if the reserve is wider than 20 metres, is entitled to compensation for ~~the~~ any area of land taken for the reserve that is more than 20 metres from the mark of mean high-water springs, the bank of the river, or the margin of the lake.

(3) The territorial authority must pay the compensation to the registered owner of the allotment, unless the owner agrees otherwise.

Compare: 1991 No 69 s 237E; 2023 No 46 s 595

64 Compensation when esplanade reserve or strip taken from allotment of 4 hectares or more

(1) This clause applies if, when land is subdivided under this Act,—

(a) an allotment of 4 hectares or more is created; and

(b) **clause 40 or 41** requires, for that allotment, an esplanade reserve to be set aside or an esplanade strip to be created.

(2) The registered owner of the allotment is entitled to compensation for—

(a) the area of the esplanade reserve taken; or

(b) the interest in land taken for the esplanade strip.

(3) The territorial authority must pay the compensation to the registered owner of the allotment, unless the owner agrees otherwise.

Compare: 1991 No 69 s 237F; 2023 No 46 s 596

65 Compensation when bed of river or bed of lake vests in territorial authority or Crown

(1) This clause applies if, when land is subdivided under this Act,—

(a) any part of an allotment that is within the bed of a ~~river or~~ lake or river vests in the territorial authority or the Crown (*see* **clause 33**); and

(b) that part adjoins, or would adjoin if it were not for an esplanade reserve, any allotment of 4 hectares or more that is created by the subdivision.

(2) The territorial authority or the Crown, as the case may be, must pay compensation to the registered owner of that allotment, unless the registered owner agrees otherwise.

Compare: 1991 No 69 s 237G(1)(a), (2); 2023 No 46 s 597

66 Compensation when land becomes part of common marine and coastal area

(1) This clause applies if, when land is subdivided under this Act,—

(a) any part of an allotment is in the coastal marine area; and

(b) **clause 34** requires that part to become part of the common marine and coastal area; and

(c) that part adjoins, or would adjoin if it were not for an esplanade reserve, any allotment of 4 hectares or more that is created by the subdivision.

(2) The Crown must pay compensation to the registered owner of the allotment, unless the registered owner agrees otherwise.

Compare: 1991 No 69 s 237G(1)(b), (3); 2023 No 46 s 598

67 Amount of compensation

(1) For the purposes of ~~**clause**~~ **clauses 63 to 66**, the amount of compensation must be equal to—

(a) the value of the land set aside (in the case of an esplanade reserve) or the interest in land created (in the case of an esplanade strip); and

(b) any additional survey costs incurred by reason of the esplanade reserve or esplanade strip, as the case may be, as at the date of the deposit of the survey plan.

(2) If the territorial authority or the Crown cannot agree with the registered owner on the amount of the compensation that is payable, that amount must be determined by a registered valuer who is—

(a) agreed on by the parties; or

(b) if the parties cannot agree, nominated by the president of the New Zealand Institute of Valuers (as constituted under the Valuers Act 1948).

(3) The valuer must provide a copy of their valuation to all parties.

(4) If a party is dissatisfied with the determination, they may object to the determination under **clause 68**.

Compare: 1991 No 69 s 237H(1), (4); 2023 No 46 s 599

68 How to object to determinations of amount of compensation

(1) Any objection to a valuer's determination under **clause 67(2)**—

(a) must be made to the registered valuer within 20 working days after the determination is provided; and

(b) must state the grounds of objection; and

(c) must be in writing.

(2) Sections 34 to 36 and 38 of the Rating Valuations Act 1998 (and any regulations made under that Act relating to reviews and objections), as far as they are applicable and with all necessary modifications, apply to the objection as if—

(a) the registered valuer were appointed by a territorial authority to review the objection; and

(b) the review were made under section 34 of that Act; and

(c) the references to a territorial authority in sections 34(4), 35, and 36 of that Act were references to the registered valuer.

Compare: 1991 No 69 s 237H(2), (3); 2023 No 46 s 600

Part 5
Reclamation

69 Requirement for approval and deposit of reclamation plans after reclamation

(1) This clause applies to any person who is granted a natural resource permit for a reclamation under the **Natural Environment Act 2025**.

(2) As soon as is reasonably practicable after completing the reclamation, the person must—

(a) prepare a plan of survey in respect of the land that has been reclaimed (the **reclamation plan**); and

(b) submit the reclamation plan to the relevant regional council (as permit authority under the **Natural Environment Act 2025**) for its approval.

Compare: 1991 No 69 s 245(1); 2023 No 46 s 602

Approval of reclamation plans

70 Regional council may approve reclamation plans

After receiving a reclamation plan under **clause 69**, a regional council must,—

(a) if it is satisfied, approve the plan and issue a certificate of approval; or

(b) if any of the requirements in **clause 71** are not met, decline the reclamation plan and notify that decision and the reasons for it to the person who submitted the plan.

Compare: 1991 No 69 s 245; 2023 No 46 s 603

71 Requirements for reclamation plans

(1) The requirements for a reclamation plan are as follows:

(a) the reclamation must ~~conform~~ comply with the natural environment plan; and

(b) the reclamation and the reclamation plan must ~~conform~~ comply with the natural resource permit; and

(c) in respect of any condition of the natural resource permit that has not been complied with,—

(i) a bond must have been given under **section 169(1)(c) of the Natural Environment Act 2025**; or

(ii) a covenant must have been entered into under **section 169(1)(e) of that Act**; and

(d) the reclamation plan must comply with **subclause (2)**.

(2) The reclamation plan—

(a) must be prepared in accordance with regulations made under the Cadastral Survey Act 2002; and

(b) must show and define—

(i) the area reclaimed, including its location and the position of all new boundaries; and

(ii) the location and size of any area that **clause 42** requires to be set aside as an esplanade reserve or created as an esplanade strip.

Compare: 1991 No 69 s 245(2), (4); 2023 No 46 s 604

72 Certificate of approval by regional council

(1) This clause applies if a regional council approves a reclamation plan under **clause 70**.

(2) The chief executive or an authorised officer of the regional council must issue a certificate of approval.

(3) The certificate is issued—

(a) by the chief executive or authorised officer signing the reclamation plan or a copy of the reclamation plan; or

(b) by any other means that—

(i) identifies the chief executive and links the certificate to the reclamation plan; and

(ii) is as reliable as is appropriate for the purposes of this clause.

(4) The certificate must include the following information:

(a) a statement that the regional council has approved the reclamation plan; and

(b) the date of approval; and

(c) a statement that the reclamation conforms with—

(i) the natural environment plan; and

(ii) the natural resource permit for the reclamation; and

(d) a statement that, for any condition of the natural resource permit that has not been complied with,—

(i) a bond has been given under **section 169(1)(c) of the Natural Environment Act 2025**; or

(ii) a covenant has been entered into under **section 169(1)(e) of that Act**.

(5) The regional council must provide the reclamation plan and certificate to the relevant territorial authority.

(6) The certificate must be lodged with the Registrar-General of Land before the reclamation plan is deposited.

(7) **Subclause (6)** is a deposit requirement for the purposes of **clause 73**.

Compare: 1991 No 69 s 245(5), (6); 2023 No 46 s 605

How reclamation plans are deposited

73 How reclamation plans are deposited by Registrar-General of Land

(1) As soon as is reasonably practicable after a regional council approves the reclamation plan for a reclamation of land under **clause 70**, the holder of the natural resource permit for the reclamation must provide the approved reclamation plan to the Registrar-General of Land for deposit.

(2) The Registrar-General of Land ~~must~~, after receiving a reclamation plan ~~provided under this clause~~,—

(a) may, if the deposit requirements for the purposes of this clause are satisfied, deposit the plan; or

(b) must, if any of the deposit requirements for the purposes of this clause are not satisfied, decline to deposit the plan and must notify the natural resource permit holder of that decision and the reasons for it.

(3) However, a reclamation plan must not be deposited under the Land Transfer Act 2017 unless—

(a) the relevant regional council has approved the plan within the previous 3 years; and

(b) a copy of the certificate issued under **clause 72(2)** is lodged with the Registrar-General of Land.

Compare: 1991 No 69 s 246(1), (2); 2023 No 46 s 606

74 Deposit requirements for reclamation plans

The following clauses set deposit requirements for the purposes of **clause 73**:

(a) **clause 45(3)** (how esplanade strips are created):

(b) **clause 72(7)** (certificate of approval by regional council).

Compare: 1991 No 69 s 246(1), (2); 2023 No 46 s 607

75 Effect of deposit of reclamation plans

(1) When a reclamation plan is deposited, any land shown on the plan as an esplanade reserve—

(a) vests in the Crown; and

(b) is classified, for the purposes described in **clause 39**, as a local purpose reserve that is subject to section 23 of the Reserves Act 1977.

(2) This clause prevails over section 167 of the Land Act 1948.

Compare: 1991 No 69 s 246(3), (4); 2023 No 46 s 608

Vesting of reclaimed land

76 Vesting of reclaimed land

(1) A person may apply to the relevant Minister for a right, title, or interest in any land to be vested in that person if—

(a) the land has been reclaimed, and before it was reclaimed the land formed part of the bed of a lake or river that is land of the Crown; or

(b) the land is proposed to be reclaimed, and the land forms part of the bed of a lake or river that is land of the Crown.

(2) The relevant Minister may, if they think fit, by notice in the *Gazette*, vest in the applicant any right, title, or interest in any area of land described in **subclause (1)**, but only—

(a) if satisfied that the regional council has issued a certificate in respect of that land under **clause 72**; and

(b) after determining an appropriate price (if any) to be paid by the applicant.

(3) A *Gazette* notice published under **subsection (2)** must—

(a) state the name of the person or local authority in whom or which the right, title, or interest is vested, and accurately describe the position and extent of the reclaimed land; and

(b) describe the right, title, or interest vested; and

(c) refer to any encumbrances or restrictions imposed on the applicant's right, title, or interest in the land; and

(d) be sent by the relevant Minister to the Registrar-General of Land, with a request that a record of title be issued accordingly; and

(e) be registered, without fee, by the Registrar-General of Land as soon as practicable after it is received from the Minister.

(4) The Registrar-General of Land must, in accordance with a request made under **subsection (3)(d)**, issue an appropriate record of title in respect of the right, title, or interest in the land vested by the *Gazette* notice.

(5) In this clause, **relevant Minister** means the Minister of the Crown who, with the authority of the Prime Minister, is responsible for administering the Land Transfer Act 2017.

Compare: 1991 No 69 s 355

77 Application for consent to unlawful reclamation

(1) This clause applies if, at any time before or after the commencement of this clause, land has been unlawfully reclaimed from the coastal marine area.

(2) A person may apply under **section 130 of the Natural Environment Act 2025** for a coastal permit authorising that reclamation, as if the land were still situated within the coastal marine area.

(3) The permit authority may grant that application in accordance with **Part 4 of the Natural Environment Act 2025**, as if the land were still situated within the coastal marine area.

Compare: 1991 No 69 s 355A

Schedule 8
Enforcement matters

s 271

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1 Application and interpretation of terms

(1) This schedule sets out further provisions that apply to matters relating to enforcement under this Act and the **Natural Environment Act 2025**.

(2) When this schedule is applied for the purposes of this Act, unless the context otherwise requires, a term used in this schedule that is defined in **section 3** has the meaning given in **section 3**.

(3) When this schedule is applied for the purposes of the **Natural Environment Act 2025**, unless the context otherwise requires,—

(a) a term used in this schedule that is defined in **section 3 of the Natural Environment Act 2025** has the meaning given in **section 3** of that Act:

(b) a reference to **this Act** must be read as reference to the **Natural Environment Act 2025**:

(c) a reference to a **planning consent** must be read as a reference to a natural ~~environment~~ resource permit ~~except in **clause 5**~~:

(d) a reference to a **consent authority** must be read as a reference to a permit authority.

Financial assurances

2 Local authority, consent authority, or EPA may require financial assurance

(1) A local authority, a consent authority, or the EPA may require a person undertaking a particular activity to provide a financial assurance.

(2) A consent authority may include a condition in a planning consent that requires a person undertaking a particular activity to provide a financial assurance.

(3) The purpose of a financial assurance is to ~~provide security for the costs and expenses of remediation or clean-up in connection with a particular activity.~~ secure the performance of obligations relating to a particular activity, including by providing security for the costs and expenses associated with—

(a) remediation or clean-up; or

(b) long-term management; or

(c) any other obligation relating to the activity.

(4) If the local authority, the consent authority, or the EPA requires a person to provide a financial assurance, ~~the local authority, the consent authority, or the EPA~~ it must notify the person in writing of the form and amount or value of the financial assurance.

(5) If a person is given notice under **subclause (4)**, the person must provide the financial assurance within a period, not less than 30 working days, to be specified by the local authority, the consent authority, or the EPA.

(6) Regulations made for the purposes of this section may—

(a) specify—

(i) that a particular activity is a high-risk activity; or

(ii) that a particular site is a high-risk site (for example, a site that contains contaminated land); and

(b) require a local authority, consent authority, or EPA to require a financial assurance from the person undertaking the activity that is a high-risk activity, or located on a high-risk site, specified under **paragraph (a)**.

Compare: 2023 No 46 s 674

3 Form of financial assurance

(1) A local authority, a consent authority, or the EPA may require a financial assurance to be provided—

(a) as a bond; or

(b) as a form of insurance; or

(c) in any other form specified by the local authority, the consent authority, or the EPA.

(2) **Clauses 4 and 5** apply in relation to bonds under this clause.

Compare: 2023 No 46 s 675

4 Bonds

(1) A bond may be given for the performance of any 1 or more conditions that the local authority, the consent authority, or the EPA considers appropriate and may continue after the expiry of the planning consent or other permission to secure the ongoing performance of conditions relating to long-term effects, including—

(a) a condition relating to the alteration or removal of structures:

(b) a condition relating to remedial, restoration, or maintenance work:

(c) a condition providing for ongoing monitoring of long-term effects.

(2) A condition describing the terms of the bond to be entered into may—

(a) require that the bond be given before the planning consent or permission is exercised or at any other time:

(b) require that **clause 5** apply to the bond:

(c) provide that the liability of the holder of the planning consent or permission be not limited to the amount of the bond:

(d) require the bond to be given to secure performance of conditions of the consent, including conditions relating to any adverse effects on the environment that become apparent during or after the expiry of the consent or permission:

(e) require the holder of the planning consent or permission to provide any security that the local authority, the consent authority, or the EPA thinks fit for the performance of any condition of the bond:

(f) require the holder of the planning consent or permission to provide a guarantor (acceptable to the local authority, the consent authority, or the EPA) to bind itself to pay for the carrying out of a condition in the event of a default by the holder or the occurrence of an adverse environmental effect requiring remedy:

(g) provide that the bond may be varied or cancelled or renewed at any time by agreement between the holder and the local authority, the consent authority, or the EPA.

(3) If a local authority, the consent authority, or the EPA considers that an adverse effect may continue or arise at any time after the expiration of a planning consent or permission granted by it, the local authority, the consent authority, or the EPA may require that a bond continue for a specified period that ~~the local authority, the consent authority, or the EPA~~ it thinks fit.

Compare: 1991 No 69 s 108A; 2023 No 46 s 676; ~~1991 No 69 s 108A~~

5 Special provisions in respect of bonds

(1) A bond given under **clause 4** in respect of a ~~land use consent or subdivision consent~~ planning consent, and any other bond to which this subclause is applied as a condition of the consent,—

(a) is to be treated as an instrument creating an interest in the land within the meaning of section 51 of the Land Transfer Act 2017, and may be registered accordingly; and

(b) when registered under the Land Transfer Act 2017, is a covenant running with the land and, despite anything to the contrary in section 103 of the Land Transfer Act 2017, binds all subsequent owners of the land.

(2) If the registered bond is varied, cancelled, or expires, the Registrar-General of Land must make an appropriate entry in the register and on any relevant instrument of title noting that the bond has been varied or cancelled or has expired, and the bond takes effect as so varied or ceases to have any effect, as the case may be.

(3) If the bond has been given in respect of the completion of any work, or for the ~~purposes~~ purpose of ascertaining whether the work has been completed to the satisfaction of the local authority or the EPA, they may from time to time, under section 171 of the Local Government Act 2002, enter on the land where the work is required to be, is being, or has been carried out.

(4) If the holder fails, within the period prescribed by the planning consent or other permission (or within any further period that the local authority or the EPA may allow), to complete, to the satisfaction of the local authority or the EPA, any work in respect of which any bond is given (including the completion of any interim monitoring required),—

(a) the local authority or the EPA may enter on the land and complete the work and recover the cost of the work from the holder out of any money or securities deposited with the local authority or the EPA or money paid by a guarantor, so far as the money or securities will extend; and

(b) on completion of the work to the satisfaction of the local authority or the EPA, any money or securities remaining in the hands of the local authority or the EPA after payment of the cost of the works must be returned to the holder or the guarantor, as the case may be.

(5) If the cost of any work done by the local authority or the EPA under **subclause (4)** exceeds the amount recovered by ~~the local authority or the EPA~~ it under that subclause, the amount of that excess is a debt due to the local authority or the EPA by the holder, and becomes a charge on the land.

(6) The provisions of this schedule continue to apply despite the entry into, or subsequent variation or cancellation of, any bond.

Compare: 2023 No 46 s 677

6 Amount or value of financial assurance

The local authority, the consent authority, or the EPA may determine the amount or value of a financial assurance, having regard to—

(a) a reasonable estimate of the costs and expenses of remediation or clean-up activities for the particular activity; and

(b) any method for calculating the amount or value of financial assurances published by the local authority, the consent authority, ~~or~~ the EPA, or the Crown; and

(ba) any method for calculating the amount or value of financial assurance proposed by the applicant; and

(c) any independent assessment obtained by the local authority, the consent authority, or the EPA; and

(d) any guidance issued by the chief executive of the Ministry ~~for the Environment~~.

Compare: 2023 No 46 s 678

7 Independent assessment of amount or value of financial assurance

(1) For the purpose of determining the amount or value of a financial assurance, the local authority, the consent authority, or the EPA may require a person to provide an independent assessment of a matter within a period specified by the local authority, the consent authority, or the EPA.

(2) If the local authority, the consent authority, or the EPA requires a person to provide an independent assessment under **subclause (1)**, the person must pay any costs associated with obtaining the independent assessment.

(3) An independent assessment required by the local authority, the consent authority, or the EPA under **subclause (1)** must be conducted by a suitably qualified person.

Compare: 2023 No 46 s 679

8 Method for calculating financial assurance amount

(1) The local authority, the consent authority, or the EPA may publish a method for calculating financial assurance amounts.

~~(2) The method takes effect on the day notice is published or on any later day if specified in the notice.~~

(3) The local authority, the consent authority, or the EPA must publish the method on the internet site of the local authority, the consent authority, or the EPA, as the case may be.

Compare: 2023 No 46 s 680

9 Costs associated with financial assurance

A person who is required to provide a financial assurance is responsible for all reasonable costs incurred by the local authority, the consent authority, or the EPA that are associated with—

(a) providing the financial assurance; and

(b) determining the form and amount of a financial assurance.

Compare: 2023 No 46 s 681

10 Local authority, consent authority, or EPA may review financial assurance

(1) The local authority, the consent authority, or the EPA may review—

(a) the requirement for a person to provide a financial assurance:

(b) the amount or value of a financial assurance:

(c) the form of a financial assurance~~,~~:

(d) the terms or requirements of the financial assurance.

(2) The local authority, the consent authority, or the EPA may review a financial assurance in any case or class of cases prescribed by a national standard.

(3) This clause is subject to, and must be read together with,—

(a) **sections 168 to 172** of this Act, or **sections 186 to 190 of the Natural Environment Act 2025**, which provide for the review of the conditions of a planning consent or natural resource permit; and

(b) any applicable conditions of the consent or permit.

Compare: 2023 No 46 s 682

11 Local authority, consent authority, or EPA may amend financial assurance

(1) The local authority, the consent authority, or the EPA may, subject to **sub-clause (2)**, amend—

(a) the form of a financial assurance:

(b) the amount or value of a financial assurance:

(c) the form and the amount or value of a financial assurance.

(2) If, following a review, the local authority, the consent authority, or the EPA proposes to amend a financial assurance, ~~the local authority, the consent authority, or the EPA~~ it must—

(a) notify the person who provided the financial assurance in writing; and

(b) invite the person who provided the financial assurance to make a submission on the proposed amendment~~,~~ within 20 working days after the date of notice; and

(c) consider any submissions from the person who provided the financial assurance.

(3) If the local authority, the consent authority, or the EPA decides to amend a financial assurance, ~~the local authority, the consent authority, or the EPA~~ it must notify the person in writing of the decision.

(4) On amending a financial assurance, the local authority, the consent authority, or the EPA—

(a) may make any changes ~~the local authority, the consent authority, or the EPA~~ that it considers necessary to implement that amendment in an instrument or a document; and

(b) despite anything to the contrary in this Act or national instruments, may make any changes ~~the local authority, the consent authority, or the EPA~~ that it considers necessary to implement the amendment in a planning consent or other permission under this Act by complying only with this clause.

(5) If a person is given notice under **subclause (3)** and is required to provide a further form, amount or value, or form and amount or value of a financial assurance, the person must provide the further requirement within a period, not less than 30 working days, to be specified by the local authority, the consent authority, or the EPA.

Compare: 2023 No 46 s 683

11A EPA may not review or amend financial assurance for consent on own initiative

Clauses 10 and 11 do not allow the EPA, on its own initiative, to review or amend the form or amount or value of a financial assurance provided as a condition of a planning consent.

12 Local authority, consent authority, or EPA may make a claim on financial assurance

(1) This clause applies if—

(a) the local authority, the consent authority, or the EPA determines that the person who provided a financial assurance has failed to ~~conduct the remediation or clean-up activities required by this Act, regulations, or a national rule~~ perform the obligations in relation to which the financial assurance was provided; or

(b) the local authority, the consent authority, or the EPA has ~~exercised clean-up powers in connection with the particular activity that the financial assurance was provided in relation to~~ performed the obligations in relation to which the financial assurance was provided.

(2) The local authority, the consent authority, or the EPA may make a claim on a financial assurance for any reasonable costs it incurred, or that ~~the local authority, the consent authority, or the EPA~~ it considers are likely to be incurred, ~~by the local authority, the consent authority, or the EPA in conducting the remediation or clean-up activities~~ in performing the obligations.

(3) The local authority, the consent authority, or the EPA may make a claim on a financial assurance with respect to a power specified in **subclause (1)(b)** whether or not any costs it incurred ~~by the local authority, the consent authority, or the EPA in conducting the remediation or clean-up activities~~ in performing the obligations are the result of an act or omission before the financial assurance was provided.

(4) If the local authority, the consent authority, or the EPA makes a claim under this clause and the costs it incurred ~~by the local authority, the consent authority, or the EPA in conducting the remediation or clean-up activities~~ in performing the obligations exceed the amount of the financial assurance, ~~the local authority, the consent authority, or the EPA~~ it may recover as a debt due to the Crown in a court of competent jurisdiction any reasonable costs it incurred ~~by the local~~

~~authority, the consent authority, or the EPA in conducting the remediation or clean-up activities~~ in performing the obligations.

(5) If the local authority, the consent authority, or the EPA makes a claim under this clause, nothing in this schedule prevents ~~the local authority, the consent authority, or the EPA~~ it from making a further claim for reasonable costs it incurred, or that ~~the local authority, the consent authority, or the EPA~~ it considers are likely to be incurred, in ~~conducting clean-up or remediation activities~~ performing the obligations.

(6) Any money recovered under this clause is to be paid to the local authority, the consent authority, or the EPA.

Compare: 2023 No 46 s 684

13 Procedure for claim on financial assurance ~~in the event of person's failure to remediate or clean up~~

(1) Before the local authority, the consent authority, or the EPA makes a claim on a financial assurance for a matter specified in **clause 14**, ~~the local authority, the consent authority, or the EPA~~ it must—

(a) notify the person who provided the financial assurance in writing; and

(b) invite the person who provided the financial assurance to make a submission on the intention of the local authority, the consent authority, or the EPA to make a claim within 20 working days ~~of~~ after the date of the notice; and

(c) consider any submissions made within the period specified in **paragraph (b)**.

(2) The local authority, the consent authority, or the EPA may proceed with the claim 10 working days after the day ~~the local authority, the consent authority, or the EPA~~ on which it receives any submissions or within the period specified in **subclause (1)(b)**, whichever occurs first.

(3) The local authority, the consent authority, or the EPA must notify the person who provided the financial assurance of a decision under **subclause (2)** in writing within 5 working days after the day of the decision.

Compare: 2023 No 46 s 685

14 Procedure for claim on financial assurance in ~~the~~ event of immediate or serious risk

If the local authority, the consent authority, or the EPA makes a claim on a financial assurance for a matter specified in **clause 12** that involves an immediate or serious risk to life or the environment, ~~the local authority, the consent authority, or the EPA~~ it must—

(a) notify the person who provided the financial assurance in writing within 10 working days ~~of~~ after the date of the claim; and

(b) give reasons for making the claim.

Compare: 2023 No 46 s 686

15 Notice to replenish financial assurance

(1) If the local authority, the consent authority, or the EPA makes a claim on a financial assurance, ~~the local authority, the consent authority, or the EPA may~~ it may, by giving notice in writing, require the person who provided the financial assurance to replenish the amount or value of the financial assurance ~~by giving notice in writing~~.

(2) The notice must set out the amount or value the person is required to provide to replenish the amount or value of the financial assurance consequent to the claim.

(3) The person who is given the notice must provide the amount or value required to replenish the financial assurance within a period, not less than 30 working days, to be specified by the local authority, the consent authority, or the EPA.

Compare: 2023 No 46 s 687

16 Specified conditions for release of financial assurance

(1) The local authority, the consent authority, or the EPA must release all or part of a financial assurance (as the case requires) in any case or class of cases prescribed by national standards.

(2) If the local authority, the consent authority, or the EPA releases all or part of a financial assurance, the local authority, the consent authority, or the EPA must notify the person who provided the financial assurance in writing.

Compare: 2023 No 46 s 688

17 Application for release of financial assurance

(1) A person who provides a financial assurance under this schedule may apply at any time to the local authority, the consent authority, or the EPA for the release of all or part of the financial assurance.

(2) In considering an application under **subclause (1)**, the local authority, the consent authority, or the EPA must—

(a) have regard to the prescribed risk-assessment criteria (if any); and

(b) notify the person of the decisions of the local authority, the consent authority, or the EPA within 40 working days after the date on which it receives the application ~~is received~~.

(3) If, in considering an application under **subclause (1)**, the local authority, the consent authority, or the EPA determines further information is required, ~~the local authority, the consent authority, or the EPA~~ it may—

(a) request the person to provide further information; and

(b) extend the period specified in **subclause (2)(b)**.

Compare: 2023 No 46 s 689

18 Transfer of financial assurance

(1) The local authority, the consent authority, or the EPA may transfer a financial assurance if—

(a) a person is required to provide a financial assurance under **clause ~~4~~ 2**; and

(b) that financial assurance may be released or partly released to the person under **clause 16 or 17**; and

(c) the person is required to provide another financial assurance under **clause ~~4~~ 2**.

(2) The local authority, the consent authority, or the EPA must notify the person in writing of a decision to transfer a financial assurance.

(3) On transferring a financial assurance, the local authority, the consent authority, or the EPA may make any changes ~~the local authority, the consent authority, or the EPA~~ it considers necessary to implement the transfer in an instrument or document.

(4) If a person is given notice under **subclause (2)** and is required to provide a further amount as a financial assurance, the person must provide the further amount of the financial assurance within a period, not less than 30 working days, to be specified by the local authority, the consent authority, or the EPA.

Compare: 2023 No 46 s 690

19 Enforcement of financial assurance

(1) A person must not refuse or fail to do any of the following within the specified period:

(a) provide a financial assurance:

(b) provide a further amount as a financial assurance following amendment by the local authority, the consent authority, or the EPA:

(c) replenish the amount of a financial assurance consequent to a claim on the financial assurance.

(2) If a person refuses or fails to fulfil a requirement specified in **subclause (1)** when it is due, the local authority, the consent authority, or the EPA may suspend the relevant planning consent or other permission until the person fulfils the requirement.

Compare: 2023 No 46 s 691

Adverse publicity orders

20 Adverse publicity orders

(1) An order under this clause (an **adverse publicity order**) to address non-compliance with this Act may—

(a) be made by the Environment Court in enforcement proceedings on application by the local authority or the EPA; or

(b) be made by the District Court in proceedings in that court for an offence under this Act on application by the prosecutor; or

(c) be offered as part of an enforceable undertaking.

(1A) An adverse publicity order may be made against a person only if the person—

(a) is convicted of an offence against this Act in relation to the non-compliance; or

(b) is ordered to pay a pecuniary penalty under this Act in relation to the non-compliance.

(2) An adverse publicity order may require ~~a person involved in the commission of the non-compliance~~ the person to do 1 or more of the following:

(a) take any specified action to publicise—

(i) the non-compliance:

(ii) any impacts on human health or the environment or other consequences arising or resulting from the non-compliance:

(iii) if applicable, any penalties imposed, or other orders made, by the court as a result of the commission of the non-compliance:

(iv) any specified additional information:

(b) take any specified action to notify a specified person or class of persons of the matters listed in **paragraph (a)**.

~~(3) Any person against whom an adverse publicity order is made by the Environment Court or District Court may appeal to the High Court against the whole or any part of the order.~~

~~(4) Notice of an appeal must be in the prescribed form and must—~~

~~(a) state the reasons for the appeal and the relief sought; and~~

~~(b) state any matters required by regulations; and~~

~~(c) be lodged with the Environment Court and served on the consent holder and the local authority or the EPA within 15 working days after service of the order on the appellant.~~

~~(5) The High Court may confirm or reverse the order appealed against or modify the order in any manner that the court thinks fit.~~

~~(6) If any question arises as to whether non-compliance with this Act has been established, the question must be determined on the balance of probabilities.~~

(7) If an appeal is lodged against ~~an adverse publicity order~~ the conviction or pecuniary penalty in relation to the non-compliance to which the adverse publicity order relates, the order is stayed until the appeal is determined.

(8) In this clause, **non-compliance** includes alleged non-compliance in the case of an enforceable undertaking.

Compare: 2023 No 46 s 673

Enforceable undertakings

21 Local authority or the EPA may accept enforceable undertakings

(1) A local authority or the EPA may accept an enforceable undertaking given by a person in writing in connection with a matter relating to a contravention or an alleged contravention by the person of this Act, regulations, or a national rule.

(2) The giving of an enforceable undertaking does not constitute an admission of guilt by the person giving it in relation to the contravention or alleged contravention to which the undertaking relates.

Compare: 2023 No 46 s 665

22 Undertaking may include requirements as to compensation or penalties

(1) An undertaking under **clause 21** may include—

(a) an undertaking to pay compensation to any person or otherwise take action to avoid, minimise, or remedy any actual or likely adverse effects arising from a contravention, involvement in a contravention, or possible contravention or involvement in a contravention of ~~any provision of~~ this Act, regulations, or a national rule:

(b) an undertaking to pay to the local authority or the EPA an amount in compensation for the remediation of any actual or likely adverse effects arising from the contravention, involvement in a contravention, or possible contravention or involvement~~.~~:

(c) an undertaking to carry out restoration activities or projects for the remediation of any adverse effects arising from the contravention, involvement in a contravention, or possible contravention or involvement:

(d) an undertaking to implement measures to avoid or minimise the likelihood of a contravention or involvement in a contravention.

(2) The local authority or the EPA must apply the amount collected under **subclause (1)(b)** to the purpose for which the amount was collected.

(3) If an undertaking referred to in **subclause (1)** is given, the local authority or the EPA must give notice of that undertaking on their internet site (whether or not it gives notification of other undertakings given in relation to the same matter).

(4) The notice under **subclause (3)** must include—

(a) notice of the decision to accept an enforceable undertaking and the reasons for that decision; and

(b) a statement of the amount of compensation to be paid or action to be taken to avoid, minimise, or remedy any actual or likely effects arising; and

(c) the name of the person providing the undertaking; and

(d) a brief description of the circumstances and nature of the alleged contravention to which the undertaking relates.

(5) This clause does not limit **clause 21**.

Compare: 2023 No 46 s 666

23 Notice of decision and reasons for decision

The local authority or the EPA must, within 15 working days after receiving a proposed enforceable undertaking, give the person seeking to make the enforceable undertaking written notice of—

(a) its decision to accept or reject the undertaking; and

(b) the reasons for the decision.

Compare: 2023 No 46 s 667

24 When enforceable undertaking is enforceable

An enforceable undertaking takes effect and becomes enforceable when the decision of the local authority or the EPA to accept the undertaking is given to the person who made the undertaking, or at any later date specified by the local authority or the EPA.

Compare: 2023 No 46 s 668

25 Compliance with enforceable undertaking

A person must not contravene an enforceable undertaking given by that person that is in force.

Compare: 2023 No 46 s 669

26 Contravention of enforceable undertaking

(1) The local authority or the EPA may apply to the ~~District Court~~ Environment Court for an order if a person contravenes an enforceable undertaking.

(2) If the court is satisfied that the person who made the enforceable undertaking has contravened the undertaking, the court may ~~make either or both of the following orders: —~~

(a) make an order directing the person to comply with the undertaking~~:~~; or

(b) make an order discharging the undertaking.

(3) In addition to the orders referred to in **subclause (2)**, the court may make any other order that the court considers appropriate in the circumstances, including ~~orders directing the person to pay to the local authority or the EPA —~~ any of the following:

~~(a) the costs of the proceedings; and~~

~~(b) the reasonable costs of the local authority or the EPA in monitoring compliance with the enforceable undertaking in the future.~~

(a) an order directing the person to pay to the local authority or the EPA—

(i) the costs of the proceedings:

(ii) the reasonable costs of the local authority or the EPA to monitor compliance with the enforceable undertaking in the future:

(b) an order directing the person to remedy or provide compensation for any adverse effects arising from the contravention.

(4) This clause does not prevent proceedings being brought for the contravention or alleged contravention of this Act, regulations, or a national rule, being a contravention or an alleged contravention to which the enforceable undertaking relates if the undertaking is not complied with.

Compare: 2023 No 46 s 670

27 Withdrawal or variation of enforceable undertaking

(1) A person who has given an enforceable undertaking may at any time, with the written agreement of the local authority or the EPA,—

(a) withdraw the undertaking; or

(b) vary the undertaking.

(2) However, the provisions of the undertaking cannot be varied to provide for a different alleged contravention of this Act, regulations, or a national rule.

(3) The local authority or the EPA must publish, on an internet site maintained by or on their behalf, notice of the withdrawal or variation of an enforceable undertaking.

Compare: 2023 No 46 s 671

28 Proceedings for alleged contravention

(1) No proceedings (whether civil or criminal) for a contravention or an alleged contravention of this Act, regulations, or a national rule may be brought against a person if an enforceable undertaking is in effect in relation to that contravention, unless the undertaking has not been complied with.

(2) No proceedings may be brought for a contravention or an alleged contravention of this Act, regulations, or a national rule against a person who—

(a) has made an enforceable undertaking in relation to that contravention; and

(b) has completely discharged the enforceable undertaking.

(3) The local authority or the EPA may accept an enforceable undertaking in relation to a contravention or an alleged contravention before proceedings in relation to that contravention have been completed.

(4) If the local authority or the EPA accepts an enforceable undertaking before the proceedings are completed, ~~the local authority or the EPA~~ it must take all reasonable steps to have the proceedings discontinued as soon as practicable.

Compare: 2023 No 46 s 672

Monetary benefit orders

29 Monetary benefit orders

(1) The Environment Court (in any case) or the District Court (if proceedings for an offence are taken in that court) may order a person to pay an amount not exceeding the amount that the court is satisfied, on the balance of probabilities, represents the amount of any monetary ~~benefits~~ benefit acquired by the person, or accrued or accruing to the person, as a result of the commission of the offence or contravention under this Act in relation to which the order is made (a **monetary benefit order**).

(2) When determining an amount that the person must pay under ~~an order under **subclause (1)**~~ a monetary benefit order, the court may take into account—

(a) the person's financial circumstances; and

(b) any amount submitted to the court by the local authority or the EPA under **subclause (3)** or the person under **subclause (4)**.

(3) The local authority or the EPA may submit to the court the amount ~~the local authority or the EPA~~ it considers to be a reasonable estimate of the monetary ~~benefits~~ benefit acquired by the person, or accrued or accruing to the person, as a result of the commission of the offence or contravention in relation to which the order ~~under **subclause (1)**~~ is sought, as determined in accordance with—

(a) a prescribed guideline, method, or protocol; or

(b) any other method the local authority or the EPA considers appropriate.

(4) The person has a right of reply to the submission of the local authority or the EPA under **subclause (3)**.

(5) For the purposes of **subclause (1)**, the court may assume that an amount represents any monetary ~~benefits~~ benefit acquired by a person, or accrued or accruing to the person, as a result of the commission of an offence or contravention if—

(a) the local authority or the EPA submits that amount to the court under **subclause (3)**; and

(b) the local authority or the EPA determined that amount in accordance with a prescribed guideline, method, or protocol.

(6) Any amount received as the payment of ~~an order made under **subclause (1)**~~ a monetary benefit order must be ~~paid to the local authority or the EPA unless otherwise directed by the court.~~ paid as follows:

(a) a sum equal to 10% of the amount must be deducted and paid into a Crown Bank Account:

(b) the remaining amount must be paid to the local authority or the EPA.

(6A) The making of a monetary benefit order, or the payment of any amount under that order, must not be taken into account when determining the value of any other penalty imposed on the person in relation to the same offence or contravention.

(7) In this clause, **monetary ~~benefits~~ benefit**—

(a) means a monetary, financial, or economic ~~benefits~~ benefit; and

(b) includes any monetary, financial, or economic benefit that the person acquires or accrues by avoiding or delaying the person's compliance with the provision, condition, or duty to which the person's offence or contravention relates.

Compare: 2023 No 46 s 660

Pecuniary penalty orders

30 Pecuniary penalty order

(1) The Environment Court, on application by a local authority or the EPA, may order a person to pay a pecuniary penalty ~~to the Crown or any other person specified by the court~~ if the court is satisfied that the person has contravened or permitted a contravention of this Act, regulations, or a national rule.

(2) The court must not make the order if the person satisfies the court—

(a) that—

(i) the contravention was necessary for the purpose of saving or protecting life or health, preventing serious damage to property, or avoiding an actual or likely adverse effect on human health or a natural and physical resource; and

(ii) the person's conduct was reasonable in all the circumstances; and

(iii) the person took steps that were reasonable in all the circumstances to mitigate or remedy the effects of the contravention after it occurred; or

(b) that the action or event to which the contravention relates was due to an event beyond the person's control, including natural disaster, mechanical failure, or sabotage, and in each case—

(i) the action or event could not reasonably have been foreseen or been provided against by the person; and

(ii) the effects of the action or event were adequately mitigated or remedied by the person after it occurred; or

(c) that the person did not know, and could not reasonably have known, of the contravention.

(3) The standard of proof in proceedings under this clause is the standard of proof that applies in civil proceedings.

(4) The local authority or the EPA may apply for an order of the court to obtain discovery and administer interrogatories.

(5) Any amount received as the payment of an order made under **subclause (1)** must be paid as follows:

(a) a sum equal to 10% of the amount must be deducted and paid into a Crown Bank Account:

(b) the remaining amount must be paid to the local authority or the EPA.

Compare: 2023 No 46 s 717

31 Liability of principals and employers

(1) ~~**Subclauses (2) and (3)** apply if the~~ If a person who is liable under **clause 30** (**person A**) was acting as the agent or employee of another person (**person B**) at the time of the non-compliance, person B is liable under **clause 30** as if person B had personally failed to comply.

~~(2) Person B is liable under **clause 30** in the same manner and to the same extent as if they had personally failed to comply, if it is proved —~~

~~(a) that the act or omission that constituted the non-compliance took place with their authority, permission, or consent; or~~

~~(b) that they knew that the non-compliance was occurring or was to occur and failed to take all reasonable steps to prevent or stop it.~~

~~(3) The liability described in **subclause (2)** does not affect the liability described in **subclause (1)**.~~

(2) **Subclause (1)** does not prejudice the liability of person A.

(3) If an application is brought against person B under **subsection (1)**, person B has a good defence if—

(a) person B proves,—

(i) in the case of a natural person (including a partner in a firm),—

(A) that person B did not know, and could not reasonably be expected to have known, about the contravention; or

(B) that person B took all reasonable steps to prevent the contravention; or

(ii) in the case of a person other than a natural person,—

(A) that neither the directors (if any) nor any person involved in the management of person B knew, or could reasonably be expected to have known, about the contravention; or

(B) that person B took all reasonable steps to prevent the contravention; and

(b) person B proves that they took all reasonable steps to remedy any effects of the act or omission giving rise to the contravention.

(4) If the Environment Court makes an order under **clause 30** against a body corporate, the court may also make an order against every director or person concerned in the management of the body corporate if it is proved—

(a) that the act or omission that constituted the non-compliance took place with the director's or person's authority, permission, or consent; or

(b) that the director or person knew that the non-compliance was occurring or was to occur and failed to take all reasonable steps to prevent or stop it.

Compare: 2023 No 46 s 718

32 Amount

(1) In determining the appropriate amount of a pecuniary penalty under **clause 30**, the court must have regard to all relevant matters, including—

(a) the nature and extent of the contravention:

(b) the nature and extent of loss or damage caused to a person, human health, the natural environment, and natural and physical resources as a result of the contravention:

(c) the circumstances in which the contravention took place:

(d) whether or not the person has been found in previous proceedings under this Act to have engaged in similar conduct:

(e) the steps taken by the person to bring the contravention to the attention of the appropriate authority:

(f) the steps taken by the person to avoid, minimise, or remedy the effects of the contravention.

(2) ~~**Subclauses (3) to (7)** state the~~ The limits on the amounts of pecuniary penalty that the court may order~~.~~ are as follows:

(a) for a natural person, the limit is $1,000,000:

(b) for a body corporate, the limit is $10,000,000.

~~(3) For a natural person, the limit is $1 million.~~

~~(4) For a body corporate,—~~

~~(a) **subclause (5)** states the limit that applies if—~~

~~(i) the court is satisfied that the contravention occurred in the course of producing a commercial gain; and~~

~~(ii) the commercial gain can be readily ascertained:~~

~~(b) **subclause (6)** states the limit that applies if—~~

~~(i) the court is satisfied that the contravention occurred in the course of producing a commercial gain; and~~

~~(ii) the commercial gain cannot be readily ascertained:~~

~~(c) **subclause (7)** states the limit that applies if the court is not satisfied that the contravention occurred in the course of producing a commercial gain~~

~~(5) For the purposes of **subclause (4)(a)**, the limit is the greater of—~~

~~(a) $10,000,000; and~~

~~(b) 3 times the value of the commercial gain resulting from the contravention.~~

~~(6) For the purposes of **subclause (4)(b)**, the limit is the greater of—~~

~~(a) $10,000,000; and~~

~~(b) 10% of the turnover of the body corporate and all of its interconnected bodies corporate (if any) (**interconnected** and **turnover** having the meanings they have in the Commerce Act 1986).~~

~~(7) For the purposes of **subclause (4)(c)**, the limit is $10,000,000.~~

Compare: 2023 No 46 s 719

33 Other orders instead of or in addition to pecuniary penalty order

The Environment Court may, instead of or in addition to making a pecuniary penalty order, make—

(a) an order that the person mitigate or remedy any adverse effects, on persons, the natural environment, and natural and physical resources, that are caused by or on behalf of the person:

(b) an order that the person mitigate or remedy any adverse effects, on persons, the natural environment, and natural and physical resources, that relate to land owned or occupied by the person:

(c) an order that the person pay the costs of mitigating or remedying the adverse effects referred to in **paragraph (a) or (b)**.

Compare: 2023 No 46 s 720

34 Person not liable for ~~fine~~ conviction and pecuniary penalty for same conduct

A person must not, for the same conduct,—

(a) be convicted of an offence under this Act; and

(b) be ordered to pay a pecuniary penalty under this Act.

Compare: 2023 No 46 s 721

Schedule 9
Environment Court

s 215

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1 Interpretation

In this schedule, unless the context otherwise requires,—

ADR process means an alternative dispute resolution process (for example, mediation) designed to help to resolve a matter

clause 92 order means an order made under **clause 92**

Environment Court means the Environment Court continued by **clause 3**

extended order means a **clause 92** order with the extended effect described in **clause 92(2)(b)**

limited order means a **clause 92** order with the limited effect described in **clause 92(2)(a)**.

2 Overview of this schedule

(1) This schedule continues the Environment Court.

(2) **Part 1** is about the constitution of the court.

(3) **Part 2** is about the members of the court, including how they are appointed and their powers when sitting alone.

(4) **Part 3** sets out the powers of the court.

(5) **Part 4** is about court procedure.

(6) **Part 5** is about decisions and appeals.

(7) **Part 6** contains miscellaneous and general provisions.

Part 1
Constitution of Environment Court

3 Environment Court continued

(1) There continues to be an Environment Court.

(2) The court is the same court as the court that was continued by section 247 of the Resource Management Act 1991.

(3) The court is a court of record.

(4) The court has—

(a) the jurisdiction and powers conferred on the court by or under this Act or any other Act; and

(b) all the powers inherent in a court of record.

Compare: 1991 No 69 s 247

4 Seal

(1) The Environment Court continues to have a seal, and the Registrar is responsible for the seal.

(2) The seal must be judicially noticed in all courts and for all purposes.

(3) The seal may be applied to documents physically or electronically.

Compare: 1991 No 69 s 298

5 Membership of Environment Court

The Environment Court consists of—

(a) Environment Judges appointed under **clause 8**; and

(b) Environment Commissioners appointed under **clause 24**.

Compare: 1991 No 69 s 248

6 Environment Court sittings

(1) The quorum for the Environment Court is—

(a) 1 Environment Judge and 1 Environment Commissioner sitting together; or

(b) for the following purposes, 1 Environment Judge sitting alone:

(i) to exercise any power described in **clauses 15 to 18** (which set out the powers of an Environment Judge sitting alone); or

(ii) to exercise any power conferred by the Chief Environment Court Judge under **clause 19**; or

~~(iii) to hear any proceedings under this Act or the **Natural Environment Act 2025**; or~~

(iii) to hear any proceedings under **subpart 1 of Part 6** of this Act or **subpart 1 of Part 6 of the Natural Environment Act 2025**; or

(c) 1 Environment Commissioner sitting alone to exercise any power conferred by ~~this Act or the **Natural Environment Act 2025**~~ **clauses 29 to 31** of this schedule.

(2) When an Environment Judge sits with an Environment Commissioner or special advisor, the Environment Judge presides at the sitting.

(3) A decision of a majority of the members of the court present at a sitting is the decision of the court.

(4) However, if there is no majority, the decision of the presiding member is the decision of the court.

Compare: 1991 No 69 s 265

7 Constitution of Environment Court cannot be questioned

(1) The member of the Environment Court who presides at a sitting of the court has the sole discretion to decide whether the court has been properly constituted and convened.

(2) The exercise of discretion under this clause cannot be questioned in proceedings before the court or in another court.

Compare: 1991 No 69 s 266

Part 2
Members of Environment Court

Environment Judges and alternate Environment Judges

8 Appointment of Environment Judges and alternate Environment Judges

(1) The Governor-General may appoint an eligible person (*see* **clause 10**) as an Environment Judge or an alternate Environment Judge.

(2) An appointment may be made only—

(a) on the recommendation of the Attorney-General; and

(b) after the Attorney-General consults the Minister for the Environment and the Minister for Māori Development; and

(c) in accordance with any requirements that apply under—

(i) **clause 9** (which restricts the number of appointments); and

(ii) **clause 10** (which sets conditions for some appointments).

(3) The Attorney-General must publish information explaining their process for—

(a) seeking expressions of interest for the appointment of Environment Judges and alternate Environment Judges; and

(b) nominating a person for appointment as an Environment Judge or an alternate Environment Judge.

Compare: 1991 No 69 s 250(1), (5)

9 Number of appointments

(1) At any one time,—

(a) no more than 10 Environment Judges may hold office; and

(b) any number of alternate Environment Judges may hold office.

(2) For the ~~purpose~~ purposes of **subclause (1)(a)**,—

(a) an Environment Judge who is acting on a full-time basis counts as 1:

(b) an Environment Judge who is acting on a part-time basis counts as an appropriate fraction of 1:

(c) the aggregate number (for example, 7.5) must not exceed the maximum number of Environment Judges that is permitted.

Compare: 1991 No 69 s 250(3), (4)

10 Who is eligible for appointment as Environment Judge or alternate Environment Judge

Environment Judges

(1) A person may be appointed an Environment Judge only if they are, or are eligible to be, a District Court Judge.

(2) An appointee who is not a District Court Judge must be appointed to that office at the time of their appointment as an Environment Judge.

Alternate Environment Judges

(3) A person may be appointed as an alternate Environment Judge only if—

(a) they are a District Court Judge, an acting District Court Judge, a Māori Land Court Judge, or an acting Māori Land Court Judge; or

(b) both of the following apply:

(i) they are a retired Environment Judge under the age of 75 years; and

(ii) the Chief Environment Court Judge certifies to the Attorney-General that the appointment is necessary for the proper conduct of the Environment Court.

(4) However, a person eligible for appointment under **subclause (3)(b)**—

(a) may be appointed as an alternate Environment Judge, but only for a term of not more than 2 years; and

(b) may be reappointed for 1 or more terms; but

(c) must not be appointed—

(i) for a term that extends beyond the date on which the Judge reaches the age of 75 years; or

(ii) for multiple terms that collectively total more than 5 years.

Compare: 1991 No 69 ss 249, 250(2B)

11 Tenure of office

(1) An Environment Judge continues to hold that office until—

(a) they resign or are removed from office under this Act; or

(b) they cease to hold office as a District Court Judge.

(2) An alternate Environment Judge continues to hold that office until—

(a) they resign or are removed from office under this Act; or

(b) they cease to hold an office that would make them eligible for appointment as an alternate Environment Judge ~~(*see* **clause 10(1)** (eligibility for appointment)~~; or

(c) their term of appointment expires (*see* **clause 10(4)**).

Compare: 1991 No 69 s 250(2), (2B)

12 Restrictions on Judges

(1) An Environment Judge or alternate Environment Judge must not—

(a) practise as a lawyer; or

(b) undertake any other paid employment or hold any other office (whether paid or not) without the approval of the Chief Environment Court Judge.

(2) However, **subclause (1)(b)** does not apply to another office if any legislation permits or requires the office to be held by a Judge.

(3) The Chief Environment Court Judge may approve other employment or another office, but only if they are satisfied that the other employment or office is consistent with the Judge's judicial office.

Compare: 1991 No 69 ss 250(6), 250A; 2016 No 49 s 17

13 Protocol containing guidance on Judges' activities

(1) The Chief Justice must develop and publish a protocol that contains guidance on—

(a) the employment, or types of employment, that they consider consistent with being an Environment Judge or alternate Environment Judge; and

(b) the offices, or types of offices, that they consider consistent with being an Environment Judge or alternate Environment Judge.

(2) The Chief Justice must consult the Chief Environment Court Judge when preparing the protocol.

Compare: 1991 No 69 s 250B; 2016 No 49 s 18

14 When alternate Environment Judge may act

(1) An alternate Environment Judge may act as an Environment Judge when the Chief Environment Court Judge considers it necessary for them to do so.

(2) The Chief Environment Court Judge must make their decision under **subclause (1)** in consultation with the Chief District Court Judge or the Chief Māori Land Court Judge.

(3) When an alternate Environment Judge acts as an Environment Judge,—

(a) they are a member of the Environment Court for all purposes; and

(b) they have the jurisdiction, powers, protections, privileges, and immunities of a District Court Judge under the District Court Act 2016.

Compare: 1991 No 69 ss 250(2A), 252

Powers of Environment Judge sitting alone

15 Power to make orders and declarations generally

An Environment Judge sitting alone may make any of the following:

(a) an order in the course of proceedings:

(b) an order that is not opposed:

(c) an order about any matter that the parties to the proceedings agree should be heard and decided by an Environment Judge sitting alone:

(d) an order giving directions about the service of anything:

(e) an order in any proceedings when the matter at issue is substantially a question of law only:

(f) an order, made on the application of a party to proceedings when the matter at issue is substantially a question of law only, directing that those proceedings should be heard and decided by an Environment Judge sitting alone:

(g) an order, in any proceedings where questions of law and other matters are raised, directing that any proceedings should be heard and decided by 1 Environment Judge and 1 Environment Commissioner sitting together:

(h) an order about costs:

(i) an order to approve or decline an application for a rehearing:

(j) an order on any appeal against a requirement to pay an administrative charge.

Compare: 1991 No 69 s 279(1)

16 Power to give waivers and directions

An Environment Judge sitting alone may waive a requirement or give a direction under **clause 87**.

Compare: 1991 No 69 s 279(2)(b)

17 Power to make orders protecting sensitive information

(1) An Environment Judge sitting alone may make any of the following orders (which relate to protecting sensitive information):

(a) on an application made under **section 286D** for an order to protect sensitive information, an order cancelling or varying any order made by an authority or independent hearings panel under ~~those clauses~~ that section:

(b) on an application made at any stage of proceedings before the Environment Court, an order to protect sensitive information.

(2) The Judge may—

(a) make an order under this clause on any terms that the Judge thinks fit; or

(b) decline to make an order under this clause.

18 Power to strike out all or part of case

(1) An Environment Judge sitting alone may, at any stage of proceedings, make an order that the whole or any part of a person's case be struck out if the Judge considers—

(a) that it is frivolous or vexatious; or

(b) that it shows no reasonable or relevant case in respect of the proceedings; or

(c) that it would otherwise be an abuse of the process of the Environment Court to allow the case to be taken further.

(2) The Judge may make an order under this clause on any terms that the Judge thinks fit.

Compare: 1991 No 69 s 279(4)

19 Powers conferred by Chief Environment Court Judge

(1) An Environment Judge sitting alone may exercise powers conferred by the Chief Environment Court Judge under this clause.

(2) The Chief Environment Court Judge—

(a) may confer any power of the Environment Court; and

(b) may confer a power—

(i) generally or in relation to a particular matter; and

(ii) on any terms and conditions that the Chief Environment Court Judge thinks fit.

Compare: 1991 No 69 s 279(2)(a), (5)

Chief Environment Court Judge

20 Chief Environment Court Judge

(1) The Governor-General may appoint an Environment Judge as the Chief Environment Court Judge.

(2) The appointment may be made only on the recommendation of the Attorney-General.

(3) The Chief Environment Court Judge—

(a) must ensure the orderly and efficient conduct of the Environment Court's business; and

(b) may, for that purpose, decide which members of the court are to exercise the court's jurisdiction in particular matters or classes of matters and in particular places and areas.

(4) However, the Chief Environment Court Judge's power to make decisions under **subclause (3)(b)**—

(a) is subject to the provisions of this Act or any other Act; and

(b) may be exercised only after the Chief Environment Court Judge consults Environment Judges to the extent that the Chief Environment Court Judge considers appropriate and practicable.

Compare: 1991 No 69 s 251

21 Appointment of acting Chief Environment Court Judge

(1) This clause applies if—

(a) the Chief Environment Court Judge is unable to perform the duties of office because of illness, absence from New Zealand, or any other reason; or

(b) the office of the Chief Environment Court Judge is vacant.

(2) The Governor-General may appoint another Environment Judge to act in place of the Chief Environment Court Judge until the Chief Environment Court Judge resumes the duties of that office or a successor is appointed.

(3) While acting in place of the Chief Environment Court Judge, the acting Chief Environment Court Judge—

(a) may perform the functions and duties of the Chief Environment Court Judge; and

(b) may, for that purpose, exercise all the powers of the Chief Environment Court Judge.

Compare: 1991 No 69 s 251A

Environment Commissioners and Deputy Environment Commissioners

22 Appointment of Environment Commissioner or Deputy Environment Commissioner

(1) The Governor-General may appoint a suitable person (*see* **clause 24**) as an Environment Commissioner or a Deputy Environment Commissioner.

(2) An appointment may be made only—

(a) on the recommendation of the Attorney-General; and

(b) after the Attorney-General consults the Minister for the Environment and the Minister for Māori Development.

(3) A person—

(a) may be appointed as an Environment Commissioner or a Deputy Environment Commissioner for a period not exceeding 5 years; and

(b) may be reappointed any number of times.

Compare: 1991 No 69 s 254(1)–(2)

23 Number of appointments

At any one time, any number of Environment Commissioners or Deputy Environment Commissioners may hold office.

Compare: 1991 No 69 s 254(3)

24 Eligibility for appointment as Environment Commissioner or Deputy Environment Commissioner

(1) This clause applies when the Attorney-General is considering whether a person is suitable to be appointed as an Environment Commissioner or a Deputy Environment Commissioner.

(2) The Attorney-General must have regard to the need to ensure that the Environment Court possesses a mix of knowledge and experience in matters coming before the court, including knowledge and experience in—

(a) economic, commercial, and business affairs, local government, and community affairs:

(b) planning, resource management, and heritage protection:

(c) environmental science, including the physical and social sciences:

(d) architecture, engineering, surveying, minerals technology, and building construction:

(e) alternative dispute resolution processes:

(f) matters relating to te Tiriti o ~~Waitangi / the~~ Waitangi/the Treaty of Waitangi and kaupapa Māori.

Compare: 1991 No 69 s 253

25 Term of appointments

(1) An Environment Commissioner or a Deputy Environment Commissioner continues to hold that office until—

(a) they resign or are removed from office under this Act; or

(b) their term of appointment expires (*see* **clause 22(3)**).

(2) Despite **subclause (1)(b)**, an Environment Commissioner or a Deputy Environment Commissioner whose term of appointment expires may, even if they are not reappointed, continue in office until their successor comes into office.

Compare: 1991 No 69 s 254(4)

26 Oath of office

(1) A person appointed as an Environment Commissioner or a Deputy Environment Commissioner must take an oath of office that they will honestly and impartially perform the duties of the office.

(2) The person must take the oath before they perform any duties of the office.

Compare: 1991 No 69 s 256

27 Remuneration of Environment Commissioners and Deputy Environment Commissioners

(1) Each Environment Commissioner and Deputy Environment Commissioner—

(a) must be paid a salary, ~~or~~ a fee, or an allowance, at the rate determined by the Remuneration Authority; and

(b) must be paid any additional allowances (including travelling allowances and expenses) in accordance with the Fees and Travelling Allowances Act 1951.

(2) Expenses may be incurred, without further appropriation than this clause, to meet the salaries, fees, or allowances determined under **subclause (1)(a)**.

(3) For the purposes of **subclause (1)(b)**, the Fees and Travelling Allowances Act 1951 applies as if each Environment Commissioner and Deputy Environment Commissioner were a member of a statutory board as defined in section 2 of that Act.

Compare: 1991 No 69 s 263

28 When ~~a~~ Deputy Environment Commissioner may act

(1) A Deputy Environment Commissioner may act in place of an Environment Commissioner when—

(a) the Environment Commissioner is unavailable; or

(b) the Chief Environment Court Judge considers it necessary that the Deputy Environment Commissioner act.

(2) When a Deputy Environment Commissioner is acting for an Environment Commissioner, the Deputy Environment Commissioner must be considered as an Environment Commissioner of the Environment Court for all purposes.

Compare: 1991 No 69 s 255

Powers of Environment Commissioners sitting without Environment Judge

29 Powers conferred <u>on Environment Commissioner</u> by Chief Environment Court Judge

(1) One or more Environment Commissioners sitting without an Environment Judge may exercise powers conferred by the Chief Environment Court Judge under this clause.

(2) The Chief Environment Court Judge—

(a) may confer any power of the Environment Court; and

(b) may confer a power—

(i) generally or in relation to a particular matter; and

(ii) on any terms and conditions that the Chief Environment Court Judge thinks fit.

(3) The powers that may be conferred include—

(a) the power to issue a summons to require the attendance of a witness; and

(b) the power to convene a conference under **clause 56**.

Compare: 1991 No 69 s 280(1)

30 Powers conferred on Environment Commissioner by Environment Judge

(1) One or more Environment Commissioners sitting without an Environment Judge may exercise powers conferred by an Environment Judge under this clause.

(2) An Environment Judge may confer a power only if—

(a) the proceedings relate to an appeal under **section 154** of this Act or **section 172 of the Natural Environment Act 2025** (which ~~provides~~ provide a right of appeal against a decision of a consent authority or permit authority about a consent or permit and its conditions); and

(b) the power is one that **clauses 15 to 18** confer on an Environment Judge sitting alone; and

(c) the power is conferred in relation to a particular matter; and

(d) the power is conferred after a conference is held under **clause 56** in relation to that matter.

(3) A power may be conferred on any terms and conditions that the Environment Judge thinks fit.

Compare: 1991 No 69 s 280(1AA)

31 Powers conferred by or under this Act

One or more Environment Commissioners sitting without an Environment Judge may do anything else that this Act empowers them to do.

32 Review of exercise of power by Environment Commissioners

(1) Any party affected by the exercise of any power under **clauses 29 to 31** may, within 15 working days after the exercise of that power, apply in writing to an Environment Judge for leave to make an application for a review of the exercise of that power by a fully constituted Environment Court.

(2) If the Environment Judge grants leave, the party may, within a further 7 working days, apply in writing for a review of the exercise of that power by a fully constituted Environment Court.

(3) The court, after reviewing the exercise of the power, may substitute or set aside the Environment Commissioner's decision and make any further or other orders that the case requires.

Compare: 1991 No 69 s 280(2)–(4)

~~**33 Power to take declarations or affidavits**~~

~~An Environment Commissioner may take a declaration or an affidavit.~~

~~Compare: 1991 No 69 s 280(1B)~~

Removal and resignation of members

34 Resignation of members

An Environment Judge, alternate Environment Judge, Environment Commissioner, or Deputy Environment Commissioner may resign from office at any time by written notice to the Attorney-General.

Compare: 1991 No 69 s 257

35 Removal of members

(1) The Governor-General may, on the advice of the Attorney-General, remove an Environment Judge, alternate Environment Judge, Environment Commissioner, or Deputy Environment Commissioner from their office on the grounds of inability or misbehaviour.

(2) The removal of a District Court Judge from office as an Environment Judge or an alternate Environment Judge does not remove them from office as a District Court Judge.

Compare: 1991 No 69 s 258

Special advisors

36 Special advisors

(1) The Chief Environment Court Judge may appoint, as a special advisor, a person who is able to assist the Environment Court in a proceeding before it.

(2) A special advisor is not a member of the court but may sit with it and assist it in any way the court decides.

Compare: 1991 No 69 s 259

37 Remuneration of special advisors

(1) Each special advisor is entitled to be paid, out of money appropriated by Parliament for the purpose,—

(a) remuneration by way of fees, salary, or allowances; and

(b) travelling allowances and expenses.

(2) The Fees and Travelling Allowances Act 1951 applies to payments for the purposes of this clause as if each special advisor were a member of a statutory board as defined in section 2 of that Act.

Compare: 1991 No 69 s 263

Registrar and other officers of court

38 Registrar and other officers of court

(1) The Environment Court—

(a) must have a Registrar; and

(b) may have 1 or more Deputy Registrars; and

(c) may have other persons to assist it in an administrative capacity.

(2) The Registrar, a Deputy Registrar, and every other person assisting the court (other than as a special advisor) must—

(a) be appointed under the Public Service Act 2020; and

(b) be officers of the court.

(3) A Deputy Registrar has all the powers, functions, duties, and immunity of the Registrar, subject to the control of the Registrar.

(4) An officer of the court may also hold another office or employment in the public service.

Compare: 1991 No 69 s 260

Powers of Registrar

39 Powers of Registrar

(1) The Registrar may, if directed to do so by an Environment Judge, act on behalf of the Environment Court or an Environment Judge to do something that is preliminary or incidental to any proceedings, including—

(a) issuing a summons to require the attendance of a witness; and

(b) making an order for the production of documents; and

(c) convening a conference under **clause 56**.

(2) An order made by the Registrar under this clause, or an application granted by the Registrar under **clause 87** (waivers and directions), must be treated as if it were an order of the court.

(3) The Registrar may do anything else that this Act empowers the Registrar to do.

Compare: 1991 No 69 s 278(3)–(4)

~~**40 Power to take declarations or affidavits**~~

~~A Registrar may take a declaration or an affidavit.~~

~~Compare: 1991 No 69 s 278(5)~~

41 Review of exercise of power by Registrar

(1) A person directly affected by the exercise of a power by the Registrar may apply to an Environment Judge to reconsider the matter.

(2) The application must be by notice to the Registrar and other persons affected.

(3) The notice must be given within 10 working days after the Registrar's exercise of the power.

(4) The Environment Judge may confirm, modify, or reverse the Registrar's exercise of the power.

Compare: 1991 No 69 s 281B

Protection from legal proceedings

42 Protection from legal proceedings

(1) No action lies against any member of the Environment Court for anything they say, do, or omit to say or do while acting in good faith in the performance of their duties.

(2) A member of the court who is a District Court Judge has the immunities conferred by section 23 of the District Court Act 2016 (that is, the same immunities as a Judge of the High Court) in relation to all functions and duties performed by the Judge under this Act or any other Act.

(3) No action lies against the Registrar for anything the Registrar says, does, or omits to say or do while acting in good faith under any of the following clauses:

(a) **clause 39** (powers of Registrar):

(b) **clause 87(5)** (waivers and directions):

(c) **clause 88** (Registrar may waive, reduce, or postpone payment of fee).

(4) No action lies against a special advisor appointed under **clause 36** for anything they say, do, or omit to say or do while acting in good faith in the performance of their duties.

Compare: 1991 No 69 s 261

Environment Court members who are ratepayers

43 Environment Court members who are ratepayers

A member of the Environment Court is not considered to have an interest in a proceeding before the court solely on the ground that the member is a ratepayer.

Compare: 1991 No 69 s 262

Part 3
Powers of Environment Court

General

44 Environment Court has powers of District Court

The Environment Court and Environment Judges have the same powers that the District Court has in the exercise of its civil jurisdiction.

Compare: 1991 No 69 s 278(1)

Appeals ~~and inquiries~~

45 Powers of court for appeals ~~and inquiries~~

(1) The Environment Court has the same power, duty, and discretion, in respect of a decision that is the subject of an appeal ~~or inquiry~~, as the person who made that decision.

~~(2) The court may—~~

~~(a) confirm, amend, or cancel a decision that is the subject of an appeal; or~~

~~(b) recommend, in the case of a decision that is the subject of an inquiry, that the decision be confirmed, amended, or cancelled.~~

(2) The court may confirm, amend, or cancel a decision that is the subject of an appeal.

(3) In deciding an appeal ~~or inquiry~~, the Environment Court must have regard to the decision that is the subject of the appeal ~~or inquiry~~.

(4) Nothing in this clause affects any specific power or duty the court has under this Act or any other legislation.

Compare: 1991 No 69 ss 290, 290A

46 Powers of court in regard to certain appeals relating to plans

(1) This clause applies when the Environment Court is hearing an appeal under this Act or the **Natural Environment Act 2025** relating to an amendment to a plan or proposed plan—

(a) that is required to implement a direction in a national instrument; and

(b) that the national instrument requires to be made without undergoing a process in **Schedule 3**.

(2) The court may consider only the question of law raised.

Compare: 1991 No 69 s 290AA

Plans

47 Remedying defects in plans

(1) The Environment Court may, in any proceedings before it, direct a local authority to amend an operative plan to which the proceedings relate in order to—

(a) remedy any mistake, defect, or uncertainty; or

(b) give full effect to the plan.

(2) **Schedule 3** does not apply to the amendment.

Compare: 1991 No 69 s 292

48 Environment Court may order change to proposed plans

(1) This clause applies after the Environment Court hears an appeal against~~, or an inquiry into,~~ the provisions of any proposed plan that is before the court.

(2) The court may—

(a) direct the local authority to—

(i) prepare changes to the proposed plan to address any matters identified by the court:

(ii) consult the parties and other persons about the changes, as the court directs:

(iii) submit the changes to the court for confirmation:

(b) give other directions related to any of those matters that it considers necessary for the purposes of the appeal.

(3) The court must state its reasons for giving a direction.

(4) **Subclause (5)** applies if the court finds that a proposed plan that is before the court departs from—

(a) a national policy direction; or

(b) a national standard; or

(c) a water conservation order.

(5) The court may allow a departure to remain if it considers that it has minor significance and does not affect the general intent and purpose of the proposed plan.

(6) In **subclauses (4) and (5)**, **departs** and **departure** mean that a proposed plan does not give effect to—

(a) a national policy direction:

(b) a national standard:

(c) a water conservation order.

Compare: 1991 No 69 s 293

49 Decisions on agreements made under Marine and Coastal Area (Takutai Moana) Act 2011 relating to protected customary rights

(1) This clause applies to a decision made by the Environment Court on—

(a) an appeal that relates to—

(i) a ~~submission~~ request made in reliance on **section 83(1)(a)**:

(ii) a ~~request~~ submission made in reliance on **section ~~83(2)(a)~~ 83(1)(b)**:

(b) an application made under **section 83(1)~~(b)~~(c)**.

(2) The Environment Court must decide the matters referred to in **subclause (1)** in accordance with the procedures set out in this Act and in any regulations ~~made under it~~.

(3) An application made under **section 83(1)(c)** must be—

(a) made in accordance with **clause 51**; and

(b) without limiting the discretion about service, served on every relevant local authority.

Compare: 1991 No 69 s 293A

Part 4
Procedure

General

50 Court procedure

(1) Except as expressly provided in this Act, the Environment Court may regulate its own proceedings in the way it thinks fit.

(2) However, the court must regulate its proceedings in a way that best promotes their timely and cost-effective resolution.

(3) Court proceedings may be conducted without procedural formality where it is consistent with fairness and efficiency.

(4) The court must recognise tikanga Māori where appropriate.

(5) The court may, in any proceedings or any conference under **clause 57**, use or allow the use of any telecommunication facility that will assist in the fair and efficient determination of the proceedings or conference.

Compare: 1991 No 69 s 269

51 Originating applications

(1) Every originating application to the Environment Court must be made by notice of motion, except as otherwise provided in this Act or any other legislation.

(2) The notice of motion—

(a) must specify the order sought, the grounds on which the application is made, and the persons the notice is to be served on; and

(b) must be supported by an affidavit about the matters that give rise to the application.

(3) The applicant must, as soon as is reasonably practicable after lodging a notice of motion with the Registrar, serve copies of the notice and affidavit on any persons that are parties to the application and advise the Registrar accordingly.

(4) An Environment Judge may at any time direct the applicant to serve a copy of the notice of motion and affidavit on any other person.

(5) If a person who has been served a notice of motion wishes to be heard on the application, they must give written notice to the Registrar and the applicant of their wish to be heard and the matters they wish to raise.

(6) A written notice for the purposes of **subclause (5)** must be—

(a) given in the form approved by the Registrar; and

(b) given within 15 working days after the date of service of the relevant notice of motion.

Compare: 1991 No 69 s 291

52 Court may refer questions of law to High Court

(1) The Environment Court may, in any proceedings before it,—

(a) state a case for the opinion of the High Court on any question of law that arises in the proceedings; and

(b) either conclude the proceedings subject to that opinion or adjourn them until after the opinion has been given.

(2) A case is **stated** under this clause when it is settled and signed by an Environment Judge and sent to the Registrar at the appropriate registry of the High Court.

(3) The Environment Court may ask the Registrar at the appropriate registry of the High Court to set a date for the stated case to be heard.

(4) However, the Environment Court may make a request under **subclause (3)** only after it gives the parties notice of its intention to do so.

(5) For the purposes of this clause, the **appropriate registry of the High Court** is the office of the High Court nearest to the place where the proceedings were, or are being, conducted.

Compare: 1991 No 69 s 287

Representation at proceedings

53 Who may be represented at proceedings

Minister, local authorities, or Attorney-General representing public interest

(1) The following persons may be a party to any proceedings before the Environment Court:

(a) the Minister:

(aa) the Minister of Conservation, in any case where the proceedings are brought in accordance with **section 173 of the Natural Environment Act 2025** against the whole or any part of a decision of a permit authority on an application for—

(i) a wildlife approval; or

(ii) a change of approval conditions; or

(iii) a review of approval conditions:

(b) a local authority:

(c) the Attorney-General representing a relevant aspect of the public interest.

(2) The court may allow any other person representing a relevant aspect of the public interest to be a party to any proceedings before the court if the court thinks the person's participation will assist the court in addressing the issues in the proceedings.

Persons with interest greater than general public

(3) A person may be a party to any proceedings before the Environment Court if they have an interest in the proceedings that is greater than the interest that the general public has.

(4) However, **subclause (3)** is subject to any statutory limitations placed on a person's options to oppose trade competitors.

(5) To decide whether a person has an interest in proceedings greater than the interest that the general public has, the Environment Court must have regard to every relevant statutory acknowledgment.

Persons who make submissions

(6) A person may be a party to any proceedings before the Environment Court if—

(a) the person makes a submission about the subject matter of the proceedings; and

(b) the submission complies with any requirements imposed on those making a submission.

Parties under this clause must not oppose withdrawal or abandonment of proceedings

(7) A person who becomes a party to any proceedings under this clause must not oppose the withdrawal or abandonment of the proceedings, unless the proceedings were brought by a person who made a submission in the previous proceedings on the same matter.

Compare: 1991 No 69 s 274(1), (5), (6)

54 How to become party to proceedings

(1) A person who is entitled to be represented at proceedings before the Environment Court may become a party to the proceedings by giving notice in the prescribed manner within 15 working days after—

(a) the period for lodging a notice of appeal ends, if the proceedings are an appeal:

(b) the proceedings are commenced, in any other case.

(2) The notice given under **subclause (1)** must be given to—

(a) the Environment Court; and

(b) the relevant local authority; and

(c) the appellant, in the case of an appeal, or the person who commenced the proceedings in any other case.

Compare: 1991 No 69 s 274(2)–(2B)

55 Successors to parties to proceedings

(1) If a person brings proceedings before the Environment Court, the proceedings are deemed to be also brought on behalf of—

(a) the person's personal representatives; and

(b) the successors, if any, to the rights or interests affected by the proceedings.

(2) Every party appearing in proceedings before the court is deemed to appear also on behalf of—

(a) the party's personal representatives; and

(b) the successors, if any, to the rights or interests affected by the proceedings.

Compare: 1991 No 69 s 273

Conferences

56 Convening conference

(1) An Environment Judge must, as soon as practicable after proceedings are lodged, consider whether to convene a conference presided over by a member of the Environment Court.

(2) Any party to the proceedings may ask an Environment Judge to convene a conference.

Compare: 1991 No 69 s 267(1)(a), (2)

57 Requirement to be present at conference

(1) An Environment Judge may, at any time after proceedings are lodged, require that any of the following be present at a conference presided over by a member of the Environment Court:

(a) the parties:

(b) any Minister, the Minister of Conservation (if **clause 53(1)(aa)** applies), local authority, or other person that or who has given notice of intention to appear under **clause 54** ~~(representation at proceedings)~~.

(2) Persons required to be present at a conference must—

(a) be present in person; or

(b) by agreement with the court, participate remotely by any audio-visual link (as defined in section 3 of the Courts (Remote Participation) Act 2010); or

(c) have at least 1 representative present who has the authority to make decisions on the person's behalf on any matters that may reasonably be expected to arise at the conference.

Compare: 1991 No 69 s 267(1)(b), (1A)

58 Powers of member of court presiding at conference

(1) The member of the Environment Court who presides at a conference may, after giving the parties an opportunity to be heard, do all or any of the following things:

(a) direct that the pleadings be amended in the way that the member thinks necessary:

(b) direct that any admissions that have been made by any party, and that do not appear in the pleadings, be recorded in the way that the member thinks fit:

(c) define the issues to be tried:

(d) direct that any issue, whether of fact or of law or of both, be tried before any other issue:

(e) set the dates by which the respective parties must deliver to the court, and to the other parties, statements of the evidence to be given on behalf of the respective parties:

(f) direct the order in which the parties must present their respective cases:

(g) direct the order in which a party may cross-examine witnesses called on behalf of any other party:

(h) limit the number of addresses and cross-examinations of witnesses by parties having the same interest:

(i) direct that the evidence, or the evidence of any particular witness or witnesses, be given—

(i) orally in open hearing; or

(ii) by affidavit; or

(iii) by pre-recorded statement or report duly sworn by the witness before or at the hearing; or

(iv) by any combination of these ways of testifying:

(j) decide any question of admissibility about any evidence that a party proposes to tender at the hearing:

(k) require further or better information about any matters connected with the proceedings:

(l) adjourn the conference to allow for consultations among the parties:

(m) give any further or other directions that the member considers necessary.

(2) If a direction is made under **subclause (1)(i)** (about how evidence is given), any opposing party must, if they require it, have the opportunity to cross-examine any witness.

(3) The member of the court who presides at a conference—

(a) must ensure that the parties are given an opportunity to make any admissions, and any agreements about the conduct of the proceedings, that ought reasonably to be made by them; and

(b) may, with a view to any special order about costs that may be made at the hearing, ensure that a record is made, in the form that the member directs, of any refusal to make an admission or agreement.

Compare: 1991 No 69 s 267(3), (4)

Alternative dispute resolution

59 Alternative dispute resolution

(1) At any time after proceedings are lodged, the Environment Court may, to help resolve a matter, ask a member of the court or another person to conduct an ADR process before or at any time during the course of a hearing.

(2) The court may act under this clause on its own motion or on request.

(3) A member of the court who conducts an ADR process is not disqualified from resuming their role as a member of the court to decide a matter if—

(a) the parties agree that the member should resume their role and decide the matter; and

(b) the member concerned and the court are satisfied that it is appropriate for the member to do so.

(4) Persons participating in an ADR process under this Act must comply with the prescribed process (if there is one).

Compare: 1991 No 69 s 268

Hearing

60 Hearing of proceedings

(1) The Environment Court must hear and decide all proceedings as soon as practicable after the date on which they are lodged with it.

(2) However, the court need not comply with **subclause (1)** if, in the circumstances of a particular case, the court does not consider it appropriate to do so.

(3) The Registrar must—

(a) set the time and place of the hearing of proceedings before the court, in accordance with any requirements set by regulations made under this Act; and

(b) give each party to the proceedings not less than 15 working days' notice of the time and place set for the hearing.

(4) An Environment Judge may, if they think fit, reduce the period of notice required by **subclause (3)(b)** in any particular case.

(5) If a person who has initiated proceedings before the court fails, without sufficient cause, to appear before the court at the time and place set for the hearing, the court may dismiss the proceedings.

Compare: 1991 No 69 s 272

61 Hearing matters together

(1) The Environment Court must hear 2 or more proceedings together if they relate to the same subject matter, unless the court considers that to do so would be impracticable, unnecessary, or undesirable.

(2) **Subclause (1)** applies whenever the court has jurisdiction to hear the proceedings, whether they arise under this Act or any other legislation.

Compare: 1991 No 69 s 270

62 Local hearings

Unless the parties agree otherwise, the Environment Court must conduct a conference or hearing at a place that is as near as the court considers convenient to the locality of the subject matter to which the proceedings relate.

Compare: 1991 No 69 s 271

Evidence

63 Who may call evidence at proceedings

(1) A person who becomes a party to proceedings under **clause 53** may appear and call evidence.

(2) However, evidence must not be called unless—

(a) it is on a matter that is within the scope of the proceedings; and

(b) if the person becomes a party under **clause 53(6)** by making a submission, it is on a matter—

(i) that arises out of that person's submissions in the previous related proceedings; or

(ii) on which that person could have appealed.

Compare: 1991 No 69 s 274(4)–(4B)

64 Evidence

(1) The Environment Court may—

(a) receive anything in evidence that it considers appropriate to receive; and

(b) call for anything to be provided in evidence that it considers will assist it to make a decision or recommendation; and

(c) call before it to give evidence a person who, in its opinion, will assist it in making a decision or recommendation.

(2) The court may, whether or not the parties consent,—

(a) accept evidence that was presented at a hearing held by the consent authority:

(b) direct how evidence must be given to the court.

(3) The Evidence Act 2006 applies to Environment Court proceedings, except that the court may accept, admit, and call for any evidence that it considers appropriate in the proceedings even though the evidence is not otherwise admissible under the rules of law about evidence.

(4) The court may receive evidence written or spoken in te reo Māori, and Te Ture mō Te Reo Māori 2016/the Māori Language Act 2016 applies accordingly.

Compare: 1991 No 69 s 276

65 Evidence of documents

(1) If a copy of, or an extract from, a plan is certified, it is admissible in evidence in legal proceedings to the same extent as the original document.

(2) In this clause, **certified** means certified to be a true copy by the ~~principal administrative officer~~ chief executive or by any other authorised officer of the relevant local authority.

Compare: 1991 No 69 s 276A

66 Hearings and evidence generally must be held in public

(1) All hearings of the Environment Court must be held in public except as provided in this clause.

(2) The court may do either or both of the following if it considers that the reasons for doing so outweigh the public interest in a public hearing and publication of evidence:

(a) order that any evidence be heard in private:

(b) prohibit or restrict the publication of any evidence.

Compare: 1991 No 69 s 277

67 Order for discovery or production of documents

An application for an order for discovery or production of documents may be made only with the leave of an Environment Judge.

Compare: 1991 No 69 s 278(2)

Witnesses

68 Witness expenses

(1) A witness who is summoned to attend the Environment Court is entitled to be paid, by the party requiring their attendance, expenses for travelling and maintenance while absent from their usual residence.

(2) The expenses must be paid in accordance with the scale of allowances for witnesses in civil cases under the District Court Act 2016.

(3) When a witness is called or evidence is obtained by the court, the court may direct that the expenses incurred—

(a) form part of the costs of the proceedings; or

(b) be paid from money appropriated by Parliament for the purpose.

Compare: 1991 No 69 s 284

69 Offence to disobey witness summons or refuse to co-operate

(1) A person commits an offence if, without reasonable cause, they—

(a) fail to appear in accordance with a summons issued by an Environment Judge, an Environment Commissioner, or the Registrar, or fail to produce anything that the summons requires them to produce; or

(b) refuse to be sworn or to give evidence at proceedings before the Environment Court; or

(c) refuse to answer a question put by a member of the court during proceedings before the court.

(2) It is a defence to a charge under **subclause (1)** that the person was not given travelling expenses in accordance with the scale for witnesses in civil cases under the District Court Act 2016—

(a) at the time the summons was served; or

(b) at some reasonable time before the hearing.

(3) A person who commits an offence against this clause is liable on conviction to a fine not exceeding $1,500.

Compare: 1991 No 69 ss 283, 338(3)(b), 339(3)

70 Who may take affidavit

Any of the following persons may take an affidavit or a statutory declaration to be used in the Environment Court:

(a) the Registrar:

(b) an Environment Commissioner:

(c) any person authorised by or under the District Court Act 2016 to take an affidavit or an affirmation to be used in the District Court (*see* section 104 of that Act)~~.~~:

(d) any alternate Environment Judge who is not authorised under **paragraph (c)**.

Compare: 1991 No 69 ss 278(5), 280(1B)

Privileges and immunities

71 Privileges and immunities

Witnesses and counsel appearing before the Environment Court have the same privileges and immunities as they have when they appear in the same capacity in proceedings in the District Court.

Compare: 1991 No 69 s 288

Part 5
Decisions and appeals

Decisions of Environment Court

72 Environment Court decisions are final

A decision of the Environment Court under this Act or any other legislation~~, on any matter other than an inquiry,~~ is final unless it is reheard under **clause 73** or appealed against under **clause 76A or 77**.

Compare: 1991 No 69 s 295

73 Review of court decision by rehearing

(1) This clause applies if, after the Environment Court gives a decision,—

(a) new and important evidence becomes available that might have affected the decision; or

(b) there has been a change in circumstances that might have affected the decision.

(2) The court may order a rehearing of the proceedings on any terms and conditions that it thinks reasonable.

(3) Any party may apply to the court for a rehearing of the proceedings.

(4) If the court receives an application under **subclause (3)**, the court must—

(a) give notice to the other parties concerned and hear any evidence that it thinks fit; and

(b) decide whether to order a rehearing under **subclause (2)**.

(5) The decision of the court on the reheard proceedings has the same effect as a decision of the court on the original proceedings.

Compare: 1991 No 69 s 294

74 No other review of decisions unless right of appeal ~~or reference to inquiry~~ exercised

~~(1) This clause applies if a person has a right, under this Act or any other legislation, to—~~

~~(a) refer a matter for inquiry to the Environment Court; or~~

~~(b) appeal to the Environment Court against a decision that is made under this Act or any other legislation by a local authority, consent authority, or any other person.~~

(1) This clause applies if a person has a right, under this Act or any other legislation, to appeal to the Environment Court against a decision that is made under this Act or any other legislation by a local authority, a consent authority, or any other person.

(2) In relation to that matter or decision, the following restrictions apply until the right has been exercised and the court has made a decision:

(a) the person cannot apply for review under the Judicial Review Procedure Act 2016; and

(b) the High Court cannot hear any proceedings that seek a declaration, an injunction, or a writ of or in the nature of mandamus, prohibition, or certiorari.

(3) **Subclause (2)** applies to proceedings on the merits, but not proceedings that relate solely to any points of law.

Compare: 1991 No 69 s 296

75 Court decisions must be in writing

~~(1) This clause applies to—~~

~~(a) any decision, determination, or order of the Environment Court, unless it is pronounced orally at a sitting of the court; and~~

~~(b) any report, recommendation, or determination made by the court on an inquiry.~~

(1) This clause applies to any decision, determination, or order of the Environment Court, unless it is pronounced orally at a sitting of the court.

(2) The decision, determination, or order~~, report, or recommendation~~ must be—

(a) in writing; and

(b) signed by the member who presided at the hearing~~ or inquiry~~ or by a majority of the members who sat ~~on~~at the hearing~~ or inquiry~~; and

(c) authenticated with the seal of the court.

Compare: 1991 No 69 s 297

~~**76 Judicial notice of sealed documents**~~

~~All courts and persons acting judicially must take judicial notice of any document that bears the seal of the court.~~

~~Compare: 1991 No 69 s 298~~

Appeals against Environment Court decisions

76A Direct appeal to Court of Appeal

(1) A party to an appeal before the Environment Court under any of the following clauses may appeal against the decision of the Environment Court on a question of law to the Court of Appeal:

(a) **clauses 29, 30, and 31 of Schedule 2** (which relate to appeals against decisions on draft regional spatial plans):

(b) **clauses 32, 33, 34, 35, and 53 of Schedule 3** (which relate to appeals against decisions on proposed land use plans and private plan changes under this Act, and appeals against decisions on proposed natural environment plans and private plan changes under the **Natural Environment Act 2025**).

(2) The appeal must be made in accordance with subpart 8 of Part 6 of the Criminal Procedure Act 2011, and that subpart applies—

(a) as if the Environment Court were the first appeal court (as in section 300 of that Act); and

(b) with all other necessary modifications.

(3) An appeal against the decision of the Court of Appeal may be made to the Supreme Court with the leave of the Supreme Court.

77 Appeal ~~rights~~ to High Court

(1) A party to a proceeding before the Environment Court under this Act or any other legislation may appeal on a question of law to the High Court against any

decision, report, or recommendation that the Environment Court makes in the proceeding, except as provided in **subclause (1A)**.

(1A) **Subclause (1)** does not apply to—

(a) a decision of the Environment Court made on an appeal from the Planning Tribunal; or

(b) a decision, report, or recommendation of the Environment Court for which **clause 76A** or any other legislation provides an appeal from that court directly to the Court of Appeal.

(2) An appeal must be made in accordance with the High Court Rules 2016, except to the extent that the relevant rules are inconsistent with **clauses 78 to 85**.

Compare: 1991 No 69 s 299

78 Notice of appeal

(1) A party (the **appellant**) may commence an appeal under **clause 77** as follows:

(a) within 15 working days after being notified of the Environment Court's decision, or report and recommendation, the appellant must—

(i) file a notice of appeal with the Registrar of the High Court; and

(ii) serve a copy of the notice on the authority whose decision was the subject of the Environment Court's decision or report and recommendation; and

(b) before, or within 5 working days after, the appellant files the notice of appeal, they must serve a copy of the notice on—

(i) every other party to the proceedings; and

(ii) the Registrar of the Environment Court.

(2) The notice of appeal must specify—

(a) the decision or report and recommendation, or part of the decision or report and recommendation, that is appealed against; and

(b) the error of law alleged by the appellant; and

(c) the question of law to be resolved; and

(d) the grounds of appeal, which must be expressed in sufficient detail for the High Court and other parties to understand them; and

(e) the relief sought.

(3) The Registrar of the Environment Court must send a copy of the whole of the decision appealed against to the Registrar of the High Court as soon as is reasonably practicable after receiving the notice of appeal.

Compare: 1991 No 69 s 300

79 Right to appear and be heard on appeal

(1) A person may appear and be heard on an appeal to the High Court under **clause 77** if they are—

(a) a party to the relevant proceeding; or

(b) a person who appeared before the Environment Court in the proceeding.

(2) If the person wishes to appear and be heard on the appeal, they must comply with **subclause (3)** within 10 working days after they were served with the notice of appeal.

(3) The person must serve notice of their intention to appear on all of the following:

(a) the appellant:

(b) the Registrar of the High Court:

(c) the Registrar of the Environment Court:

(d) if the relevant decision or report and recommendation was made by the Environment Court after an appeal to it, the authority whose decision was the subject of the appeal.

Compare: 1991 No 69 s 301

80 Parties to appeal before High Court

(1) The parties to an appeal before the High Court are the appellant and any person who gives notice of intention to appear under **clause 79**.

(2) The Registrar of the High Court must ensure that the parties to an appeal before the High Court are served with—

(a) every document relating to the appeal that is filed or lodged with the Registrar of the High Court; and

(b) notice of the date set for hearing the appeal.

Compare: 1991 No 69 s 302

81 Orders of High Court

(1) The High Court may make an order directing the Environment Court to lodge with the Registrar of the High Court any or all of the following:

(a) anything in the possession of the court:

(b) a report that records, in respect of any matter or issue that is specified by the High Court, any of the court's findings of fact that are not set out in its decision or report and recommendation:

(c) a report that sets out, to the extent that is reasonably practicable and in respect of any issue or matter that is specified in the order, any reasons or considerations that the court had regard to but that are not set out in its decision or report and recommendation.

(2) An order under this clause—

(a) may be made on application to the High Court or on its own motion; and

(b) may be made only if the High Court is satisfied that the order is required for a proper decision on a question of law; and

(c) may be made subject to any conditions that the High Court thinks fit.

(3) An application for an order under this clause must be made,—

(a) if it is made by the appellant, within 20 working days after the date on which the notice of appeal is filed; or

(b) if it is made by any other party to the appeal, within 20 working days after the date on which the party is served a copy of the notice of appeal.

Compare: 1991 No 69 s 303

82 Dismissal of appeal

The High Court may dismiss an appeal if—

(a) the appellant does not appear at the hearing of the appeal; or

(b) the appellant does not proceed with the appeal with due diligence and another party applies to the court to dismiss the appeal.

Compare: 1991 No 69 s 304

83 Additional appeals on questions of law

(1) This clause applies if a party to an appeal other than the appellant wishes to contend that the relevant decision or report and recommendation of the Environment Court is in error on other questions of law.

(2) Within 20 working days after the date on which that party (the **specified party**) is served with a copy of the notice of appeal, they must—

(a) file a notice to that effect with the Registrar of the High Court; and

(b) serve a copy of the notice on the authority whose decision was the subject of the Environment Court's decision or report and recommendation.

(3) Before, or within 5 working days after, the specified party files a notice under **subclause (2)(a)**, they must serve a copy of the notice on—

(a) every other party to the proceedings; and

(b) the Registrar of the Environment Court.

(4) If a notice is filed under this clause, the following clauses apply with any necessary modifications:

(a) **clause 81** (orders of the High Court):

(b) **clause 82** (dismissal of appeal).

(5) An appeal under this clause must be made in accordance with the High Court Rules, except to the extent that those rules are inconsistent with this clause.

Compare: 1991 No 69 s 305

84 Extension of time

On the application of a party to an appeal, the High Court may extend any period of time stated in any of the following clauses:

(a) **clause 77** (appeal to High Court~~ of question of law~~):

(b) **clause 78** (notice of appeal):

(c) **clause 79** (right to appear and be heard on appeal):

(d) **clause 81** (orders of the High Court):

(e) **clause 83** (additional appeals on questions of law).

Compare: 1991 No 69 s 306

85 Hearing date

(1) An appeal is ready for hearing when a party to an appeal notifies the Registrar of the High Court—

(a) that the notice of appeal has been served on all parties to the proceedings; and

(b) either—

(i) that no application has been filed under **clause 81** (orders of the High Court); or

(ii) that any application filed under that clause has been complied with.

(2) When an appeal is ready for hearing, the Registrar of the High Court must arrange a hearing date as soon as practicable.

Compare: 1991 No 69 s 307

86 Appeals to Court of Appeal

(1) A party to an appeal to the High Court under **clause 77** may appeal against the High Court's decision on that appeal only as permitted by this clause.

General right of further appeal

(2) A party may appeal against the High Court's decision in accordance with subpart 8 of Part 6 of the Criminal Procedure Act 2011 (which provides for appeals on questions of law), and that subpart applies—

(a) as if the High Court were the first appeal court (*see* section 300 of the Criminal Procedure Act 2011); and

(b) with any other necessary modifications.

Compare: 1991 No 69 s 308(1)

Part 6
Miscellaneous and general provisions

Waivers and directions

87 Waivers and directions

Application for waiver or direction

(1) A person may apply to the Environment Court for a waiver or direction about a prescribed time period, a requirement for service, or a matter of procedure relating to a proceeding.

Threshold for granting application

(2) The court must not grant an application under this clause unless the court is satisfied,—

(a) in relation to a waiver concerning a requirement about the time within which an appeal or a submission to the court must be lodged, that—

(i) the appellant or applicant and the respondent consent to that waiver; or

(ii) none of those parties who have not consented will be unduly prejudiced; and

(b) for any other waiver, that none of the parties to the proceedings will be unduly prejudiced.

(3) The court may waive a requirement about time whether or not an application under this clause is made before the requirement is breached.

Registrar may exercise powers under this clause

(4) The Registrar may exercise a power referred to in this clause if the Chief Environment Court Judge confers that power on the Registrar.

(5) The power may be conferred generally or in relation to a specific matter, and on any terms and conditions that the Chief Environment Court Judge thinks fit.

Compare: 1991 No 69 s 281

88 Registrar may waive, reduce, or postpone payment of fee

(1) A person may apply to the Registrar to waive, reduce, or postpone payment to the Environment Court of any fee prescribed by regulations made under **subpart 3 of Part 6**.

(2) The application must be made in the form approved by the chief executive of the Ministry of Justice unless, in a particular case, the Registrar considers that an application in that form is not necessary.

(3) The Registrar may waive, reduce, or postpone the payment of the fee only if the Registrar is satisfied, after applying any criteria prescribed by the regulations, that—

(a) the person responsible for paying the fee is unable to pay the fee in whole or in part; or

(b) in the case of proceedings concerning a matter of public interest, the proceedings are unlikely to be commenced or continued if the powers are not exercised.

(4) The Governor-General may from time to time, by Order in Council, make regulations prescribing, for the purpose of the Registrar deciding whether to waive, reduce, or postpone the payment of a fee under this clause, the criteria that the Registrar must apply to—

(a) assess a person's ability to pay a fee; and

(b) identify proceedings that concern matters of public interest.

(5) Regulations made under this clause are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1991 No 69 s 281A

Costs

89 Awarding costs

~~*Costs orders*~~

The Environment Court may make any of the following orders about costs:

(a) an order that requires any party to proceedings before the court to pay to any other party the costs and expenses (including witness expenses) incurred by the other party that the court considers reasonable:

(b) an order that requires any party to proceedings before the court to pay to the Crown all or any part of the court's costs and expenses:

(c) an order that requires a party who fails to proceed with a hearing at the time the court arranges, or who fails to give adequate notice of the abandonment of the proceedings, to pay to any other party or to the Crown any of the costs and expenses incurred by the other party or the Crown~~:~~.

~~(d) an order that requires an applicant to pay the costs and expenses—~~

~~(i) that a consent authority or a local authority incurred in assisting the court in relation to a report provided by the authority under this Act or the **Natural Environment Act 2025**; and~~

~~(ii) that the court considers reasonable.~~

~~*Presumptions and considerations*~~

~~(4) The court must,—~~

~~(a) when deciding whether to make an order under **subclause (1)(a) or (b)**, apply the following presumptions:~~

~~(i) that costs under those paragraphs are not to be ordered against a person who is a party under **clause 53**; and~~

~~(ii) that costs under **subclause (1)(b) or (d)** are to be ordered against the applicant; and~~

~~(b) when deciding on the amount of any order it decides to make, have regard to the fact that the proceedings are at first instance.~~

~~(5) The court must also apply a presumption that costs are not to be ordered against a person who is a party under **clause 53**.~~

~~(6) **Subclause (5)** applies when the court is deciding whether to make an order under **subclause (1)(d)** in any proceedings.~~

Compare: 1991 No 69 s 285

90 Enforcing orders for costs

An order for costs made by the Environment Court may be filed in the District Court at the office of the court named in the order and then becomes enforceable as a judgment of the District Court in its civil jurisdiction.

Compare: 1991 No 69 s 286

Contempt

91 Application of Contempt of Court Act 2019

(1) The following provisions of the Contempt of Court Act 2019 apply with the necessary modifications to proceedings of the Environment Court:

(a) subparts 2 and 4 of Part 2:

(b) sections 25 and 26(1) and (2).

(2) Those provisions apply to proceedings of the Environment Court as if—

(a) references to a court include the Environment Court; and

(b) references to a Judge include an Environment Judge and an alternate Environment Judge; and

(c) references to a judicial officer include an Environment Commissioner and a Deputy Environment Commissioner; and

(d) references to an officer of the court include an officer of the Environment Court.

Compare: 1991 No 69 s 282

Restriction on commencing or continuing proceedings

92 Order restricting person from commencing or continuing proceedings

(1) A Judge may make an order (a **clause 92 order**) restricting a person from commencing or continuing civil proceedings in the Environment Court.

(2) The order may have—

(a) a limited effect (a **limited order**); or

(b) an extended effect (an **extended order**).

(3) A limited order restrains a party from commencing or continuing civil proceedings on a particular matter in the Environment Court.

(4) An extended order restrains a party from commencing or continuing civil proceedings on a particular or related matter in the Environment Court.

(5) Nothing in this clause limits the court's inherent power to control its own proceedings.

Compare: 1991 No 69 s 288C; 2016 No 49 s 213

93 Grounds for making clause ~~94~~ 92 order

(1) A Judge may make a **clause 92** order if the Judge considers that the following proceedings in the Environment Court are or were totally without merit:

(a) for a limited order, 2 or more proceedings about the same matter; or

(b) for an extended order, at least 2 proceedings about any matter.

(2) In deciding whether the proceedings are or were totally without merit, the Judge may take into account the nature of any other interlocutory application, appeals, or criminal prosecutions involving the party to be restrained, but is not limited to those considerations.

(3) The proceedings concerned must be proceedings commenced or continued by the party to be restrained, whether against the same person or different persons.

(4) For the purposes of this clause and **clauses 94 and 95**, an appeal in a civil proceeding must be treated as part of that proceeding and not as a distinct proceeding.

Compare: 1991 No 69 s 288D

94 Terms of clause ~~94~~ 92 order

(1) A **clause 92** order may restrain a party from commencing or continuing any civil proceeding (whether generally or against any particular person or persons) of any type specified in the order without first obtaining the leave of the Environment Court.

(2) A **clause 92** order, whether limited or extended, has effect—

(a) for a period of up to 3 years as specified by the Judge; or

(b) if the Judge is satisfied that there are exceptional circumstances justifying a longer period, a period of up to 5 years as specified by the Judge.

Compare: 1991 No 69 s 288E

95 Procedure relating to clause 92 orders

(1) A party to any proceeding may apply for a limited order or an extended order.

(2) A Judge may make a **clause 92** order either on an application under this clause or on the Judge's own initiative.

(3) A party subject to a **clause 92** order may apply without notice for leave to continue or commence a civil proceeding, but the Environment Court may direct that the application for leave be served on any specified person.

(4) An application for leave must be decided on the papers, unless the Judge considers that an oral hearing should be conducted because there are exceptional circumstances and it is appropriate to do so in the interests of justice.

(5) A Judge's decision on an application for leave is final.

(6) A **clause 92** order does not prevent or affect the commencement of a private criminal prosecution in any case.

Compare: 1991 No 69 s 288F(1)–(6)

96 Appeals relating to clause 92 orders

(1) The party against whom a **clause 92** order is made may appeal against the order to the High Court.

(2) The appellant in an appeal under this clause, or the applicant for the **clause 92** order concerned, may, with the leave of the High Court, appeal against the High Court's decision on the appeal to the Court of Appeal.

(3) A court deciding an appeal under this clause has the same powers as the court appealed from has to decide an application or appeal, as the case may be.

Compare: 1991 No 69 s 288F(7)–(9)

Reserved judgments

97 Information about reserved judgments

The Chief Environment Court Judge must, in consultation with the Chief Justice,—

(a) publish information about how parties to proceedings before the Environment Court may obtain information about the status of any reserved judgment in those proceedings; and

(b) periodically publish information about the number of judgments of the court that the Judge considers are outstanding beyond a reasonable time for delivery; and

(c) publish information about reserved judgments that the Judge considers is useful.

Compare: 1991 No 69 s 288A

Recusal

98 Recusal guidelines

The Chief Environment Court Judge must, in consultation with the Chief Justice, develop and publish guidelines to assist Judges to decide if they should recuse themselves from a proceeding.

Compare: 1991 No 69 s 288B

Annual report

99 Annual report of Registrar

(1) The Registrar must make an annual report to the Minister of the Crown who is responsible for the Ministry of Justice (the **Minister of Justice**).

(2) The report must—

(a) contain the information that the Minister of Justice requires about the administration, workload, and resources of the Environment Court during a 12-month period that ends on 30 June; and

(b) be delivered to the Minister of Justice no later than 2 months after the expiry of that 12-month period.

(3) The Minister of Justice must, within 10 sitting days after they receive a report under this clause, present the report to the House of Representatives in accordance with the House's rules and practice.

Compare: 1991 No 69 s 264

Court rules

100 Rules of practice and procedure

(1) The Governor-General may, by Order in Council, make rules regulating the practice and procedure of the Environment Court in the exercise of its jurisdiction—

(a) under this Act:

(b) under any other Act.

(2) Rules made under **subclause (1)** may be made only with the concurrence of the Chief Environment Court Judge.

(3) Rules made under this clause are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Schedule 10
Planning Tribunal

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Interpretation

1 ~~Definitions~~ Interpretation

In this schedule, unless the context otherwise requires,—

ADR process means an alternative dispute resolution process (for example, mediation) designed to help to resolve a matter

adjudicator means—

(a) a person appointed to be an adjudicator under **clause 7**; and

(b) includes ~~the persons~~ a person holding office as an Environment ~~Commissioners and~~ Commissioner or a Deputy Environment ~~Commissioners~~ Commissioner

chairperson means the person appointed to be the chairperson ~~of the tribunal~~ under **clause 4**

notification decision means ~~the~~ a decision ~~taken by~~ of a local authority—

~~(a) to publicly notify or give targeted notification of a permit or consent application; or~~

(a) to give public or targeted notification of an application for a planning consent or an application for a natural resource permit; or

(b) not to give either form of notification of ~~a permit or consent application~~ an application for a planning consent or an application for a natural resource permit; or

(c) to notify a proposed designation for public or targeted submissions

Planning Tribunal and **tribunal** mean the tribunal established by **clause 2**

Registrar means ~~the Registrar (if one is appointed) of the tribunal (*see* **clause 11**).~~—

(a) the Registrar of the tribunal, if one is appointed (*see* **clause 11**); or

(b) the Registrar of the Environment Court, if the tribunal does not appoint a Registrar.

Establishment of tribunal

2 Establishment of Planning Tribunal

(1) This clause establishes the Planning Tribunal.

(2) The tribunal is a division of the Environment Court.

(3) The tribunal has the jurisdiction and powers conferred on it by or under this Act or any other Act.

Compare: 1988 No 110 s 4; 1991 No 69 s 247

3 Planning Tribunal to use seal of Environment Court

(1AAA) The tribunal must use the seal of the Environment Court.

(1) ~~The tribunal is to have a seal to~~ The seal must be used for sealing all documents that must be sealed or that the chairperson ~~of the tribunal~~ elects to seal.

~~(2) The seal must be judicially noticed in all courts and for all purposes.~~

(3) The seal may be applied to documents physically or electronically.

Membership of tribunal

4 Appointment of tribunal chairperson

(1) The Governor-General, on the recommendation of the ~~Minister~~ Attorney-General, may appoint a person to be the chairperson of the tribunal.

(2) Before making a recommendation under **subclause (1)**, the ~~Minister must consult the Minister of Justice and may consult any other Minister, as the Minister thinks necessary~~ Attorney-General must consult the Minister or Ministers responsible for the administration of this Act and the **Natural Environment Act 2025**.

(3) The chairperson must—

(a) have had standing as a barrister or solicitor of the High Court of New Zealand for ~~not less than~~ at least 7 years ~~in an appropriate area of the law~~; and

(b) ~~must~~ in the opinion of the Attorney-General, have the appropriate knowledge, skills, and experience ~~in planning and the natural environment, and significant legal experience~~ to carry out the functions and duties of the chairperson.

(4) A chairperson is appointed for a term of up to 5 years but may be reappointed.

5 Functions ~~and duties~~, duties, and powers of chairperson

(1) The chairperson may sit as an adjudicator and exercise the same jurisdiction as an adjudicator.

~~(2) The chairperson may, in accordance with **clause 6**, delegate any of the functions, duties, and powers of the chairperson to an adjudicator who would be eligible to be appointed as the chairperson.~~

(3) The functions, duties, and powers of the chairperson are,—

(a) in consultation with the Chief Environment Court Judge, to ensure that the business of the tribunal is dealt with in an orderly and efficient manner so as to achieve the purpose of the tribunal, including by overseeing~~, liaising, and advising on~~ the rostering and performance of adjudicators; and

(b) to direct the training and professional development of adjudicators; and

(c) to advise adjudicators with a view to enhancing the quality of ~~decision making~~ decision-making, but without interfering with the independence of an adjudicator's decision-making; and

~~(d) to liaise with other parties on tribunal proceedings (including complaints) and on matters affecting adjudicators; and~~

(e) to establish a ~~complaints process relating to the tribunal's performance of its functions for persons using the tribunal~~ process to deal with complaints made about members of the tribunal, which must provide for any

complaints about the chairperson to be dealt with by the Chief Environment Court Judge; and

(f) to report ~~in the prescribed manner~~ in writing to the Minister on the operation of the tribunal and ~~the quality of~~ its work; and

(g) to issue practice notes ~~as guidance for adjudicators and for parties appearing before the tribunal.~~ —

(i) relating to any type of proceeding dealt with by the tribunal; and

(ii) as guidance for adjudicators and for parties appearing before the tribunal.

(4) The chairperson may, in accordance with **clause 6**, delegate any of the functions, duties, and powers of the chairperson to an adjudicator who would be eligible to be appointed as the chairperson.

(5) The chairperson must be satisfied that the delegate has the appropriate knowledge, skills, and experience to carry out the functions, duties, and powers of the chairperson.

~~Compare:~~

6 Delegation

(1) A delegation under **clause ~~5(2)~~ 5(4)**—

(a) must be in writing to a named person; and

(b) is revocable at any time in writing; and

(c) does not prevent the performance or exercise of a function, power, or duty by the chairperson.

(2) The delegate may perform or exercise any functions, ~~powers, or~~ duties, or powers in the same manner and to the same effect as if they had been conferred directly by this Act and not by delegation.

(3) A person who appears to be acting under a delegation is presumed to be acting in accordance with its terms in the absence of evidence to the contrary.

(4) The delegate must be paid remuneration in accordance with the work undertaken in that capacity.

Compare: 1994 No 143 s 209A

6A Appointment of temporary acting chairperson

(1) If the chairperson becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if the chairperson considers it is not proper or not desirable that they adjudicate on a particular claim, the Governor-General, on the recommendation of the Attorney-General, may appoint a suitable person as an acting chairperson for the period or purpose stated in the appointment.

(2) No person may be appointed as an acting chairperson unless they are eligible for appointment under **clause 4(3)**.

(3) An acting chairperson is, while acting in the position, to be treated as the chairperson.

(4) No appointment of an acting chairperson, no act done by an acting chairperson, and no act done by the tribunal may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased.

7 Appointment of adjudicators

(1) The Governor-General may, on the recommendation of the ~~Minister~~ Attorney-General, appoint persons to be adjudicators of the tribunal for the purposes of this Act and the **Natural Environment Act 2025**.

(2) Before making a recommendation under **subclause (1)**, the ~~Minister must consult the Minister of Justice and may consult any other Minister as the Minister thinks necessary~~ Attorney-General must consult the Minister or Ministers responsible for administration of this Act and the **Natural Environment Act 2025**.

(3) A person who holds office as an Environment Commissioner or a Deputy Environment Commissioner in the Environment Court ~~is deemed to be~~ must be treated as an adjudicator appointed under this clause.

(4) The persons whom the ~~Minister~~ Attorney-General recommends to be adjudicators must have—

(a) the personal attributes and experience required to be capable of performing the functions of an adjudicator; and

(b) the relevant skills and experience in 1 or more of the following areas of practice:

(i) planning, resource management, and heritage protection:

(ii) law and alternative dispute resolution practice:

(iii) environmental, physical, and social sciences:

(iv) economics and commercial and business affairs:

(v) commercial development and infrastructure:

(vi) local government and community affairs:

(vii) engineering, architecture, surveying, building construction, and minerals technology:

(viii) matters relating to Māori interests.

~~(5) The Minister must ensure that there are, at all times, sufficient adjudicators with the necessary skills and experience to enable the efficient and timely exercise of the jurisdiction of the tribunal.~~

(5) A person appointed as an adjudicator may, with the agreement of the Attorney-General, engage in any other employment or calling that does not impair the proper discharge of their functions.

(5A) **Subclause (5)** does not apply to an Environment Commissioner or a Deputy Environment Commissioner treated as an adjudicator under **subclause (3)**.

(6) Adjudicators are appointed for a term not exceeding 5 years, but—

(a) may be reappointed; and

(b) are to continue in office until they are reappointed or their successor is appointed.

(7) An adjudicator who continues in office for a period under **subclause (6)** may act as an adjudicator during that period for the purpose of—

(a) completing a proceeding partly or fully reviewed or heard by the tribunal before the expiry of the adjudicator's term of office:

(b) reviewing or hearing any other proceeding.

~~Compare:~~

~~8~~ ~~Removal from office~~

~~The chairperson or an adjudicator may be removed from office by the Governor-General if for any reason their performance of their functions and duties is adversely affected.~~

8 Removal or resignation of members

(1) The Governor-General may, on the advice of the Attorney-General, remove the chairperson or an adjudicator from their office on the grounds of inability or misbehaviour.

(2) The chairperson or an adjudicator may resign from office at any time by written notice to the Attorney-General.

9 Remuneration

(1) The chairperson~~ of the tribunal~~ and each adjudicator—

(a) must be paid a salary, fee, or allowance at the rate determined by the Remuneration Authority; and

(b) must be paid any additional allowances (including travelling allowances and expenses) in accordance with the Fees and Travelling Allowances Act 1951.

(2) Expenses may be incurred without further appropriation than this section to meet the salaries, fees, or allowances determined under **subclause (1)(a)**.

(2A) An advisor must be paid, out of money appropriated by Parliament for the purpose, remuneration by way of a salary, a fee, or an allowance, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951.

(3) For the purposes of **subclause (1)(b)**, the Fees and Travelling Allowances Act 1951 applies as if the chairperson~~ of the tribunal~~ and adjudicators were members of a statutory Board as defined in section 2 of that Act.

10 Chairperson of Planning Tribunal must convene adjudicators

(1) Whether or not a hearing is required, the chairperson ~~of the tribunal~~ must convene 1 or more adjudicators, as the chairperson considers appropriate, to ~~hear and~~ determine an application before the tribunal as follows:

(a) an adjudicator may be appointed to sit alone to determine an application; or

(b) a panel of adjudicators may be convened if the chairperson considers that the matter for determination is of particular complexity and requires a panel of 2 or more adjudicators with a mix of skills and experience.

~~(2) An Environment Commissioner or Deputy Environment Commissioner appointed to be an adjudicator on a matter under this Act or the **Natural Environment Act 2025** must not hear or be appointed to hear the same matter in the Environment Court.~~

(2) A member of the Environment Court who is acting as an adjudicator must not determine the same matter in the tribunal and the Environment Court.

Registrar

11 Registrar may be appointed

(1) The Planning Tribunal may have a Registrar.

(2) The office of Registrar may be held in conjunction with that of any other office in the public service.

(3) The functions of the Registrar are—

(a) to ensure the orderly and efficient administration of the registry; and

(b) to advise and direct staff of the registry.

(4) If a ~~tribunal~~ Registrar is not appointed, the Registrar of the Environment Court must perform the role of Registrar in relation to the tribunal and has all the relevant functions, duties, and powers that they have as Registrar of the court.

(5) The Registrar may, if directed to do so by the chairperson, act on behalf of the tribunal to do something that is preliminary or incidental to any proceedings of the kind referred to in **clause 39(1) of Schedule 9**.

Compare: 1988 No 110 s 4B

Immunities

12 Protection from legal proceedings

~~(1) The chairperson, any adjudicator, or the Registrar (if appointed) are not personally liable for anything they say, do, or omit to say or do while acting in good faith in the performance of their functions and duties under this Act.~~

(1) No action lies against the chairperson, any adjudicator, or the Registrar (if appointed) of the Planning Tribunal for anything they say, do, or omit to say or do while acting in good faith in the performance of their duties.

(2) No action lies against a person appointed to assist the Planning Tribunal ~~will be personally liable~~ for anything they say, do, or omit to say or do while acting in good faith in the performance of their ~~functions and duties under this Act~~ duties.

Compare: ~~1994 No 143 s 219(2);~~ 1991 No 69 s 261(1); 1994 No 143 s 219(2)

Functions and powers of Planning Tribunal

13 Functions and powers of Planning Tribunal

(1) The tribunal is ~~primarily~~ authorised, in relation to a matter within its jurisdiction, to accept applications from persons entitled to apply to—

(a) review ~~decisions~~ a decision made under this Act by a local authority—

(i) for procedural and legal error:

(ii) to determine whether the decision was reasonable in the circumstances:

(b) exercise its declaratory power under this Act or the **Natural Environment Act 2025**:

(c) carry out or exercise other functions or powers that are conferred on it by or under ~~this Act or any other Act~~ this Act, the **Natural Environment Act 2025**, or any other legislation.

(2) Unless otherwise provided for in this Act or the **Natural Environment Act 2025**, in order to carry out its functions or give effect to a decision of the tribunal, the tribunal may make orders to—

(a) confirm, modify, or overturn the whole, or any relevant part, of the decision reviewed:

(b) remit the whole or any part of ~~a matter~~ the decision back to the local authority for reconsideration, with or without any directions as necessary:

(c) ~~seek to directly reach~~ formalise a resolution of a matter reached by conciliation ~~a resolution~~ between the parties:

(d) set a revised statutory time frame within which an application for a permit ~~or consent~~, consent, change request, or other matter is to proceed:

(da) stay the exercise of a consent, permit, or designation while the tribunal carries out its functions:

(e) dismiss the application.

~~(3) Without limiting the ability of a person to make an informal approach to a local authority on a matter of concern, applications must not be made to a local~~

~~authority under this clause to review or otherwise reconsider a matter that is within the jurisdiction conferred on the tribunal by this Act.~~

Matters within review jurisdiction of Planning Tribunal

14 Review ~~powers~~ of decisions of local authorities

~~Persons entitled to, may apply to the tribunal in the approved form to review any of the following decisions or actions~~ A person that is entitled to apply to the tribunal may apply to the tribunal in the approved form to review any of the following decisions, actions, or requests of a local authority:

~~*Processing applications for permits, consents, private plan changes, and designations*~~

Procedural matters relating to permits, consents, plans, and designations

(a) a decision that a permit application or consent application is ~~not complete~~ incomplete (*see* **section 115(3)** of this Act and **section 135(3) of the Natural Environment Act 2025**):

(b) a decision to strike out all or part of a submission on a plan, consent, or permit (*see* **section 133(2) and clause 22(3) of Schedule 3** of this Act):

(c) a decision to decline a notice from a designating authority to remove part of a designation under **clause 48(3) of Schedule 5** (*see* **clause 48(5) of Schedule 5** of this Act):

~~*Decision not to notify or conduct hearing*~~

(d) a decision not to proceed ~~to notify an~~ with the notification or hearing of an application ~~or a hearing~~ for a permit or a consent if there are reasonable grounds for the view that other permits or consents will be required for the proposal (*see* **section 116(3)** of this Act and **section 137(3) of the Natural Environment Act 2025**):

Decisions on whether existing use rights apply or permit or consent is current

(e) a decision to decline an extension to continue to use land in a way that contravenes a ~~planning rule~~ rule in a plan (*see* **section 21(4)** of this Act):

(f) a decision as to whether to allow the exercise of a permit or consent while an application for a new permit or consent is being processed (*see* **section 164(5)** of this Act and **section 181 of the Natural Environment Act 2025**):

(g) a decision to decline an extension to the lapse period for a permit or consent (*see* **section 165(3)** of this Act and **section 181 of the Natural Environment Act 2025**):

(h) a decision to decline an application to revoke a decision to cancel a permit or consent not exercised for a specified period of time (*see* **section 166(3)** of this Act and **section 181 of the Natural Environment Act 2025**):

Existing use certificates

(i) a decision ~~on issuing or revoking~~to issue or revoke an existing use certificate (*see* **section 179(9)** of this Act and **section 201(2) of the Natural Environment Act 2025**):

Extension of time periods

(ia) a decision to extend a time period on the basis of special circumstances (*see* **section 284(6)** of this Act):

Designations

(ib) a decision to decline a request for permission to undertake work on designated land or to give permission subject to conditions (*see* **clause 44 of Schedule 5** of this Act):

(j) a decision to decline a designating authority's application for a longer lapse period of a designation (*see* **clause 49(5) of Schedule 5**):

(k) a decision to decline an application to notify a proposed designation in a draft spatial plan (*see* **clause 33(4) of Schedule 5**):

Other matters

(ka) a decision relating to regulatory relief (*see* **clauses 74(5) and 76 of Schedule 3** of this Act):

~~(l) a request for additional charges or costs.~~

(l) a decision to require an additional fee (*see* **section 317B(3) of the Natural Environment Act 2025**).

Compare: 1993 No 69, ss 36(5), 91(3), 91C(2), 91F(2), 99(8), 357(1)(d), (3A), (6), (7), 357A(1)(a)(i), (ii), (iii), (v), 357B(a)

~~**15 Requests for further information or to commission report**~~

~~(1) A person applying for any of the matters listed in **subclause (2)** (the **applicant**) may apply to the tribunal to review a request and determine its reasonableness.~~

~~(2) The matters referred to in **subclause (1)** are —~~

~~(a) applications for permits or consents:~~

~~(b) requests for further information in relation to a private plan change:~~

~~(c) applications for designations.~~

~~(3) The tribunal may —~~

~~(a) confirm the request as the information requested is necessary; or~~

~~(b) amend the request as the tribunal sees fit; or~~

~~(c) order the local authority to proceed with the application without the information or report.~~

~~(4) If the tribunal confirms the request for information, the time remaining to respond to the request resumes from the date on which the application was filed with the tribunal.~~

15 Requests for further information or to commission report

(1) An applicant for a relevant consent, permit, or designation may apply to the tribunal to—

(a) review a local authority request for further information or the commissioning of a report relating to any matter listed in **subclause (2)**:

(b) determine whether the further information requested or the commissioned report has been adequately provided to the local authority.

(2) The request must relate to an application for a consent, permit, or designation (*see* **sections 119 and 120** of this Act and **sections 140 and 141 of the Natural Environment Act 2025**).

~~**16 Notification decisions**~~

~~*Application for review*~~

~~(1) Any person who qualifies as an applicant (*see* **subclause (8)**) may apply to the tribunal in the approved form to review that decision for any legal or procedural error as follows:~~

~~(a) if the permit or consent application or an application for a proposed designation was not publicly notified, any application for review must be filed within 25 working days after the substantive decision on the application is notified to the applicant; or~~

~~(b) if the permit or consent application or application for a proposed designation was publicly notified, any application for review must be filed within 15 working days of the decision is notified to the person seeking a consent, permit, or designation.~~

~~(2) The tribunal must not accept an application under **subclause (1)** if —~~

~~(a) the applicant has given permission in writing for the activity; or~~

~~(b) a national standard or rule in a plan specifies that notification is required or precluded for an activity of a particular kind.~~

~~*Orders that may be made by tribunal*~~

~~(3) The tribunal, after reviewing a notification decision, may make an order —~~

~~(a) to replace the local authority's notification decision with its own decision or provide other remedies to deal with the dispute:~~

~~(b) to remit the matter to the local authority for its reconsideration, with any directions considered necessary:~~

~~(c) to prevent the exercise of a permit or consent until the notification decision has been reconsidered:~~

~~(d) to specify any other matter to which the local authority must have regard when reconsidering its notification decision.~~

~~*Outcome of notification review*~~

~~(4) If the tribunal replaces the local authority's decision not to notify an application by requiring public notification or targeted notification, the applicant for the permit or consent and the local authority concerned must each comply within the applicable statutory time frame.~~

~~(5) If the tribunal overturns a decision to notify an application, it may also determine the relevant time frame for processing the non notified application or allow the local authority to make that determination in accordance with this Act.~~

~~(6) If the tribunal overturns a decision not to notify an application and resolves the dispute by imposing its own decision rather than requiring notification, the local authority and the applicant must abide by the decision of the tribunal.~~

~~(7) If the tribunal confirms the local authority's decision to notify or not to notify a permit or consent application or an application for a proposed designation, the matter must proceed within the statutory time frame and the consent holder is entitled to exercise the resulting permit or consent.~~

~~(8) To qualify as an **applicant**, for the purpose of this clause, a person must be —~~

~~(a) a qualifying resident (within the meaning (if any) in this Act; or~~

~~(b) resident in the region or district in which application is made for a permit, consent, or designation.~~

~~Compare:~~

16 Notification decisions

(1) An applicant for a consent, permit, or designation or a qualifying resident may, in accordance with the prescribed requirements (if any), apply to the tribunal to review a local authority's notification decision about an application for a permit, consent, or designation for any legal or procedural error.

(2) The tribunal must not accept an application under **subclause (1)** if—

(a) the applicant has given permission in writing for the activity; or

(b) the notification decision complies with a national standard or a relevant rule in a plan.

(3) A local authority may apply to the tribunal for an order to correct an error in any of its targeted notification decisions.

17 ~~Review if statutory time frame not complied with~~ Tribunal may resolve disputes about time frames

~~(1) An applicant for a permit or consent or a private plan change may apply to the tribunal to review the reasons for the application not being progressed in accordance with the relevant statutory time frame.~~

(1) An applicant for a permit, consent, or change request may apply to the tribunal to—

(a) review the reasons for the application not being progressed in accordance with the relevant statutory time frame; and

(b) hear and resolve disputes about the calculation of statutory time frames relating to the permit, consent, or change request.

(1A) The application for review may be filed only if the application for the permit, consent, or change request has not yet been determined by the local authority.

(2) An application must not be filed in the tribunal until after the expiry of the relevant statutory time frame.

~~(3) If alternative dispute resolution is not ordered, or does not result in the parties agreeing on a new time frame, the tribunal may make an order setting out a time frame within which the nominated steps must be completed.~~

~~18 Further use of alternative dispute resolution process~~

~~(1) In relation to any matter before it, the tribunal may refer the parties to an ADR process, including—~~

~~(a) by appointing, a person, who may be a member of the Planning Tribunal, to conduct a alternative dispute resolution process:~~

~~(b) referring the parties to the Environment Court's ADR process under **clause 60 of Schedule 9**.~~

~~(2) Regulations may prescribe the requirements for conducting an alternative dispute resolution process.~~

~~19 Review if local authority extends statutory time frame~~

~~(1) A person seeking a permit or consent for an activity may apply in the approved form to the tribunal to review a decision of the local authority to extend a statutory time frame for dealing with a permit or consent application.~~

~~(2) The tribunal may review the decision of the local authority if the extension granted was made on the basis of special circumstances.~~

~~Compare: 1991 No 69 ss 37, 37A~~

~~20 Regulations relating to excluded time frames~~

~~Regulations made under this Act in relation to the application, variation, or disapplication of time frames apply in relation to—~~

~~(a) actions to be taken by or in relation to the tribunal; or~~

~~(b) decisions made by the tribunal.~~

~~*Right of decision to decline permission for work on designated land*~~

~~**21 Review of designating authority's decision to decline permission**~~

~~(1) If a designating authority declines a request for permission to undertake work on designated land, or gives permission subject to conditions, the person requesting permission may apply to the tribunal to review the decision of the designating authority or of the conditions imposed.~~

~~(2) The tribunal must have regard to whether the decision of the designating authority —~~

~~(a) has caused, or is likely to cause, serious hardship to the person making the request:~~

~~(b) would render the designated land incapable of reasonable use:~~

~~(c) could be modified without wholly or partially nullifying the effect of the designation.~~

~~(3) The tribunal may confirm or reverse the decision of the designating authority or modify the decision as it thinks appropriate.~~

~~Compare: 1991 No 69 s 179~~

Declaratory jurisdiction

22 Interpretation of conditions

(1) Any person may apply to the tribunal in the approved form for a declaration as to the proper interpretation of the conditions of a permit or consent.

(1A) The tribunal may interpret any individual condition or set of conditions of a permit or consent.

(2) The tribunal, after considering an application lodged under **subclause (1)**, may—

(a) make the declaration requested by the applicant, with or without any modification; or

(b) make any other declaration that it considers necessary or desirable; or

(c) decline to make a declaration.

(3) Nothing in this clause affects the Environment Court's declaratory jurisdiction under **section 228**.

Compare: 1991 No 69 ss 310–313

~~*Regulatory relief*~~

~~**23 Review of decisions granting regulatory relief**~~

~~(1) The tribunal may review an objection lodged under **clause 74 of Schedule 3** against a local authority's decision in considering an application for a review under **clause 72 or 73** of that schedule.~~

~~(3) In undertaking such a review, the tribunal's primary considerations are whether the local authority has correctly applied the relief framework in the plan to the relevant property.~~

~~(4) In making a determination, the tribunal must—~~

~~(a) review whether the local authority has assessed the materiality of the impact of the specified rule on the relevant property in accordance with the relief framework included in the plan for the district or region; and~~

~~(b) consider whether an alternative relief mechanism would be more appropriate in the circumstances of the relevant property.~~

~~(5) If the tribunal concludes that the local authority did not apply its relief framework correctly, the tribunal may specify other relief, but only to the extent that what the tribunal specifies is available under the operative land use plan.~~

Dual jurisdiction

24 Review by Planning Tribunal or appeal to Environment Court

(1) A person may challenge certain decisions of a local authority by—

(a) applying for a review of the decision to the tribunal under this schedule; or

(b) appealing against the decision to the Environment Court under **section 154**.

(2) **Subclause (1)(a)** applies only if the application for a permit or consent—

(a) was dealt with on a non-notified basis; or

(b) was notified (whether by targeted or public notification), but no submissions were filed by any third party.

(3) The decisions by a local authority referred to in **subclause (1)** are those that relate to the following matters:

(a) a decision on a permit or consent application:

(b) a decision on an application to change or cancel a condition of a permit or consent:

(c) a decision on a review of the conditions of a permit or consent:

(d) a decision to issue a certificate of compliance:

(e) a decision on an application to vary or cancel a condition in a requirement in a consent notice.

(4) To avoid doubt, the tribunal must not review the merits of a decision of a local authority to—

(a) decline an application for a permit or consent:

(b) cancel ~~or substantively amend~~ a permit or consent.

(5) Any challenge to a decision of a kind described in **subclause (4)** may only be by way of an appeal to the Environment Court under **section 154**.

Compare: 1991 No 69 ss 120, 139, 221, 357, 357A

Procedural matters

25 Planning Tribunal's procedural powers

(1) ~~Subject to matters of procedure prescribed by regulations made under this Act, or directed by an applicable practice note issued by the tribunal, the~~ The tribunal must regulate its own procedure in a way that best promotes the timely and efficient resolution of the matters within its jurisdiction.

(2) There is a presumption that the tribunal will make a decision on the basis of the same evidentiary and legal considerations that were before the local authority, and that a hearing is not required.

(3) However, the tribunal may, in the interests of justice and for the purpose of determining a matter before it,—

(a) on its own initiative,—

(i) request and take into account any relevant evidence or reports of investigations and inquiries as it thinks fit, whether or not the evidence or reports would be admissible in a court of law:

(ii) commission expert opinion ~~or appoint an expert adviser~~:

(iii) request further information that the tribunal considers is necessary to determining a matter:

(b) at the request of an applicant or the local authority, allow further information to be provided to the tribunal:

(c) specify the time frame within which that information must be provided to the tribunal and circulated to the parties.

(3A) The chairperson may appoint advisors to assist the tribunal.

(4) If the tribunal exercises the power described in **subclause ~~(5)(a)~~ (3)(a)**, it must disclose the evidence or reports it receives to all parties and provide them with an opportunity to comment on the material.

(5) The chairperson may issue practice notes for any type of proceedings dealt with by the tribunal for the guidance of other members of the tribunal, officers of the tribunal, and parties before the tribunal.

(6) The tribunal's power to regulate its own procedure and the chairperson's power to issue practice notes are subject to matters of procedure prescribed by regulations made under this Act.

Compare: 1991 No 69 s 270

26 Planning Tribunal's decisions to be in writing ~~and published~~

Every decision and report, recommendation, determination, or order made by the tribunal must be given in writing and with reasons.

Compare: 1991 No 69 s 297

27 How to commence proceedings in Planning Tribunal

(1) A person wishing to access the tribunal's jurisdiction must file an application in the approved form, together with all relevant evidence, any other documentation required by regulations, and the prescribed fee.

(1A) An application must be filed within—

(a) the time frame prescribed by regulations for an application of that kind or class; or

(b) in the absence of a prescribed time frame, 15 working days after the date of the local authority's decision to which the application relates.

(2) At the same time as the application is filed, the applicant must serve a copy of the application on the relevant local authority.

(3) If a local authority files an application for a declaration as to the interpretation of ~~a permit or consent, or of~~ the conditions of a permit of consent, it must serve a copy of the application on the holder of the relevant permit or consent.

(4) ~~If an applicant for review of a notification decision files an application outside the time specified in **clause 16(1)**, the~~ The chairperson ~~of the tribunal~~, on written request by ~~the~~ an applicant, may—

(a) accept ~~the~~ an application, despite it being made later than the statutory time for filing; and

(b) may extend any other time frame specified in this Act.

(5) If a ~~third party~~ person entitled to apply under **clause 16(1)** files an application for review of a notification decision, the application must be served on the local authority and the permit or consent holder at the time it is filed with the tribunal.

(6) If a local authority is served with an application under this clause, it must, within 5 working days after being served, provide to the tribunal the file relating to the application and any other information relevant to the proceeding and serve a copy of its reply on the applicant or objector.

28 Hearings and rehearings

Hearing

(1) The tribunal is not required to hold a hearing, in light of the presumption that matters coming before the tribunal will be determined—

(a) without a hearing; and

(b) on the basis of the evidence filed with the tribunal.

(2) However, the chairperson ~~of the tribunal~~ may give notice to the parties, in accordance with any prescribed requirements, if, in the opinion of the chairperson and on the advice of the adjudicator appointed to determine the application, a hearing—

(a) is required in the interests of justice; ~~and~~ or

(aa) is appropriate because of the technical or legal complexity of the matter; or

(b) is requested by 1 or more of the parties and agreed by the adjudicator.

Rehearing

(2A) Any party may apply to the tribunal for a rehearing of the proceedings if, after the tribunal gives a decision,—

(a) new and important evidence becomes available that might have affected the decision; or

(b) there has been a change in circumstances that might have affected the decision.

(3) An application for a rehearing must be lodged with the Registrar not later than 5 working days after the date of a decision, or within any further time ~~allowed by the Tribunal~~ that the tribunal allows.

(3A) If the tribunal receives an application under **subclause (2A)**,—

(a) the Registrar must give notice to the other parties concerned and the tribunal may hear any evidence that it thinks fit; and

(b) the chairperson must decide whether to order a rehearing of the whole or part of the proceedings and may order a rehearing on any terms and conditions that they think reasonable.

~~(4) The Registrar must send a copy of an application for a rehearing by to the other parties to the proceedings as soon as practicable after it is lodged with the Registrar.~~

~~(5) If the chairperson of the tribunal considers that a rehearing is required in the interests of justice, the chairperson may order a rehearing of the whole or a part of the proceedings by the tribunal.~~

~~(6) The provisions of this clause apply if a rehearing is ordered under **subclause (5)**.~~

~~Compare:~~

29 Legal representation at hearings

~~If a hearing is ordered by the adjudicator, the adjudicator may also direct that representation by legal counsel or other person is permitted, if that is required —~~

~~(a) in the interests of justice; or~~

~~(b) because the matter requires a level of expertise that the parties themselves do not have.~~

If a hearing is ordered under **clause 28**, representation by legal counsel or other person is permitted.

30 Orders to protect sensitive information

(1) Whether or not a hearing is conducted, the tribunal may make orders to prevent publication or disclosure by other means of any part of the evidence given in a proceeding before it that is private information or information that should not be disclosed, subject to any conditions that the tribunal considers appropriate.

(2) A person who breaches an order made under this ~~section~~ clause is liable on conviction to a fine not exceeding $3,000.

Compare: 1988 No 110 s 20A

31 Power to strike out proceedings

~~(1) A person applying for a permit or consent and any person with a direct interest in the matter (the **applicant**), may apply for an order to strike out a proceeding or 1 or more of any conditions of a permit or consent granted by a local authority.~~

The tribunal may strike out an application for review, in whole or in part, if it is satisfied that the application—

(a) is not within the Tribunal's jurisdiction; or

(b) discloses no reasonable cause of action; or

(c) is likely to cause undue prejudice or delay; or

(d) is frivolous, vexatious, or been brought in bad faith; or

(e) is otherwise an abuse of process.

~~32 Planning Tribunal may order costs~~

~~(1) If, in the opinion of the tribunal, a proceeding is frivolous or vexatious, the tribunal may make any of the following costs orders against that party:~~

~~(a) an order requiring that party to pay to another party the costs and expenses incurred by the other party that the tribunal considers reasonable:~~

~~(b) an order that requires an applicant to pay the costs and expenses incurred by a consent authority or local authority in assisting the tribunal in rela-~~

~~tion to any report required by the tribunal in respect of the matter before it, if the tribunal considers the costs and expenses reasonable.~~

~~(2) The tribunal may order a party to pay to another party the costs, or part of the costs, of that party in connection with the proceedings if, in the opinion of the tribunal, a party has—~~

~~(a) lodged a proceeding knowing that it is not within the tribunal's jurisdiction; or~~

~~(b) unnecessarily prolonged the proceeding by conduct intended to impede the prompt resolution of the matter.~~

~~(3) The tribunal may order a party to pay to another party or the Crown any costs and expenses incurred by the other party or the Crown for conduct such as—~~

~~(a) failing to proceed with an order given by the tribunal:~~

~~(b) failing to give adequate notice that the matter is to be abandoned or delayed:~~

~~(c) prolonging the proceedings unnecessarily.~~

~~Compare: 1988 No 110 s 20A~~

32 Tribunal may order costs

(1) The tribunal may award costs that it considers reasonable to or against any party to proceedings before it.

(2) The tribunal may award costs if, in its opinion,—

(a) the proceedings are frivolous or vexatious or ought not to have been brought; or

(b) a party has lodged a proceeding knowing that it is not within the tribunal's jurisdiction; or

(c) a party has unnecessarily prolonged the proceeding by conduct intended to impede the prompt resolution of the matter; or

(d) a party has failed to proceed with an order given by the tribunal; or

(e) a party has failed to give adequate notice that the matter is to be abandoned or delayed.

(3) The tribunal may order a party to pay to another party or the Crown any costs and expenses incurred by the other party or the Crown for conduct referred to in **subclause (2)(c) to (e)**.

32A Enforcing orders for costs

An order for costs made by the tribunal may be filed in the District Court at the office of the court named in the order and then becomes enforceable as a judgment of the District Court in its civil jurisdiction.

32B Contempt of tribunal

A person commits an offence and is liable on conviction to a fine not exceeding $1,000 if the person—

(a) wilfully insults or obstructs a member or officer of the tribunal or any witness during a sitting of the tribunal or while the member, officer, or witness is going to, or returning from, a sitting of the tribunal; or

(b) wilfully insults or obstructs any person in attendance at a sitting of the tribunal; or

(c) wilfully interrupts, or otherwise misbehaves at, a sitting of the tribunal; or

(d) wilfully and without lawful excuse disobeys any order or direction of the tribunal in the course of any hearing of any proceedings.

32C Use of ADR process

(1) In relation to any matter before it, the tribunal may refer the parties to an ADR process, including—

(a) by appointing a person, who may be a member of the Planning Tribunal, to conduct an ADR process:

(b) referring the parties to the Environment Court's ADR process under **clause 59 of Schedule 9**.

(2) Regulations may prescribe the requirements for conducting an ADR process.

33 Planning Tribunal may transfer proceeding ~~to Environment Court~~

(1) The chairperson ~~of the tribunal~~, in relation to a matter filed in the tribunal, may make an order to transfer a proceeding to the Environment Court or to any other court of competent jurisdiction if—

(a) the matter is not within the jurisdiction of the tribunal; or

(b) the matter is of such complexity, factually or legally, that the matter cannot be resolved in a fair or timely way by the tribunal; or

(c) the matter is more appropriate to the jurisdiction of the Environment Court or other court.

(2) The Chief Judge of the Environment Court must agree before the chairperson ~~of the tribunal~~ may make a transfer order under **subclause (1)**.

~~(3) If there is a challenge to the jurisdiction of the chairperson of the tribunal to make an order under **subclause (1)**, the Chief Judge of the Environment Court may make that order if the judge considers that the matter would be more appropriately determined by the Environment Court.~~

(3) The Environment Court or other court has the same power, duty, and discretion, in respect of a matter that is the subject of the transfer, as the tribunal.

33A Tribunal to apply regulations relating to excluded time frames

(1) This clause applies if the tribunal considers the application, variation, or disapplication of statutory time frames that relate to—

(a) actions to be taken by or in relation to the tribunal in accordance with regulations; or

(b) decisions made by the tribunal.

(2) The tribunal must decide the application, variation, or disapplication of those statutory time frames in accordance with regulations (including regulations made under **section 282** of this Act or **section 308 of the Natural Environment Act 2025**).

Appeal and review

34 Jurisdiction to appeal against decisions of Planning Tribunal

(1) ~~Except as provided in **subclause (2)**, a~~ A person who wishes to challenge a decision of the tribunal made under this schedule—

(a) may appeal against that decision to the Environment Court, but only on a ~~point~~ question of law; and

(b) must file any appeal in the Environment Court not later than 15 working days after the notification of the decision by the tribunal.

(2) However, the right of appeal against the tribunal's review of a notification decision (*see* **clause 16**)~~,~~ is to the High Court and is limited to an appeal on ~~matters~~ a question of law.

~~(3) There is a right of appeal to the High Court against the tribunal's decision on a notification review, but only on a point of law.~~

(4) There is no right of appeal against the Environment Court's decision on an appeal against a decision of the tribunal (*see* **clause ~~74~~ 77(1A) of Schedule 9**).

35 Review of decisions of Planning Tribunal

(1) There is a right to apply to the High Court for judicial review against a decision of the tribunal, but only after the right of appeal to the Environment Court has been exercised by the applicant and the court has made a decision.

(2) In the case of a notification review (*see* **clause ~~44~~ 16**), if an applicant lodges both an appeal against a decision of the tribunal and an application for judicial review in the High Court, the applicant must lodge those proceedings together.

(3) If applications are lodged together in accordance with **subclause (2)**, the High Court must try to hear both proceedings together, unless the court considers it impracticable to do so in the circumstances of the particular case.

Compare: 1991 No 69 s 296 Schedule 1 cl 57

Regulations

36 Regulations

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister ~~and with the concurrence of the Chief Environment Court Judge~~, make regulations—

~~(a) prescribing the practice and procedure of the tribunal, its fees, and any other administrative matter applying to it; and~~

(a) requiring the payment of fees in connection with the tribunal and providing for the waiver of fees; and

(b) prescribing the administrative matters necessary for carrying out the purpose and functions of the tribunal and its chairperson, adjudicators, and Registrar.

(2) Regulations made under this clause are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Tribunal rules

37 Rules of practice and procedure

(1) The Governor-General may, by Order in Council, make rules regulating the practice and procedure of the tribunal in the exercise of its jurisdiction—

(a) under this Act:

(b) under any other Act.

(2) Rules made under **subclause (1)** may be made only with the concurrence of the Chief Environment Court Judge and the chairperson of the tribunal.

(3) Rules made under this clause are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Schedule 11
Amendments to other legislation

s 294

Part 1
Amendments to RMA commencing 1 month after Royal assent

Section 2

In section 2(1), insert in their appropriate alphabetical order:

specified transition date means has the meaning given in **clause 4(4) of Schedule 1** of the Planning Act **2025**

transitional national rule means a national standard that —

(a) is made under the Planning Act **2025** or the **Natural Environment Act 2025**; and

(b) is identified in that standard as a national rule that has legal effect during the transition period within the meaning of **clause 1 of Schedule 1** of the Planning Act **2025**

Section 9

In section 9(1) and (5), after "national environmental standard", insert "or transitional national rule".

Section 11

In section 11(1)(a), after "national environmental standard,", insert "a transitional national rule,".

Section 12

In section 12(1), (2), and (3), after "national environmental standard,", insert "a transitional national rule,".

In section 12(4)(b), after "national environmental standard", insert "or the transitional national rule".

In section 12(5), after "national environmental standard", insert "or transitional national rule".

Section 13

In section 13(1), after "national environmental standard,", insert "a transitional national rule,".

In section 13(2), after "national environmental standard,", insert ", a transitional national rule,".

Section 14

In section 14(1), after "national environmental standard,", insert ", a transitional national rule,".

In section 14(3)(a), after "national environmental standard,", insert "a transitional national rule,".

Section 15

In section 15(1), after "regulations,", insert "a transitional national rule,".

In section 15(2), after "national environmental standard", insert "or a transitional national rule,".

In section 15(2A)(a), after "regulations", insert "or a transitional national rule,".

Section 17

In section 17(1)(b), after "national environmental standard,", insert "a transitional national rule,".

New section 18B

After section 18A, insert:

18B Additional procedural principles

(1) This section applies to a person exercising a power or performing a function—

(a) during the transition period; and

(b) that relates to a decision on a resource consent.

(2) The person must take all practicable steps to—

(a) ensure that all documents are succinct and use plain language that can be readily understood by the public:

(b) act in a timely and cost-effective manner:

(c) act proportionately to the scale and significance of the matter:

(d) ensure that they have enough information to understand the implications of their decision (if any), after considering—

(i) the cost and feasibility of obtaining the information; and

(ii) the scale and significance of the matter to which the decision relates; and

(e) act in an enabling manner (for example, by being solutions focussed) that is consistent with the principles in **paragraphs (a) to (d)**.

(3) In this section, **transition period** has the meaning given in **section 1 of Schedule 1** of the Planning Act **2025**.

~~Section 32~~

~~In section 32(4), after "national environmental standard", insert "or transitional national rule".~~

~~In section 32(4), after "that standard", insert "or rule".~~

~~New section 43AA~~

~~After section 43A, insert:~~

~~43AA National environmental standards and transitional national rules~~

~~(1) A reference to a national environmental standard or a standard in sections 43B to 43E must be read as a reference to a national environmental standard or a transitional national rule.~~

~~(2) **Subsection (1)** applies to sections 43B to 43E with all necessary modifications.~~

~~(3) If there is a conflict between a national environmental standard and a transitional national rule, the rule prevails over the standard.~~

~~Section 43B~~

~~Before section 43B(1), insert:~~

~~(1AAA) This section is subject to **section 43AA**.~~

~~Section 43C~~

~~Before section 43C(1), insert:~~

~~(1AAA) This section is subject to **section 43AA**.~~

~~Section 43D~~

~~Before section 43D(1), insert:~~

~~(1AAA) This section is subject to **section 43AA**.~~

~~Section 43E~~

~~Before section 43E(1), insert:~~

~~(1AAA) This section is subject to **section 43AA**.~~

~~Section 58JA~~

~~In the heading to section 58JA, replace "**31 December 2027**" with "**specified transition date**".~~

~~In section 58JA, replace "31 December 2027" with "the specified transition date".~~

~~Section 79~~

~~Repeal section 79.~~

Subpart 5B heading in Part 5

In Part 5, in the subpart 5B heading, replace "31 December 2027" with "specified transition date".

Section 80O

In section 80O, definition of **exemption**, replace "31 December 2027" with "specified transition date".

Section 80P

In the heading to section 80P, replace "**31 December 2027**" with "**specified transition date**".

In section 80P(1), replace "31 December 2027" with "the specified transition date".

Section 95A

Repeal section 95A(9) and the heading above it.

Section 104

In section 104(1)(a), after "activity", insert "; subject to **subsection (1A)**".

After section 104(1)(b)(v), insert:

(va) a transitional national rule.

After section 104(1), insert:

(1A) A consent authority must not have regard to any of the following effects of allowing the activity:

(a) the internal and external layout of buildings on a site (for example, the provision of private open space):

(b) negative effects of development on trade competitors, including on competing providers of input goods and services:

(c) retail distribution effects:

(d) the demand for or financial viability of a project:

(e) the following matters:

(i) the type of residential use; and

(ii) the social and economic status of future residents of a new development:

(f) views from private property:

(g) effects on landscape, excluding—

(i) areas of high natural character within the coastal environment, wetlands, lakes, rives, and their margins:

(ii) outstanding natural landscapes and features:

(iii) sites of significant historic heritage:

Section 104 *continued*

(iv) sites of significance to Maori:

(v) effects on natural hazards:

(vi) contaminated land.

(1B) When forming an opinion for the purposes of subsection (1)(a), the consent authority may disregard a national environmental standard or a plan or proposed plan to the extent that it regulates or purports to regulate an effect described in **subsection (1A)**.

(1C) If there is any conflict between a national environmental standard and a transitional national rule, the rule prevails.

(1D) The consent authority must consider the extent to which its decision on a resource consent application is consistent with —

(a) any relevant regional spatial plan; or

(b) any relevant future development strategy published before the notification of that plan.

Sections 108A and 109

Replace sections 108A and 109 with:

109 Local authority, consent authority, or EPA may require financial assurance

(1) A local authority, a consent authority, or the EPA may require a person undertaking a particular activity to provide a financial assurance.

(2) A consent authority may include a condition in a resource consent that requires a person undertaking a particular activity to provide a financial assurance.

(3) The purpose of a financial assurance is to provide security for the costs and expenses of remediation or clean-up in connection with a particular activity.

(4) If the local authority, consent authority, or the EPA requires a person to provide a financial assurance, the local authority, the consent authority, or the EPA must notify the person in writing of the form and amount of the financial assurance.

(5) If a person is given notice under **subsection (4)**, the person must provide the financial assurance within a period, not less than 30 working days, to be specified by the local authority, the consent authority, or the EPA.

Compare: 2023 No 46 s 674

109A Form of financial assurance

(1) A local authority, a consent authority, or the EPA may require a financial assurance to be provided —

(a) as a bond; or

Sections 108A and 109 *continued*

(b) as a form of insurance; or

(c) in any other form specified by the local authority or the EPA.

(2) **Sections 109B and 109C** apply in relation to bonds under this section.

Compare: 2023 No 46 s 675

109B Bonds

(1) A bond may be given for the performance of any 1 or more conditions the local authority, the consent authority, or the EPA considers appropriate and may continue after the expiry of the resource consent or other permission to secure the ongoing performance of conditions relating to long-term effects, including—

(a) a condition relating to the alteration or removal of structures:

(b) a condition relating to remedial, restoration, or maintenance work:

(c) a condition providing for ongoing monitoring of long-term effects.

(2) A condition describing the terms of the bond to be entered into may—

(a) require that the bond be given before the resource consent or permission is exercised or at any other time:

(b) require that **section 109C** apply to the bond:

(c) provide that the liability of the holder of the resource consent or permission not be limited to the amount of the bond:

(d) require the bond to be given to secure performance of conditions of the consent, including conditions relating to any adverse effects on the environment that become apparent during or after the expiry of the consent or permission:

(e) require the holder of the resource consent or permission to provide any security that the local authority, the consent authority, or the EPA thinks fit for the performance of any condition of the bond:

(f) require the holder of the resource consent or permission to provide a guarantor (acceptable to the local authority, the consent authority, or the EPA) to bind itself to pay for the carrying out of a condition in the event of a default by the holder or the occurrence of an adverse environmental effect requiring remedy:

(g) provide that the bond may be varied or cancelled or renewed at any time by agreement between the holder and the local authority, the consent authority, or the EPA.

(3) If a local authority, a consent authority, or the EPA considers that an adverse effect may continue or arise at any time after the expiration of a resource consent or permission granted by it, the local authority, the consent authority, or

Sections 108A and 109 *continued*

the EPA may require that a bond continue for a specified period that the local authority, the consent authority, or the EPA thinks fit.

Compare: 2023 No 46 s 676; 1991 No 69 s 108A

109C Special provisions in respect of bonds

(1) A bond given under **section 109B** in respect of a land use consent or subdivision consent, and any other bond to which this subsection is applied as a condition of the consent,—

(a) is to be treated as an instrument creating an interest in the land within the meaning of section 51 of the Land Transfer Act 2017, and may be registered accordingly; and

(b) when registered under the Land Transfer Act 2017, is a covenant running with the land and, despite anything to the contrary in that Act, binds all subsequent owners of the land.

(2) If the registered bond is varied, cancelled, or expires, the Registrar-General of Land must make an appropriate entry in the register and on any relevant instrument of title noting that the bond has been varied or cancelled or has expired, and the bond takes effect as so varied or ceases to have any effect, as the case may be.

(3) If the bond has been given in respect of the completion of any work, or for the purposes of ascertaining whether the work has been completed to the satisfaction of the local authority, the consent authority, or the EPA may from time to time, under section 171 of the Local Government Act 2002, enter on the land where the work is required to be, is being, or has been carried out.

(4) If the holder fails, within the period prescribed by the resource consent or other permission (or within any further period that the local authority, the consent authority, or the EPA may allow), to complete, to the satisfaction of the local authority, the consent authority, or the EPA, any work in respect of which any bond is given (including completion of any interim monitoring required),—

(a) the local authority, the consent authority, or the EPA may enter on the land and complete the work and recover the cost of the work from the holder out of any money or securities deposited with the local authority, the consent authority, or the EPA or money paid by a guarantor, so far as the money or securities will extend; and

(b) on completion of the work to the satisfaction of the local authority, the consent authority, or the EPA, any money or securities remaining in the hands of the local authority, the consent authority, or the EPA after payment of the cost of the works must be returned to the holder or the guarantor, as the case may be.

(5) If the cost of any work done by the local authority, the consent authority, or the EPA under **subsection (4)** exceeds the amount recovered by the local author-

Sections 108A and 109 *continued*

ity, the consent authority, or the EPA under that subsection, the amount of that excess is a debt due to the local authority, the consent authority, or the EPA by the holder, and becomes a charge on the land.

(6) The provisions of this **Part** continue to apply despite the entry into, or subsequent variation or cancellation of, any bond.

Compare: 2023 No 46 s 677

109D Amount of financial assurance

The local authority, the consent authority, or the EPA may determine the amount of a financial assurance, having regard to—

(a) a reasonable estimate of the costs and expenses of remediation or clean-up activities for the particular activity; and

(b) any method for calculating the amount of financial assurances published by the local authority, the consent authority, or the EPA; and

(c) any independent assessment obtained by the local authority, the consent authority, or the EPA; and

(d) any guidance issued by the chief executive of the Ministry for the Environment.

Compare: 2023 No 46 s 678

109E Independent assessment of amount of financial assurance

(1) For the purpose of determining the amount of a financial assurance, the local authority, the consent authority, or the EPA may require a person to provide an independent assessment of a matter within a period specified by the local authority, the consent authority, or the EPA.

(2) If the local authority, the consent authority, or the EPA requires a person to provide an independent assessment under **subsection (1)**, the person must pay any costs associated with obtaining the independent assessment.

(3) An independent assessment required by the local authority, the consent authority, or the EPA under **subsection (1)** must be conducted by a suitably qualified person.

Compare: 2023 No 46 s 679

109F Method for calculating financial assurance amount

(1) The local authority, the consent authority, or the EPA may publish a method for calculating financial assurance amounts.

(2) The method takes effect on the day notice is published or on any later day if specified in the notice.

Sections 108A and 109 *continued*

(3) The local authority, the consent authority, or the EPA must publish the method on the internet site of the local authority, the consent authority, or the EPA, as the case may be.

Compare: 2023 No 46 s 680

109G Costs associated with financial assurance

A person who is required to provide a financial assurance is responsible for all reasonable costs incurred by the local authority, the consent authority, or the EPA that are associated with —

(a) providing the financial assurance; and

(b) determining the form and amount of a financial assurance.

Compare: 2023 No 46 s 681

109H Local authority, consent authority, or EPA may review financial assurance

(1) The local authority, the consent authority, or the EPA may review —

(a) the requirement for a person to provide a financial assurance:

(b) the amount of a financial assurance:

(c) the form of a financial assurance.

(2) The local authority, the consent authority, or the EPA may review a financial assurance in any case or class of cases prescribed by regulations.

Compare: 2023 No 46 s 682

109I Local authority, consent authority, or EPA may amend financial assurance

(1) The local authority, the consent authority, or the EPA may, subject to **subsection (2)**, amend —

(a) the form of a financial assurance:

(b) the amount of a financial assurance:

(c) the form and the amount of a financial assurance.

(2) If, following a review, the local authority, the consent authority, or the EPA proposes to amend a financial assurance, the local authority, the consent authority, or the EPA must —

(a) notify in writing the person who provided the financial assurance; and

(b) invite the person who provided the financial assurance to make a submission on the proposed amendment, within 20 working days after the date of notice; and

(c) consider any submissions from the person who provided the financial assurance.

Sections 108A and 109 *continued*

(3) If the local authority, the consent authority, or the EPA decides to amend a financial assurance, the local authority, the consent authority, or the EPA must notify the person in writing of the decision.

(4) On amending a financial assurance, the local authority, the consent authority, or the EPA —

(a) may make any changes the local authority, the consent authority, or the EPA considers necessary to implement that amendment in an instrument or a document; and

(b) despite anything to the contrary in this Act, may make any changes the local authority, the consent authority, or the EPA considers necessary to implement the amendment in a resource consent or other permission under this Act by complying only with this section.

(5) If a person is given notice under **subsection (3)** and is required to provide a further form, amount, or form and amount of a financial assurance, the person must provide the further requirement within a period, not less than 30 working days, to be specified by the local authority, the consent authority, or the EPA.

Compare: 2023 No 46 s 683

109J Local authority, consent authority, or EPA may make claim on financial assurance

(1) This section applies if —

(a) the local authority, the consent authority, or the EPA determines that the person who provided a financial assurance has failed to conduct the remediation or clean up activities required by this Act or regulations made under a relevant empowering provision in this Act; or

(b) the local authority, the consent authority, or the EPA has exercised clean-up powers in connection with the particular activity that the financial assurance was provided in relation to.

(2) The local authority, the consent authority, or the EPA may make a claim on a financial assurance for any reasonable costs incurred, or that the local authority, the consent authority, or the EPA considers are likely to be incurred, by the local authority, the consent authority, or the EPA in conducting the remediation or clean-up activities.

(3) The local authority, the consent authority, or the EPA may make a claim on a financial assurance with respect to a power specified in **subsection (1)(b)** whether or not any costs incurred by the local authority, the consent authority, or the EPA in conducting the remediation or clean-up activities are the result of an act or omission before the financial assurance was provided.

(4) If the local authority, the consent authority, or the EPA makes a claim under this section and the costs incurred by the local authority, the consent authority,

Sections 108A and 109 *continued*

or the EPA in conducting the remediation or clean-up activities exceed the amount of the financial assurance, the local authority, the consent authority, or the EPA may recover as a debt due to the Crown in a court of competent jurisdiction any reasonable costs incurred by the local authority, the consent authority, or the EPA in conducting the remediation or clean-up activities.

(5) If the local authority, the consent authority, or the EPA makes a claim under this section, nothing in this **Part** prevents the local authority, the consent authority, or the EPA from making a further claim for reasonable costs incurred, or that the local authority, the consent authority, or the EPA considers are likely to be incurred, in conducting clean-up or remediation activities.

(6) Any money recovered under this section is to be paid to the local authority, the consent authority, or the EPA.

Compare: 2023 No 46 s 684

109K Procedure for claim on financial assurance in the event of person's failure to remediate or clean up

(1) Before the local authority, the consent authority, or the EPA makes a claim on a financial assurance for a matter specified in **section 109J**, the local authority, the consent authority, or the EPA must —

(a) notify in writing the person who provided the financial assurance; and

(b) invite the person who provided the financial assurance to make a submission on the local authority's, the consent authority's, or the EPA's intention to make a claim within 20 working days of the date of the notice; and

(c) consider any submissions made within the period specified in **paragraph (b)**.

(2) The local authority, the consent authority, or the EPA may proceed with the claim 10 working days after the day the local authority, the consent authority, or the EPA receives any submissions or within the period specified in **subsection (1)(b)**, whichever occurs first.

(3) The local authority, the consent authority, or the EPA must notify the person who provided the financial assurance of a decision under **subsection (2)** in writing within 5 working days after the day of the decision.

Compare: 2023 No 46 s 685

109L Procedure for claim on financial assurance in the event of immediate or serious risk

If the local authority, the consent authority, or the EPA makes a claim on a financial assurance for a matter specified in **section 109J** that involves an immediate or serious risk to life or the environment, the local authority, the consent authority, or the EPA must —

Sections 108A and 109 *continued*

(a) notify the person who provided the financial assurance in writing within 10 working days of the date of the claim; and

(b) give reasons for making the claim.

Compare: 2023 No 46 s 686

109M Notice to replenish financial assurance

(1) If the local authority, the consent authority, or the EPA makes a claim on a financial assurance, the local authority, the consent authority, or the EPA may require the person who provided the financial assurance to replenish the amount of the financial assurance by giving notice in writing.

(2) A notice under **subsection (1)** must set out the amount the person is required to provide to replenish the amount of the financial assurance consequent to the claim.

(3) If a person is given notice under **subsection (1)**, the person must provide the amount required to replenish the financial assurance within a period, not less than 30 working days, to be specified by the local authority, the consent authority, or the EPA.

Compare: 2023 No 46 s 687

109N Specified conditions for release of financial assurance

(1) The local authority, the consent authority, or the EPA must release all or part of a financial assurance (as the case requires) in any case or class of cases prescribed by the national planning framework.

(2) If the local authority, the consent authority, or the EPA releases all or part of a financial assurance, the local authority, the consent authority, or the EPA must notify the person who provided the financial assurance in writing.

Compare: 2023 No 46 s 688

109O Application for release of financial assurance

(1) A person who provides a financial assurance under this **subpart** may apply at any time to the local authority, the consent authority, or the EPA for the release of all or part of the financial assurance.

(2) In considering an application under **subsection (1)**, the local authority, the consent authority, or the EPA must —

(a) have regard to the prescribed risk assessment criteria (if any); and

(b) notify the person of the local authority's, the consent authority's, or the EPA's decision within 40 working days after the date the application is received.

(3) If, in considering an application under **subsection (1)**, the local authority, the consent authority, or the EPA determines that further information is required, the local authority, the consent authority, or the EPA may —

Sections 108A and 109 *continued*

(a) request the person to provide further information; and

(b) extend the period specified in **subsection (2)(b)**.

Compare: 2023 No 46 s 689

109P Transfer of financial assurance

(1) The local authority, the consent authority, or the EPA may transfer a financial assurance if—

(a) a person is required to provide a financial assurance under **section 109**; and

(b) that financial assurance may be released or partly released to the person under **section 109N or 109O**; and

(c) the person is required to provide another financial assurance under **section 109**.

(2) The local authority, the consent authority, or the EPA must notify the person in writing of a decision to transfer a financial assurance.

(3) On transferring a financial assurance, the local authority, the consent authority, or the EPA may make any changes the local authority, the consent authority, or the EPA considers necessary to implement the transfer in an instrument or a document.

(4) If a person is given notice under **subsection (2)** and is required to provide a further amount as a financial assurance, the person must provide the further amount of the financial assurance within a period, not less than 30 working days, to be specified by the local authority, the consent authority, or the EPA.

Compare: 2023 No 46 s 690

109Q Enforcement of financial assurance

(1) A person must not refuse or fail to do any of the following within the specified period:

(a) provide a financial assurance:

(b) provide a further amount as a financial assurance following amendment by the local authority, the consent authority, or the EPA:

(c) replenish the amount of a financial assurance consequent to a claim on the financial assurance.

(2) If a person refuses or fails to fulfil a requirement specified in **subsection (1)** when it is due, the local authority, the consent authority, or the EPA may suspend the relevant resource consent or other permission until the person fulfils the requirement.

Compare: 2023 No 46 s 691

Sections 108A and 109 *continued*

Adverse publicity orders

109R Adverse publicity orders

(1) An order under this section (an **adverse publicity order**) to address non-compliance with this Act may—

(a) be made by the Environment Court in enforcement proceedings on application by the local authority or the EPA; or

(b) be made by the District Court in proceedings in that court for an offence under this Act on application by the prosecutor; or

(c) be offered by the consent holder as part of an enforceable undertaking.

(2) An adverse publicity order may require the consent holder or another person involved in the commission of the non-compliance to do 1 or more of the following:

(a) take any specified action to publicise—

(i) the non-compliance:

(ii) any impacts on human health or the environment or other consequences arising or resulting from the non-compliance:

(iii) if applicable, any penalties imposed, or other orders made, by the court as a result of the commission of the non-compliance:

(iv) any specified additional information:

(b) take any specified action to notify a specified person or class of persons of the matters listed in **paragraph (a)**.

(3) Any person against whom an adverse publicity order is made by the Environment Court or District Court may appeal to the High Court against the whole or any part of the order.

(4) Notice of an appeal must be in the prescribed form and must—

(a) state the reasons for the appeal and the relief sought; and

(b) state any matters required by regulations; and

(c) be lodged with the Environment Court and served on the consent holder and the local authority or the EPA (as applicable) within 15 working days after service of the order on the appellant.

(5) The High Court may confirm or reverse the order appealed against or modify the order in any manner that the court thinks fit.

(6) If any question arises as to whether non-compliance with this Act has been established, the question must be determined on the balance of probabilities.

(7) If an appeal is lodged against an adverse publicity order, the order is stayed until the appeal is determined.

Sections 108A and 109 *continued*

(8) In this section, **non-compliance** includes alleged non-compliance in the case of an enforceable undertaking.

Compare: 2023 No 46 s 673

Section 168A

After section 168A(2A), insert:

(2B) When considering a requirement and any submissions received, a territorial authority must have regard to a transitional national rule under the Planning Act **2025**.

After section 168A(3)(a)(i), insert:

(ia) a transitional national rule under the Planning Act **2025** or the **Natural Environment Act 2025**, as applicable.

(3B) Despite **subsection (2B)**, when considering the effects on the environment of allowing the requirement under subsection (3), the territorial authority must not have regard to any effects described in **section 104(1A)**.

Section 171

After section 171(1)(a)(i), insert:

(ia) a transitional national rule under the Planning Act **2025**:

After section 171(1B), insert:

(1C) Despite subsection (1B), when considering the effects on the environment of allowing the requirement under subsection (3), the territorial authority must not have regard to any effects described in **section 104(1A)**.

(1D) If there is any conflict between a national environmental standard and a transitional national rule, the rule prevails.

Section 332

In section 332(1), after "dwellinghouse", insert "or marae".

Replace section 332(2) with:

(2) An enforcement officer may—

(a) collect records of their inspection (including measurements, notes, sketches, drawings, photographs, and video recordings); and

(b) take samples of water, air, soil, or organic matter.

After section 332(6), insert:

(7) In this section, **enforcement officer** means a person appointed by a local authority or the EPA to perform and exercise the functions, powers, or duties of an enforcement office under this section.

Section 334

Replace section 334(1) with:

(1) An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) who, on an application made by a constable or enforcement officer in the manner provided in subpart 3 of Part 4 of that Act, may issue a warrant authorising the entry and search of any place or vehicle if satisfied that there is reasonable ground for believing that there is in, on, under, or over any place or vehicle anything—

(a) in respect of which an offence has been or is suspected of having been committed against this Act or regulations made under this Act that is punishable by imprisonment; or

(b) that there is reasonable ground to believe will be evidence of an offence against this Act or regulations that is punishable by imprisonment; or

(c) that there is reasonable ground to believe is intended to be used for the purpose of committing an offence against this Act or regulations that is punishable by imprisonment.

Section 335

Replace section 335 with:

335 Direction and execution of warrant for entry for search

(1) If a warrant authorises the entry and search of a dwellinghouse or marae, it must be directed to and executed by any constable generally.

(2) Except as provided in **subsection (1)**, every search warrant issued under **section 334** must be directed to any constable generally or enforcement officer generally.

(3) An enforcement officer must be accompanied by a constable during the initial entry of the place or vehicle to be searched.

(4) Subject to the agreement of the enforcement officer, the constable may leave the place or vehicle at any time after the initial execution of the search warrant.

Compare: 2023 No 46 s 731; 1991 No 69 s 335

Section 338

After section 338(1)(d), insert:

(e) an adverse publicity order under **section 109R**.

Section 339

Replace section 339(1) with:

(1) A person who commits an offence against section 338(1), (1A), or (1B) is liable on conviction,—

Section 339 *continued*

(a) in the case of a natural person, to imprisonment for a term not exceeding 18 months or a fine not exceeding $1,000,000:

(b) in the case of a person other than a natural person, to a fine not exceeding $10,000,000.

In section 339(2), replace "$10,000" with "$15,000".

In section 339(2), replace "$1,000" with "$1,500".

In section 339(3), replace "$1,500" with "$5,000".

Section 342A

Replace section 342A(2) with:

(2) A person must not —

(a) enter into, or offer to enter into, a contract described in **subsection (1)**; **or**

(b) through a contract of insurance —

(i) indemnify, or offer to indemnify, another person for the other person's liability to pay a fine or an infringement fee under this Act; **or**

(ii) be indemnified, or agree to be indemnified, by another person for that person's liability to pay a fine or an infringement fee under this Act; or

(iii) pay to another person, or receive from another person, an indemnity for a fine or an infringement fee under this Act.

Part 2

Amendments to RMA relating to Planning Tribunal commencing on appointed date (*see* Schedule 1 clause 34(1))

Section 2

In section 2(1), insert in its appropriate alphabetical order, —

Planning Tribunal means the Planning Tribunal established under **clause 2 of Schedule 10** of the Planning Act **2025**

Section 357

In the heading to section 357, after "**against**", insert "**or review of**".

In section 357(1), (6), and (7), replace "objection to the territorial authority" with "of review by the Planning Tribunal".

In section 357(3), replace "objection to the consent authority" with "review by the Planning Tribunal".

Section 357 *continued*

After section 357(9), insert:

(10) A right of review by the Planning Tribunal conferred by this section or section 357A—

(a) may be exercised by applying to the tribunal in the approved form in accordance with **Schedule 10** of the Planning Act **2025**; and

(b) when that application is made—

(i) sections 357C to 358 of this Act cease to apply to the person; and

(ii) **Schedule 10** of the Planning Act **2025** applies instead (with any necessary modifications).

Section 357A

In the heading to section 357A, replace "**consent authority against**" with "**or review of**".

In section 357A(1), replace "objection to a consent authority" with "review by a Planning Tribunal".

In section 357A(1)(a), replace "that authority" with "a consent authority".

Repeal section 357A(1)(e).

After section 357A(1), insert:

(1A) There is a right of objection to a consent authority, in respect of a decision of the authority under section 87E(5) to (6A), for a person who made a request under section 87D.

Part 3
Amendments to Local Government (Auckland Council) Act 2009 commencing at end of transition period

Section 45

In section 45(b)(ii), replace "requiring authority under section 167 of the Resource Management Act 1991" with "designating authority under **clause 10 of Schedule 5** of the Planning Act **2025**".

Section 47

In the heading to section 47, replace "**requiring authority**" with "**designating authority**".

In section 47(1), replace "requiring authority, as a network utility operator, under section 167 of the Resource Management Act 1991" with "designating authority and core infrastructure operator under **clause 10 of Schedule 5** of the Planning Act **2025**".

Section 47 — *continued*

In section 47(2), replace "Part 8 of the Resource Management Act 1991" with "**Schedule 5** of the Planning Act **2025**".

In section 47(2)(a), replace "network utility operation within the meaning of section 166 of that Act" with core infrastructure operation within the meaning of "**clause 10 of Schedule 5** of the Planning Act **2025**".

In section 47(3), replace "section 180(1) of the Resource Management Act 1991" with "clause 50(1) of Schedule 5 of the Planning Act **2025**".

Section 48

In section 48(3)(a), replace "section 186 of the Resource Management Act 1991" with "**clause 53(5) and (6) of Schedule 5** of the Planning Act **2025**".

Replace section 48(5) with:

(5) Subsection (4) prevails over **clauses 53 and 54(2) and (4) of Schedule 5** of the Planning Act **2025**

Part 4

Other Acts and further legislation amended (commencing on specified transition date (s2(1)(b)(vi))

Conservation Act 1987 (1987 No 65)

In section 17P(1), after "Resource Management Act 1991", insert ", the **Natural Environment Act 2025**, or the Planning Act **2025**".

In section 17P(2), after "Resource Management Act 1991", insert "and **sections 18 and 19** and **Schedule 7** of the Planning Act **2025**".

In section 39(6A)(a), after "Resource Management Act 1991", insert "or the **Natural Environment Act 2025**".

Replace section 39(6A)(b) with:

(b) allowed by —

(i) a national environmental standard as defined in section 2(1) of the Resource Management Act 1991; or

(ii) a national standard under **subpart 5 of Part 2 of the Natural Environment Act 2025**; or

In section 39(6A)(c), after "Resource Management Act 1991", insert "or the **Natural Environment Act 2025**".

Replace section 39(6A)(d) with:

(d) a permitted activity —

(i) in the relevant regional plan and any proposed regional plan, if there is one, under the Resource Management Act 1991; or

Conservation Act 1987 (1987 No 65) *continued*

(ii) in the relevant regional coastal plan and any proposed regional coastal plan, if there is one, under the **Natural Environment Act 2025**.

After section 39(6B), insert:

(6C) Subsection (6A) does not apply if the proposed regional coastal plan is notified under the **Natural Environment Act 2025** within the transitional period and has not come into effect within that period.

Crown Minerals Act 1991 (1991 No 70)

After section 41C(3)(aa)(iii), insert:

(iv) **Natural Environment Act 2025**; and

In section 61(3) and 61B(3),—

(a) after "Resource Management Act 1991", insert "or the **Natural Environment Act 2025**":

(b) replace "(as defined in section 2(1) of that Act)" with "(as defined in section 2(1) of the Resource Management Act 1991 or in **section 3 of the Natural Environment Act 2025**)".

In section 90E(3)(b)(ii), after "Resource Management Act 1991", insert "or the **Natural Environment Act 2025**".

Crown Organisations (Criminal Liability) Act 2002 (2002 No 37)

In section 8(5), replace "section 4(9) of the Resource Management Act 1991" with "**section 7(9) of the Natural Environment Act 2025** or **section 6** of the Planning Act **2025**".

Environment Act 1986 (1986 No 127)

In the Schedule, insert in their appropriate alphabetical order:

Natural Environment Act 2025

Planning Act **2025**

Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72)

After section 7(2)(k), insert:

(ka) **Natural Environment Act 2025**:

(kb) Planning Act **2025**:

Replace section 116(3) with:

(3) **Part 6** of the Planning Act **2025** applies as if the application were made under **section 234** of that Act.

Replace section 129(3) with:

Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72) *continued*

(3) **Part 6** of the Planning Act **2025** applies as if the application were made under **section 243** of that Act.

In section 131, replace "Sections 299 to 308 of the Resource Management Act 1991" with "**Clauses 79 to 88 of Schedule 4 of the Natural Environment Act 2025**".

In section 158(6), replace "section 279(3)(a) of the Resource Management Act 1991" with "**clause 17 of Schedule 4 of the Natural Environment Act 2025**".

In section 158(6), replace "section 279(3)(b) of the Resource Management Act 1991" with "**clause 17(1)(b) of Schedule 4 of the Natural Environment Act 2025**".

In section 158B(4), definition of **regulatory agency**, after paragraph (a), insert:

(aa) a permit authority as that term is defined in **section 3 of the Natural Environment Act 2025**:

Fast-track Approvals Act 2024 (2024 No 56)

In section 4(1), definition of **specified Act**, after paragraph (e), insert:

(ea) the **Natural Environment Act 2025**:

(eb) the Planning Act **2025**:

In section 4(1), definition of **specified Act**, repeal paragraph (g).

Replace section 4(2)(a) with:

(a) the **Natural Environment Act 2025** or the Planning Act **2025**, if they are defined in either of those Acts:

In section 4(2)(b), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or the Planning Act **2025**".

In section 13(4)(i), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** and the Planning Act **2025**".

In section 13(6), replace "notice of requirement" with "proposed designation".

In section 18(2)(e), after "Resource Management Act 1991", insert ", the **Natural Environment Act 2025**, or the Planning Act **2025**".

In section 21(5)(f), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** and the Planning Act **2025**".

In section 21(7), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or the Planning Act **2025**".

In section 22(2)(a)(i), replace "spatial strategy" with "regional spatial plan".

In section 22(2)(a)(iii), delete "(within the meaning of policy 1 of the National Policy Statement on Urban Development 2020)".

Fast-track Approvals Act 2024 (2024 No 56) *continued*

In section 22(2)(a)(x), replace "regional planning documents, including spatial strategies" with "natural environment planning documents, including regional spatial plans".

In section 23(1)(a), replace —

(a) "network utility operator" with "core infrastructure operator":

(b) "requiring authority" with "designating authority".

In section 42(4)(a) to (d) and (5)(a), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or the Planning Act **2025**".

In section 42(4)(d), replace "notice of requirement" with "proposed designation".

In section 89(2)(a), replace "district plan and any proposed district plan" with "land use plan and any proposed land use plan".

In Schedule 3, clause 5(1)(a), replace "notice of requirement" with "proposed designations".

In Schedule 3, clause 5(1)(a), after "Resource Management Act 1991", insert ", the **Natural Environment Act 2025**, or the Planning Act **2025**".

In the Schedule 5 heading, replace "**Resource Management Act 1991**" with "**Natural Environment Act 2025 and Planning Act 2025**".

In Schedule 5, clause 1, replace the definition of **coastal permit** with:

> **coastal permit** has the meaning given in **section 127(a) of the Natural Environment Act 2025**

In Schedule 5, clause 1, repeal the definition of **notice of requirement**.

In Schedule 5, clause 1, insert in its appropriate alphabetical order:

> **proposed designation** means an application for an approval described in section 42(4)(d)

In Schedule 5, heading to clause 2, replace "**notice of requirement**" with "**proposed designation**".

In Schedule 5, clause 2(1)(a)(i), replace "national policy statement" with "national policy direction".

In Schedule 5, clause 2(1)(a)(ii), replace "national environmental standards" with "national standards".

In Schedule 5, repeal clause 2(1)(a)(iii).

In Schedule 5, clause 5(1)(f), replace "notices of requirement for designations" with "proposed designations".

In Schedule 5, replace clause 5(1)(g) with:

> (g) in the case of a natural resource permit application, an assessment of the activity against the goals in **section 11 of the Natural Environment Act 2025**; and

Fast-track Approvals Act 2024 (2024 No 56) *continued*

(ga) in the case of a planning consent application, an assessment of the activity against the goals in **section 11** of the Planning Act **2025**; and

In Schedule 5, replace clause 5(2)(a) to (e) with:

(a) a national policy direction:

(b) a national standard:

(c) regulations made under the **Natural Environment Act 2025**:

(d) regulations made under the Planning Act **2025**:

In Schedule 5, clause 5(3)(a), after "relevant", insert "directions, directives,".

In Schedule 5, clause 5(5)(a), delete "(so that a resource consent is not required for that activity under section 87A(1) of the Resource Management Act 1991)".

In Schedule 5, clause 8(1)(e) and (f), after "section 237A of the Resource Management Act 1991", insert "**clause 10 of Schedule 6** of the Planning Act **2025**".

In Schedule 5, clause 11(1)(e), replace "notices of requirement for designations" with "proposed designations".

In Schedule 5, clause 11(1)(d), replace "district or regional plan, and any relevant national environmental standard" with "land use plan or natural environment plan, and any relevant national standard".

In Schedule 5, heading to clause 12, replace "**notice of requirement**" with "**proposed designation**".

In Schedule 5, clause 12(1)(a), (e), and (f)(i) and (4), replace "notice of requirement" with "proposed designation".

In Schedule 5, clause 12(1)(b), before "environment", insert "built".

In Schedule 5, replace clause 12(1)(d) with:

(d) an assessment of the project or work against—

(i) in the case of a natural resource permit application, the goals in **section 11 of the Natural Environment Act 2025**; and

(ii) in the case of a planning consent application, the goals in **section 11** of the Planning Act **2025**; and

In Schedule 5, clause 12(1)(f)(ii), replace "notice" with "proposed designation".

In Schedule 5, clause 12(1)(f)(ii), (g), and (k), replace "requiring authority" with "designating authority".

In Schedule 5, replace clause 12(2)(a) to (e) with:

(a) a national policy direction:

(b) a national standard:

(c) regulations made under the **Natural Environment Act 2025**:

(d) regulations made under the Planning Act **2025**.

Fast-track Approvals Act 2024 (2024 No 56) *continued*

In Schedule 5, clause 13, after "Director-General of Conservation", insert ", in the case of a natural resource permit application".

In Schedule 5, clause 16(4), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In Schedule 5, replace clause 17(1)(b) with:

> (b) the provisions of **Parts 2 and 4 the Natural Environment Act 2025** and **Parts 2, 4, and Schedule 5** of the Planning Act **2025** that direct decision-making on an application for a consent; and
>
> (ba) in the case of a natural resource permit application, an assessment of the activity against the goals in **section 11 of the Natural Environment Act 2025**; and
>
> (bb) in the case of a planning consent application, an assessment of the activity against the goals in **section 11** of the Planning Act **2025**; and

In Schedule 5, clause 17(1)(c), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or the Planning Act **2025**".

In Schedule 5, repeal clause 17(2)(a).

In Schedule 5, clause 17(2)(b), replace "section 6(e) of the Resource Management Act 1991" with "**section 11(f) of the Natural Environment Act 2025** and **section 11(1)(i) of the Planning Act 2025**".

In Schedule 5, replace clause 17(2)(c) with:

> (c) to avoid doubt, for the purposes of **subclause (1)(b)**, any existing or initiated Mana Whakahono ā Rohe or existing joint management agreement that is relevant to the approval is a relevant matter.

In Schedule 5, clause 17(3), replace "Resource Management Act 1991 (including, for example, section 87A(6))" with "**Natural Environment Act 2025** or the Planning Act **2025** (including, for example, **section 33** of the Planning Act **2025**)".

In Schedule 5, clause 17(7), replace "Sections 123 and 123A of the Resource Management Act 1991" with "**Sections 171 and 172 of the Natural Environment Act 2025** and **sections 153 and 154** of the Planning Act **2025**".

In Schedule 5, clause 18, replace "Parts 6, 9, and 10 of the Resource Management Act 1991" with "**Part 4 and Schedule 4 of the Natural Environment Act 2025** and **sections 18 and 19** and **Schedule 7** of the Planning Act **2025**".

In Schedule 5, heading to clause 24, replace "**notice of requirement**" with "**proposed designation**".

In Schedule 5, clause 24(1) and (2)(b), replace "notice of requirement" with "proposed designation".

In Schedule 5, clause 24(1)(a)(ii), replace —

Fast-track Approvals Act 2024 (2024 No 56) *continued*

(a) "Part 8 of the Resource Management Act 1991" with "**Schedule 5** of the Planning Act **2025**":

(b) "section 170" with "**clause 15 of Schedule 5** of that Act".

In Schedule 5, clause 24(1)(a)(iii), replace "Resource Management Act 1991" with "Planning Act **2025**".

In Schedule 5, replace clause 14(2) with:

(2) For the purpose of applying any provisions in subclause (1), if the notice of requirement relates to an activity that is the subject of a determination under section 23 of this Act, the panel must treat the effects of the activity on the relevant land and on the rights or interests of Māori as a relevant matter under **section 11** of the Planning Act **2025**.

In Schedule 5, clause 25, replace "Part 8 of Resource Management Act 1991" with "**Schedule 5** of the Planning Act **2025**".

In Schedule 5, replace clause 27(3) with:

(3) The panel must not grant a certificate of compliance under the Planning Act **2025** if a notice for the activity is in force under **section 177(1)(d)** of that Act.

(4) The panel must not grant a certificate of compliance under the **Natural Environment Act 2025** if a notice for the activity is in force under **section 199(1)(d)** of that Act.

In Schedule 5, clause 28, replace "Section 139(7) of the Resource Management Act 1991" with "**Section 168(8)** of the Planning Act **2025**".

In Schedule 5, heading to clause 29, replace "**outline plan**" with "**construction project plan**".

In Schedule 5, clause 29(a) and (b), replace "outline plan" with "construction project plan".

In Schedule 5, clause 29(a), replace "section 176A of the Resource Management Act 1991" with "**clause 36 of Schedule 5** of the Planning Act **2025**".

In Schedule 5, heading to clause 30, replace "**district**" with "**land use**".

In Schedule 5, clause 30(2), replace "Schedule 1 of the Resource Management Act 1991" with "**Schedule 3** of the Planning Act **2025**".

In Schedule 5, clause 30(2)(a) and (3), replace "district" with "land use" in each place.

In Schedule 5, clause 30(2)(b), replace "requiring authority" with "designating authority".

In Schedule 5, clause 31(1)(d) and (3)(a) and (b), replace "district" with "land use" in each place.

Fast-track Approvals Act 2024 (2024 No 56) *continued*

In Schedule 5, clause 31(2)(a) and (3)(a), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In Schedule 5, clause 31(2)(b), replace "Resource Management Act 1991" with "Planning Act **2025**".

In Schedule 5, clause 31(3)(b),—

(a) after "certificate of compliance granted", insert "under the **Natural Environment Act 2025** or the Planning Act **2025**":

(b) replace "Resource Management Act 1991" with "Planning Act **2025**".

In Schedule 5, clause 31(4), replace "section 116A of the Resource Management Act 1991" with "**section 170 of the Natural Environment Act 2025**".

In Schedule 5, clause 31(5)(a), replace "section 125(1A) or 184 of the Resource Management Act 1991" with "**section 174(2) or 184 of the Natural Environment Act 2025** or **clause 49 of Schedule 5** of the Planning Act **2025**".

In Schedule 5, clause 31(5)(b), replace "section 127 of the Resource Management Act 1991" with "**section 185 of the Natural Environment Act 2025** or **section 167** of the Planning Act **2025**".

In Schedule 5, clause 32, replace "Section 178(2) to (6) of the Resource Management Act 1991" with "**clause 5 of Schedule 5** of the Planning Act **2025**".

In Schedule 5, heading to clause 36, replace "**Resource Management Act 1991**" with "**Natural Environment Act 2025**".

In Schedule 5, clause 36, replace "sections 114(6), 127(3A), and 128(3) of the Resource Management Act 1991" with "**sections 133(2), 177(2), 185(4), and 186(4) of the Natural Environment Act 2025**".

In Schedule 10, clause 3(2), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** and the Planning Act **2025**".

In Schedule 12, clause 3(1), replace "section 168A(3)(b) or 171(1)(b) of the Resource Management Act 1991" with "**clause 24(2)(a) of Schedule 5** of the Planning Act **2025**".

Land Transport Management Act 2003 (2003 No 118)

After section 14(a)(ii), insert:

(iii) is consistent with the regional spatial plan that is in force for the region under the Planning Act **2025** to the extent that—

(A) the regional spatial plan is relevant to the content of the regional land transport plan; and

(B) consistency with the regional spatial plan does not prevent compliance with subparagraph (i) or (ii); and

After section 67(1)(b)(ii), insert:

Land Transport Management Act 2003 (2003 No 118) *continued*

(iii) any relevant regional spatial plan that is in force under the Planning Act **2025**; and

Local Government Act 2002 (2002 No 84)

After section 76AA(5), insert:

(5A) Despite what may be set out in a policy adopted under this section, public engagement on matters provided for in a regional spatial plan under the Planning Act **2025** must be limited to options for dealing with those matters in a way that is consistent with the spatial plan.

In section 174(5)(b), after "Resource Management Act 1991", insert ", the **Natural Environment Act 2025**, or the Planning Act **2025**".

In the heading to section 222, after "**Resource Management Act 1991**", insert "**, Planning Act 2025,**".

In section 222, after "Resource Management Act 1991,", insert "the Planning Act **2025**,".

In Schedule 10, after clause 1, insert:

1A Implementation of regional spatial plan

(1) A long-term plan must set out steps to implement or progress the actions identified in the relevant regional spatial plan for which the local authority is a lead under the Planning Act **2025**.

(2) The steps must provide for the local authority to implement or progress the actions in a way that the local authority considers appropriate, having regard to competing demands and any other relevant circumstances.

(3) The steps must provide for the local authority to implement or progress the actions only to the extent that the local authority is reasonably able to do so —

(a) in the period covered by the long-term plan; and

(b) consistently with the local authority's role, functions, duties, and powers under this Act and any other legislation.

In Schedule 10, after clause 26, insert:

26A Statement on implementation of regional spatial strategy

An annual report must include a statement that sets out —

(a) the steps that the local authority has taken to implement or progress the actions identified in the relevant regional spatial plan for which the local authority is a lead under the Planning Act **2025**; and

(b) the steps that the local authority intended to take (but has not taken) to implement or progress the actions and an explanation of why the local authority has not taken them.

Local Government (Water Services) Act 2025 (2025 No 42)

In section 4, repeal the definition of **district plan**.

In section 4, insert in its appropriate alphabetical order:

> **land use plan** has the same meaning given in **section 7(1)** of the Planning Act **2025**

In section 70(3)(c) and 71(7)(c), replace "district plan prepared under the Resource Management Act 1991" with "land use plan prepared under the Planning Act **2025**".

After section 141(3)(a), insert:

> (aa) grant a permit under the **Natural Environment Act 2025**; or
>
> (ab) grant a consent under the Planning Act **2025**; or

Replace section 209(1)(b) with:

> (b) without a resource consent required under the **Natural Environment Act 2025** or a planning consent required under the Planning Act **2025**.

Reserves Act 1977 (1977 No 66)

In section 14(2), replace —

(a) "a district plan" with "a land use plan":

(b) "district plan under the Resource Management Act 1991" with "land use plan under **Part 3** of the Planning Act **2025**".

In section 15(2), replace "district plan under the Resource Management Act 1991" with "land use plan under **Part 3** of the Planning Act **2025**".

In section 15AA(1)(a)(i), replace "resource consent under section 88(1) and (1A) of the Resource Management Act 1991 (the **RMA**)" with "planning consent under **section 111** of the Planning Act **2025**".

In section 15AA(1)(a)(ii), replace —

(a) "district" with "land use":

(b) "section 65(4) and (4A) or 73(2) and (2A) of the RMA" with "**clause 49 of Schedule 3** of the Planning Act **2025**".

In section 15AA(1)(c), (2)(c), (3)(c), and (5)(a), replace "RMA" with "Planning Act **2025**".

In section 15AA(2)(a)(i), replace "section 88(6)(a) of the RMA" with "**section 111** of the Planning Act **2025**".

In section 15AA(2)(a)(ii), replace "section 95A of the RMA" with "**section 124** of the Planning Act **2025**".

In section 15AA(2)(b), replace "resource consent" with "planning consent".

In section 15AA(2)(c), replace "resource consent" with "planning consent".

Replace section 15AA(3)(a) with:

Reserves Act 1977 (1977 No 66) *continued*

(a) the application to exchange the recreation reserve land has been processed in accordance with **section 111(2)(a)** of the Planning Act **2025**; and

After section 16(2A)(g), insert:

(h) created under **Schedule 7** of the Planning Act **2025**

In section 16(5)(b), replace "district plan under the Resource Management Act 1991" with "land use plan under the Planning Act **2025**".

In section 23(2)(a), second proviso, after "Part 10 of the Resource Management Act 1991", insert "or under **Schedule 7** of the Planning Act **2025**".

In section 24(7), replace "Resource Management Act 1991" with "Planning Act **2025**".

Replace section 24A(3)(a) with:

(a) the operative land use plan in force under the Planning Act **2025** for the region in which the reserve is situated:

In section 48(1), replace "Resource Management Act 1991" with "Planning Act **2025**".

In section 53(1)(i) and (j), replace "Resource Management Act 1991" with "Planning Act **2025**".

In section 55(1)(d) and (2)(f), replace "Resource Management Act 1991" with "Planning Act **2025**".

In section 56(3)(b), after "Resource Management Act 1991", insert "or planning consent in accordance with **Part 4** of the Planning Act **2025**."

Replace section 58A(3)(b) with:

(b) is made following the granting of the following by the territorial authority or regional council:

(i) any appropriate resource consent in accordance with Part 6 of the Resource Management Act 1991:

(ii) any appropriate natural resource permit in accordance with **Part 4 of the Natural Environment Act 2025**:

(iii) any appropriate planning consent in accordance with **Part 4** of the Planning Act **2025**.

Soil Conservation and Rivers Control Act 1941 (1941 No 12)

In section 10A, after "Resource Management Act 1991", insert ", the **Natural Environment Act 2025**, or the Planning Act **2025**".

Water Services Act 2021 (2021 No 36)

In section 3(1)(b), after "regulations made under that Act,", insert "the **Natural Environment Act 2025**, regulations and standards made under that Act,".

Water Services Act 2021 (2021 No 36) *continued*

In section 41, after "regulations made under that Act,", insert "the **Natural Environment Act 2025**, regulations and standards made under that Act,".

In the heading to section 65, after "**Resource Management Act 1991**", insert "**or Part 3 of Natural Environment Act 2025**".

In section 65(1), after "Resource Management Act 1991", insert "or **Part 3 of the Natural Environment Act 2025**".

In section 66(1), after "Resource Management Act 1991", insert "or **Part 3 of the Natural Environment Act 2025**".

In section 67, after "Resource Management Act 1991", insert "or **Part 3 of the Natural Environment Act 2025**".

In section 141(a)(ii), after "resource consent", insert "or natural resource permit under the **Natural Environment Act 2025**".

In section 147(1)(b), after "resource consent", insert "or natural resource permit under the **Natural Environment Act 2025**".

Resource Management (Infringement Offences) Regulations 1999

In Schedule 1, in the heading to column 3, replace "**(individual)**" with "**(natural person)**".

In Schedule 1, in the heading to column 4, replace "**(company)**" with "**(other person)**".

Schedule 11
Amendments to other legislation

s 294

Part 1
Amendments to Acts that commence on day after this Act receives Royal assent

Chatham Islands Council Act 1995 (1995 No 41)

In section 2, insert in its appropriate alphabetical order:

> **region**, in relation to the purposes of the **Natural Environment Act 2025** or the Planning Act **2025**, means the area of the Chatham Islands Territory

After section 7(1)(a)(iv), insert:

> (iva) the Planning Act **2025**; and

Replace section 7(1)(b) with:

> (b) a regional council under—
>
> (i) the **Natural Environment Act 2025**; or
>
> (ii) the Planning Act **2025**; or
>
> (iii) the Resource Management Act 1991; and

After section 26, insert:

> **26A Requirement for natural environment plan**
>
> Despite anything in this Act or the **Natural Environment Act 2025**, a natural environment plan for the Chatham Islands Territory—
>
> (a) is required to cover the coastal marine area of the Territory; and
>
> (b) is not required for other areas.

Civil Defence Emergency Management Act 2002 (2002 No 33)

After section 17(3)(j), insert:

> (ja) **Natural Environment Act 2025**:
>
> (jb) Planning Act **2025**:

Environment Act 1986 (1986 No 127)

In Schedule 2, insert in their appropriate alphabetical order:

> **Natural Environment Act 2025**
>
> Planning Act **2025**

In Schedule 3, insert in their appropriate alphabetical order:

> **Natural Environment Act 2025**

Environment Act 1986 (1986 No 127)—*continued*

Planning Act **2025**

Environmental Protection Authority Act 2011 (2011 No 14)

In section 5, definition of **environmental Act**, after paragraph (b), insert:

(ba) the **Natural Environment Act 2025**:

(bb) the Planning Act **2025**:

Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72)

After section 7(2)(k), insert:

(ka) **Natural Environment Act 2025**:

(kb) Planning Act **2025**:

Fast-track Approvals Act 2024 (2024 No 56)

In section 42(7A), replace "subsection (4)(a) or (d) may also" with "subsection (4)(c) may only".

Fiordland (Te Moana o Atawhenua) Marine Management Act 2005 (2005 No 36)

In Schedule 13, insert in their appropriate alphabetical order:

Natural Environment Act 2025

Planning Act **2025**

Fisheries Act 1996 (1996 No 88)

In section 2(1), definition of **aquaculture activities**, after "Resource Management Act 1991", insert "or the **Natural Environment Act 2025**, whichever is relevant".

In section 2(1), insert in their appropriate alphabetical order:

land use plan has the meaning given in **section 3** of the Planning Act **2025**

natural environment plan has the meaning given in **section 3 of the Natural Environment Act 2025**

regional spatial plan has the meaning given in **section 3** of the Planning Act **2025**

After section 11(2)(a), insert:

(aa) any regional spatial plan, land use plan, proposed regional spatial plan, or proposed land use plan under the Planning Act **2025**; and

(ab) any natural environment plan or proposed natural environment plan under the **Natural Environment Act 2025**; and

In section 186C, replace the definition of **determination** with:

Fisheries Act 1996 (1996 No 88)—*continued*

determination,—

(a) in relation to a coastal permit, means a decision by the chief executive that they are satisfied that the aquaculture activities authorised by the coastal permit will not have an undue adverse effect on fishing:

(b) in relation to an aquaculture area, means a decision by the chief executive that they are satisfied that the aquaculture activities provided for within the aquaculture area will not have an undue adverse effect on fishing

In section 186C, replace the definition of **reservation** with:

reservation,—

(a) in relation to a coastal permit, means a decision by the chief executive that they are not satisfied that the aquaculture activities authorised by the coastal permit will not have an undue adverse effect on fishing:

(b) in relation to an aquaculture area, means a decision by the chief executive that they are not satisfied that the aquaculture activities provided for within the aquaculture area will not have an undue adverse effect on fishing

In section 186C, insert in their appropriate alphabetical order:

aquaculture area has the meaning given in **section 3 of the Natural Environment Act 2025**

aquaculture area decision means a determination or a reservation in respect of an aquaculture area and the aquaculture activities that may be carried out in that area

After section 186J, insert:

Subpart 1A—Aquaculture area decisions

186JA Chief executive may seek information or consult certain persons for purpose of making aquaculture area decision

(1) After receiving a request under **clause 47 of Schedule 3 of the Natural Environment Act 2025** for an aquaculture area decision, the chief executive may, for the purpose of making an aquaculture area decision, seek information from—

(a) the person who requested the aquaculture area decision:

(b) any fisher whose interests may be affected:

(c) the relevant regional council:

(d) persons and organisations that the chief executive considers represent the classes of persons who have customary, commercial, or recreational fish-

Fisheries Act 1996 (1996 No 88)—*continued*

ing interests that may be affected by the aquaculture activities that may be carried out within the aquaculture area.

(2) For the purposes of **subsection (1)**, the chief executive—

(a) may set a date by which information must be provided and may grant 1 or more extensions of that date if the chief executive considers it necessary to do so; and

(b) is not required to consider or take into account any information received after that date or extended date (as the case may be).

(3) Before making an aquaculture area decision under **section 186JB** or a decision to extend an aquaculture area decision under **section 186JI**, the chief executive may consult any of the persons or organisations specified in **subsection (1)**.

(4) For the purposes of **subsection (3)**, the chief executive—

(a) may set a date by which the consultation is to be completed and may grant 1 or more extensions of that date if they consider it necessary to do so; and

(b) is not required to consider or take into account any submissions made for the purposes of the consultation received after that date or extended date (as the case may be).

186JB Chief executive to make aquaculture area decision

(1) Within 4 months after receiving a request for an aquaculture area decision under **clause 47 of Schedule 3 of the Natural Environment Act 2025**, the chief executive must—

(a) make a determination; or

(b) make a reservation; or

(c) make 1 or more determinations or reservations, or both, in relation to different parts of the aquaculture area to which the request relates.

(2) The period of 4 months referred to in **subsection (1)** excludes—

(a) a period during which the chief executive is undertaking consultation under **section 186JA(3)**; and

(b) a period during which the chief executive is, in compliance with **section 186JC(1)**, making an aquaculture area decision in relation to a prior request.

(3) In making an aquaculture area decision, the chief executive must have regard to—

(a) information held by the Ministry; and

(b) information supplied, or submissions made, to the chief executive under **section 186JA(1) or (3)**; and

Fisheries Act 1996 (1996 No 88)—*continued*

(c) information that is forwarded by the person who requested the decision; and

(d) any other information that the chief executive has requested and obtained.

(4) For the purposes of this section, the chief executive is not required to consider or take into account any information received after the dates specified under **section 186JA(2) and (4)**.

186JC Order in which requests for aquaculture area decisions to be processed

(1) The chief executive must make aquaculture area decisions in the same order in which the requests for the aquaculture decisions or aquaculture area decisions are received.

(2) However, the chief executive may make aquaculture area decisions in a different order from that required by **subsection (1)**, but only if satisfied that making an aquaculture area decision out of order will not have an adverse effect on any other previously received requests for an aquaculture decision under section 114 of the Resource Management Act 1991.

186JD Provision of fisheries information relating to stock

For the purposes of this subpart and subparts 1 and 4, the chief executive may, by notice in the *Gazette*, specify the manner and form in which fisheries information relating to stocks is to be made publicly available by the Ministry.

186JE Matters to be considered before aquaculture area decision made

In making an aquaculture area decision, the chief executive must have regard only to the following matters:

(a) the location of the aquaculture area in relation to areas in which fishing is carried out:

(b) the likely effect of the aquaculture activities that may be carried out in the aquaculture area on fishing of any fishery, including the proportion of any fishery likely to become affected:

(c) the degree to which those aquaculture activities, if carried out in the aquaculture area, will lead to the exclusion of fishing:

(d) the extent to which fishing for a species in the location of the aquaculture area can be carried out in other areas:

(e) the extent to which the occupation of the aquaculture area by aquaculture activities will increase the cost of fishing:

(f) the cumulative effect on fishing of any authorised aquaculture activities, including any structures authorised before the introduction of any relevant stock to the quota management system:

Fisheries Act 1996 (1996 No 88)—*continued*

(g) the rules of the natural environment plan that apply to the relevant aquaculture area.

186JF Requirements for aquaculture area decision

(1) An aquaculture area decision must—

(a) be in writing; and

(b) define the areas that are subject to the decision; and

(c) provide reasons for the decision; and

(d) be notified to—

(i) the person that requested the decision; and

(ii) the relevant consent authority; and

(iii) the persons and organisations who supplied information to the chief executive under **section 186JA(1)**; and

(iv) the persons and organisations consulted by the chief executive under **section 186JA(3)**.

(2) The fact that an aquaculture area decision has been made and where a copy of the decision can be obtained must be—

(a) notified in the *Gazette*; and

(b) made accessible via an internet site.

(3) If the chief executive makes a determination, the determination may—

(a) specify any aquaculture area rule that is material to the decision and that relates to the character, intensity, or scale of the aquaculture activities within the aquaculture area; and

(b) state that the aquaculture area rules may not be changed or cancelled until the chief executive makes a further aquaculture area decision in relation to the area affected by the change or cancellation.

(4) If the chief executive makes a reservation, the reservation must also—

(a) specify whether the reservation relates to customary, recreational, or commercial fishing, or a combination of them; and

(b) if the reservation relates to commercial fishing, the stocks and areas concerned, specify any stocks subject to the quota management system and any other stock not subject to the quota management system; and

(c) include any other matters required by regulations to be included.

(5) The chief executive must include, in the notification under **subsection (1)(d)**,—

(a) the information specified in **subsections (1)(b) and (c), (3), and (4)**, as appropriate; and

Fisheries Act 1996 (1996 No 88)—*continued*

(b) information about where a copy of the determination or reservation can be obtained.

186JG Judicial review of aquaculture area decision

(1) Any person wishing to seek, under the Judicial Review Procedure Act 2016, judicial review of an aquaculture area decision must do so within 30 working days after the notification of the decision under **section 186JF(2)(a)**.

(2) The chief executive must notify the relevant regional council of—

(a) any proceedings brought to seek judicial review of an aquaculture area decision; and

(b) the result of those proceedings, including any appeals.

186JH Expiry of aquaculture area decision

(1) An aquaculture area decision expires 10 years after the date on which the decision is notified under **section 186JF(2)(a)**, except in the following circumstances:

(a) if regulations under **section 310 of the Natural Environment Act 2025** amend any relevant aquaculture area rules, the aquaculture area decision expires on the date on which the regulations come into force:

(b) if, in accordance with **Part 3 of the Natural Environment Act 2025**, a regional council reviews a natural environment plan and approves changes to any relevant aquaculture area rules, the aquaculture area decision expires on the date on which the plan change becomes operative:

(c) if a natural environment plan is undergoing its 10-yearly review under **section 112 of the Natural Environment Act 2025**, the aquaculture area decision does not expire until—

(i) the date on which the new plan becomes operative; or

(ii) the date on which a plan change that amends a relevant aquaculture area rule becomes operative; or

(iii) the date on which the regional council publishes the results of the review, if there is no plan change that affects a relevant aquaculture area rule.

(2) In this section, **relevant aquaculture area rule** means an aquaculture rule in a natural environment plan that is the subject of or affected by a determination under **section 186JF(3)**.

186JI Extension of duration of aquaculture area decision

If the chief executive receives a request for an extension of the duration of an aquaculture area decision under regulations made under the **Natural Environment Act 2025** relating to the extension of the duration of an aquaculture

Fisheries Act 1996 (1996 No 88)—*continued*

decision, the chief executive may extend the expiry of the aquaculture area decision for a further 10 years if the chief executive is satisfied that there has been no significant change to the nature and extent of fishing in the aquaculture area since the previous aquaculture area decision.

In section 186ZD, insert in their appropriate alphabetical order:

proposed aquaculture activity means any aquaculture activity authorised by the coastal permit or any aquaculture activity provided for within the aquaculture area

reservation means a reservation decision made under subpart 1 or 1A of Part 9A

After section 186ZE, insert:

186ZEA Negotiator in respect of aquaculture area decisions

(1) If an aquaculture area decision includes a reservation in relation to stocks subject to the quota management system, the Minister responsible for aquaculture must appoint a negotiator for the purpose of—

(a) obtaining consent from quota owners (*see* section 186ZF) and registering an aquaculture agreement:

(b) providing compensation to quota owners and registering a compensation declaration.

(2) If an aquaculture agreement or a compensation declaration is registered by the negotiator, the negotiator must make the terms of the aquaculture agreement or compensation declaration available to any person who applies for a resource consent or an authorisation for an aquaculture activity in the aquaculture area.

(3) The negotiator may be—

(a) the Minister responsible for aquaculture; or

(b) a person or body appointed by the Minister that represents aquaculture interests (including Te Ohu Kai Moana Trustee Limited).

After section 186ZH(2)(b), insert:

(c) notify the relevant consent authority that the agreement has been registered.

After section 186ZHA(2)(b), insert:

(c) notify the relevant consent authority that the declaration has been registered.

Replace section 186ZI(1)(b) with:

(b) within 6 months after the notification of—

(i) the reservation under section 186H(2)(a) in relation to the coastal permit concerned; or

Fisheries Act 1996 (1996 No 88)—*continued*

(ii) the reservation under **section 186JF(2)(a)** in relation to an aquaculture area.

In section 186ZI(4)(c), after "chief executive's aquaculture decision", insert "or aquaculture area decision".

Replace section 186ZIA(1)(b) with:

(b) within 6 months after the date of the notification of—

(i) the reservation under section 186H(2)(a) in relation to the coastal permit concerned; or

(ii) the reservation under **section 186JF(2)(a)** in relation to an aquaculture area.

In section 186ZIA(4)(c), after "chief executive's aquaculture decision", insert "or aquaculture area decision".

In section 186ZK(1), after "must", insert ", in the case of an aquaculture decision or an aquaculture area decision,".

In section 186ZL(1) and (3)(a), after "section 186E", insert "or **186JB**".

In section 186ZL(2),—

(a) after "section 186H", insert "or **186JF**"; and

(b) after "section 186H(2)(a)", insert "or **186JF(2)(a)**".

After section 186ZN, insert:

186ZNA Compensation to be provided by negotiator if aquaculture agreement not lodged in respect of aquaculture area

(1) This section applies if—

(a) the chief executive has, in relation to an aquaculture area, made a reservation in relation to commercial fishing of quota management stock; and

(b) the negotiator appointed under **section 186ZEA** has not lodged an aquaculture agreement in respect of the stock before the expiry of the period specified in section 186ZI(1)(b) or any extension of that period under section 186ZI(2), subject in either case to section 186ZI(4).

(2) The negotiator must ensure that each affected quota owner is paid compensation for the loss of value of the owner's affected quota as determined by an arbitrator appointed in accordance with section 186ZO.

(3) In **subsection (2)**, **quota owner** means a person who is a registered quota owner as at 5 pm on the date on which the relevant reservation is notified in the *Gazette* under **section 186JF(2)(a)**.

In section 186ZO(1),—

(a) after "coastal permit", insert "or the negotiator appointed under **section 186ZEA**"; and

Fisheries Act 1996 (1996 No 88)—*continued*

(b) after "section 186ZN", insert "or **186ZNA**".

Replace section 186ZO(2)(a) with:

(a) by agreement—

(i) between the holder of the coastal permit and all the quota owners if the reservation related to a coastal permit; or

(ii) between the negotiator and all the quota owners if the reservation related to an aquaculture area; but

In section 186ZP(3)(a), after "coastal permit", insert "or the negotiator, as the case may be".

In section 186ZQ(2),—

(a) after "coastal permit", insert "or the negotiator, as the case may be,"; and

(b) after "the site", insert "or area".

After section 186ZQ(5), insert:

(6) If, after the arbitrator has made an award, the negotiator decides not to proceed to register the compensation declaration, the negotiator must pay the quota owners' reasonable costs and expenses, as determined by the arbitrator, for participating in the arbitration.

In section 186ZR(1)(b), replace "the aquaculture activities authorised by a coastal permit" with "the proposed aquaculture activities".

In section 186ZR(3)(a)(ii), after "the site", insert "or area".

Hauraki Gulf Marine Park Act 2000 (2000 No 1)

In the heading to section 9, after "**Resource Management Act 1991**", insert "**, Natural Environment Act 2025, and Planning Act 2025**".

In section 9(1), after "Local Government Act 2002", insert ", and **land use plan**, **national instrument**, **proposed land use plan**, and **regional spatial plan** have the same meanings as in the Planning Act **2025**, and **natural environment plan** and **proposed natural environment plan** have the same meanings as in the **Natural Environment Act 2025**".

After section 9(2), insert:

(2A) A regional council must ensure that any part of a natural environment plan or a proposed natural environment plan that applies to the Hauraki Gulf, its islands, and its catchments does not conflict with sections 7 and 8.

After section 9(3), insert:

(3A) A territorial authority must ensure that any part of a land use plan or a proposed land use plan that applies to the Hauraki Gulf, its islands, and its catchments does not conflict with sections 7 and 8.

Hauraki Gulf Marine Park Act 2000 (2000 No 1)—*continued*

(3B) A regional council and a territorial authority must ensure that any part of a regional spatial plan that applies to the Hauraki Gulf, its islands, and its catchments does not conflict with sections 7 and 8.

After section 9(5), insert:

(5A) The provisions of **section 47** of the Planning Act **2025** or **section 71 of the Natural Environment Act 2025** apply as though sections 7 and 8 of this Act were a national instrument, and a regional council or a territorial authority must take action in accordance with that section and notify a change to a regional spatial plan, land use plan, natural environment plan, proposed land use plan, or proposed natural environment plan.

In the heading to section 10, after "**coastal policy statement**", insert "**or national instrument**".

After section 10(3), insert:

(4) For the coastal environment of the Hauraki Gulf, sections 7 and 8 must be treated as national instruments issued under the **Natural Environment Act 2025** and the Planning Act **2025**.

(5) For the coastal environment of the Hauraki Gulf, if there is a conflict between sections 7 and 8 and the provisions of any national instrument issued under the **Natural Environment Act 2025** or the Planning Act **2025**, the national instrument prevails.

In Schedule 1, insert in their appropriate alphabetical order:

Natural Environment Act 2025
Planning Act **2025**

Lake Wanaka Preservation Act 1973 (1973 No 107)

In section 8(1), after "Resource Management Act 1991", insert ", the **Natural Environment Act 2025**, and the Planning Act **2025**".

Land Drainage Act 1908 (1908 No 96)

Replace section 2A with:

2A Relationship to Resource Management Act 1991, Natural Environment Act 2025, and Planning Act 2025

Nothing in this Act derogates from the Resource Management Act 1991, the **Natural Environment Act 2025**, or the Planning Act **2025**.

Land Transport Management Act 2003 (2003 No 118)

After section 14(a)(ii), insert:

(iii) is consistent with the regional spatial plan that is in force for the region under the Planning Act **2025** to the extent that—

Land Transport Management Act 2003 (2003 No 118)—*continued*

(A) the regional spatial plan is relevant to the content of the regional land transport plan; and

(B) consistency with the regional spatial plan does not prevent compliance with subparagraph (i) or (ii); and

After section 14(c)(ii), insert:

(iia) relevant national instruments and any relevant natural environment plans that are for the time being in force under the **Natural Environment Act 2025**; and

(iib) relevant national instruments and any relevant land use plans that are for the time being in force under the Planning Act **2025**; and

After section 19B(b)(vi), insert:

(vii) relevant national instruments and any relevant natural environment plans that are for the time being in force under the **Natural Environment Act 2025**; and

(viii) relevant national instruments and any relevant land use plans that are for the time being in force under the Planning Act **2025**.

After section 20(3)(a)(ii), insert:

(iii) any relevant national instruments and any relevant natural environment plans that are for the time being in force under the **Natural Environment Act 2025**; and

(iv) any relevant national instruments and any relevant land use plans that are for the time being in force under the Planning Act **2025**; and

After section 22G(1)(b)(iii), insert:

(iv) any relevant national instruments and any relevant natural environment plans that are for the time being in force under the **Natural Environment Act 2025**; and

(v) any relevant national instruments and any relevant land use plans that are for the time being in force under the Planning Act **2025**:

After section 67(1)(b)(iii), insert:

(iv) any relevant regional spatial plan that is in force under the Planning Act **2025**; and

(v) any relevant national instrument that is in force under the **Natural Environment Act 2025**; and

(vi) any relevant national instrument that is in force under the Planning Act **2025**; and

After section 124(c)(ii), insert:

Land Transport Management Act 2003 (2003 No 118)—*continued*

(iiaaa) any relevant natural environment plan or proposed natural environment plan under the **Natural Environment Act 2025**; and

(iiaab) any relevant regional spatial plan, proposed regional spatial plan, land use plan, or proposed land use plan under the Planning Act **2025**; and

Legal Services Act 2011 (2011 No 4)

Replace section 7(1)(o) with:

(o) all applications, submissions, and appeals under the Resource Management Act 1991, the **Natural Environment Act 2025**, or the Planning Act **2025** or to the Environment Court or the Planning Tribunal under any Act:

Local Authorities (Members' Interests) Act 1968 (1968 No 147)

After section 6(3)(d), insert:

(da) the preparation, recommendation, approval, or review of a regional spatial plan or land use plan under the Planning Act **2025**; or

(db) the preparation, recommendation, approval, or review of a natural environment plan under the **Natural Environment Act 2025**; or

Local Government Act 1974 (1974 No 66)

In section 2(1), replace the definition of **rural area** with:

rural area means an area zoned rural in a proposed or an operative district plan or a proposed land use plan under the Planning Act **2025**

After section 517I(j), insert:

(ja) identify any rules or proposed rules in any natural environment plan or proposed natural environment plan under the **Natural Environment Act 2025** relating to the scheme; and

Local Government Act 2002 (2002 No 84)

In section 48J(1)(a), after "Resource Management Act 1991,", insert "the **Natural Environment Act 2025**, the Planning Act **2025**,".

In section 79(3), after "Resource Management Act 1991", insert ", the **Natural Environment Act 2025**, or the Planning Act **2025**".

After section 82(5), insert:

(5A) Despite what may be set out in a policy adopted under section 76AA, consultation on matters provided for in a regional spatial plan under the Planning Act **2025** must be limited to options for dealing with those matters in a way that is consistent with the spatial plan.

In Schedule 3, after clause 23(1)(e)(ii), insert:

Local Government Act 2002 (2002 No 84)—*continued*

(iii) responsibilities, duties, and powers under the **Natural Environment Act 2025**; or

(iv) responsibilities, duties, and powers under the Planning Act **2025**.

In Schedule 3, replace clause 23(3)(b) with:

(b) include responsibility for preparing regional policy statements, regional plans, regional coastal plans, and district plans under the Resource Management Act 1991, natural environment plans under the **Natural Environment Act 2025**, and land use plans and regional spatial plans under the Planning Act **2025**.

In Schedule 3, after clause 43(1)(e)(ii), insert:

(iii) the administration of an existing, proposed, or operative natural environment plan under the **Natural Environment Act 2025**:

(iv) the administration of an existing, proposed, or operative land use plan under the Planning Act **2025**.

In Schedule 10, after clause 1, insert:

1A Implementation of regional spatial plan

(1) A long-term plan must set out steps to implement or progress the actions identified in the relevant regional spatial plan for which the local authority is a lead under the Planning Act **2025**.

(2) The steps must provide for the local authority to implement or progress the actions in a way that the local authority considers appropriate, having regard to competing demands and any other relevant circumstances.

(3) The steps must provide for the local authority to implement or progress the actions only to the extent that the local authority is reasonably able to do so—

(a) in the period covered by the long-term plan; and

(b) consistently with the local authority's role, functions, duties, and powers under this Act and any other legislation.

In Schedule 10, after clause 26, insert:

26A Statement on implementation of regional spatial plan

An annual report must include a statement that sets out—

(a) the steps that the local authority has taken to implement or progress the actions identified in the relevant regional spatial plan for which the local authority is a lead under the Planning Act **2025**; and

(b) the steps that the local authority intended to take (but has not taken) to implement or progress the actions and an explanation of why the local authority has not taken them.

Local Government (Auckland Council) Act 2009 (2009 No 32)

In section 42B(3), after "Resource Management Act 1991", insert ", a national instrument made under the Planning Act **2025**, and a national instrument made under the **Natural Environment Act 2025**".

Local Government Official Information and Meetings Act 1987 (1987 No 174)

After section 45(1A), insert:

(1AB) Despite subsections (1) and (1A), **meeting**, in relation to an independent hearings panel under the Planning Act **2025**, is limited to any hearing that the independent hearings panel holds in relation to—

(a) a regional spatial plan under **Schedule 2** of the Planning Act **2025**; or

(b) a land use plan under **Schedule 3** of the Planning Act **2025**; or

(c) a natural environment plan under **section 94 of the Natural Environment Act 2025** that applies the provisions of the Planning Act **2025**.

After section 45A(c), insert:

(d) an independent hearings panel given authority to conduct hearings under the Planning Act **2025**.

In Schedule 1, Part 1, before the item relating to irrigation boards, insert:

Independent hearings panels established under the Planning Act **2025** (including their functions under the **Natural Environment Act 2025**, set out in **Schedule 3** of the Planning Act **2025** and applied through **section 94 of the Natural Environment Act 2025**)

In Schedule 1, Part 1, after the item relating to regional councils, insert:

Spatial plan committees within the meaning given in **section 3** of the Planning Act **2025**

Local Government (Rating) Act 2002 (2002 No 6)

In Schedule 2, after item 3, insert:

3A The activities that are proposed to be permitted, controlled, restricted discretionary, or discretionary activities and the proposed rules for the area in which the land is situated under a proposed natural environment plan under the **Natural Environment Act 2025** or proposed land use plan under the Planning Act **2025**, but only if—

(a) no submissions in opposition have been made under **section 94 of the Natural Environment Act 2025** or **clause 17 of Schedule 3** of the Planning Act **2025** on those proposed activities or rules, and the time for making submissions has expired; or

(b) all submissions in opposition, and any appeals, have been determined, withdrawn, or dismissed.

Maori Commercial Aquaculture Claims Settlement Act 2004 (2004 No 107)

In section 4, definition of **new space**, paragraph (a), after "section 116A of the Resource Management Act 1991", insert "or section 97 of the Fast-track Approvals Act 2024".

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)

In section 9(1), insert in their appropriate alphabetical order:

> **land use plan** has the meaning given in **section 3** of the Planning Act **2025**
>
> **natural environment plan** has the meaning given in **section 3 of the Natural Environment Act 2025**
>
> **proposed natural environment plan** has the meaning given in **section 3 of the Natural Environment Act 2025**

In section 11(6), replace "and district plans" with "district plans, natural environment plans, and land use plans".

After section 85(5)(d), insert:

> (e) the **Natural Environment Act 2025**:
>
> (f) the Planning Act **2025**.

In section 92, replace the definition of **relevant regional document** with:

> **relevant regional document, natural environment plan, or proposed natural environment plan**, in relation to a planning document, means a regional document, natural environment plan, or proposed natural environment plan (as the case requires) that relates, directly or indirectly, to all or part of the area to which a planning document applies.

In section 93(1), after "regional documents", insert ", natural environment plan, or proposed natural environment plan".

After section 93(5)(a), insert:

> (aa) a natural environment plan, altered in accordance with this section, becomes operative in accordance with **clause 45 of Schedule 3** of the Planning Act **2025**; or

In section 93(5)(b), after "documents", insert ", natural environment plan, or proposed natural environment plan".

In section 93(6),—

(a) after "documents,", insert "natural environment plan, or proposed natural environment plan"; and

(b) after "Resource Management Act 1991", insert "(in the case of a regional document) or the purpose of the **Natural Environment Act 2025** (in the case of a natural environment plan or proposed natural environment plan)".

In section 93(7)(b), after "document", insert ", natural environment plan, or proposed natural environment plan".

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)—*continued*

In section 93(8), after "documents", insert ", natural environment plan, or proposed natural environment plan".

Replace section 93(9) and (10) with:

(9) The obligations on a regional council under subsection (8) must be carried out in accordance with—

(a) the requirements and procedures that relate to regional documents in Part 5 and Schedule 1 of the Resource Management Act 1991; and

(b) the requirements and procedures that relate to natural environment plans and proposed natural environment plans in—

(i) **subpart 1 of Part 3 of the Natural Environment Act 2025**; and

(ii) **Schedule 3** of the Planning Act **2025** (as applied by **section 94 of the Natural Environment Act 2025**).

(9A) A regional council may, despite **section 96 of the Natural Environment Act 2025**, include a bespoke plan provision in a natural environment plan or a proposed natural environment plan in order to carry out its obligations under this section.

(9B) **Subsections (9C) and (9D)** apply if a regional council includes either or both of the following in a natural environment plan or proposed natural environment plan in order to carry out its obligations under this section:

(a) a bespoke plan provision:

(b) a provision on a specified topic.

(9C) The evaluation report and any further evaluation report required under **Schedule 3** of the Planning Act **2025** (as applied by **section 94 of the Natural Environment Act 2025**) are not required to address the bespoke plan provision or provision on a specified topic.

(9D) The regional council and any independent hearings panel are not required to prepare a justification report or further justification report (as would otherwise be required by **Schedule 3** of the Planning Act **2025**, as applied by **section 94 of the Natural Environment Act 2025**) in relation to the bespoke plan provision or provision on a specified topic.

(10) A regional council may decide, in conducting the process required by subsection (6), not to alter its relevant regional documents, natural environment plan, or proposed natural environment plan, but only on the grounds that the matters in the planning document—

(a) are already provided for in a relevant regional document, natural environment plan, or proposed natural environment plan; or

(b) would not achieve the purpose of the Resource Management Act 1991 (in the case of a regional document) or the purpose of the **Natural**

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)—*continued*

Environment Act 2025 (in the case of a natural environment plan or proposed natural environment plan); or

(c) would be more effectively and efficiently addressed in another way.

In section 93(11), after "Resource Management Act 1991", insert "or a proposed natural environment plan notified for submissions under **clause 15 or 16 of Schedule 3** of the Planning Act **2025** (as applied by **section 94 of the Natural Environment Act 2025**)".

After section 93(12), insert:

(13) If a change request to a natural environment plan is made under **Part 3 of Schedule 3** of the Planning Act **2025** (as applied by **section 94 of the Natural Environment Act 2025**) that applies to a customary marine title area in respect of which a planning document has been lodged,—

(a) the provisions of **Part 2 of that schedule** apply to the change request, subject to the regional council having regard to any matters in the planning document when making a decision under **clause 51 of that schedule**; and

(b) if the change request is not rejected or treated as a natural resource permit application, the regional council must adopt the request and initiate the process required by subsection (6).

(14) In this section, **bespoke plan provision** and **specified topic** have the meanings given in **section 3 of the Natural Environment Act 2025**.

Overseas Investment Act 2005 (2005 No 82)

In Schedule 1, Part 1, table 1, item 8, after "Resource Management Act 1991", insert ", or proposed land use plan under the Planning Act **2025**".

Remuneration Authority Act 1977 (1977 No 110)

In Schedule 4, after the item relating to the chair of the tribunal under the Weathertight Homes Resolution Services Act 2006, insert:

The chairperson and adjudicators of the Planning Tribunal established under **clause 2 of Schedule 10** of the Planning Act **2025**

Resource Management Act 1991 (1991 No 69)

In section 58Q, insert as subsection (2):

(2) Despite sections 58O and 58P, on and from commencement of this subsection, a Mana Whakahono ā Rohe—

(a) may not be initiated under section 58O or 58P, and those sections cease to apply:

(b) may be concluded under this section only if initiated under section 58O or 58P before the commencement of this subsection.

Soil Conservation and Rivers Control Act 1941 (1941 No 12)

In section 10A, replace "Harbours Act 1950 or the Resource Management Act 1991" with "Harbours Act 1950, the Resource Management Act 1991, or the **Natural Environment Act 2025**".

Urban Development Act 2020 (2020 No 42)

In section 58(b), replace "." with "; or".

After section 58(b), insert:

(c) the following instruments made under the **Natural Environment Act 2025**:

(i) national policy direction:

(ii) national standards:

(iii) regulations; or

(d) the following instruments made under the Planning Act **2025**:

(i) national policy direction:

(ii) national standards:

(iii) regulations.

In section 95(b), after "Resource Management Act 1991", insert ", the **Natural Environment Act 2025**, and the Planning Act **2025**".

Replace the cross-heading above section 98 with:

Regional, district, land use, or natural environment plan changes in transitional period

In section 98(1), replace "district or regional plan" with "land use plan, natural environment plan, district plan, or regional plan".

In section 98(2), replace "resource management" with "resource management, land use, planning, or natural resource".

After section 108(1)(a), insert:

(aa) to keep and maintain records under **section 228 of the Natural Environment Act 2025**:

(ab) to keep and maintain records under **section 188** of the Planning Act **2025**:

In Schedule 3, clause 8(2), replace "were a board of inquiry with authority to conduct a hearing under section 149J of the Resource Management Act 1991" with "was an independent hearings panel with the authority to conduct a hearing under the Planning Act **2025**".

Waitakere Ranges Heritage Area Act 2008 (2008 No 1 (L))

Replace the cross-heading above section 9 with:

Waitakere Ranges Heritage Area Act 2008 (2008 No 1 (L))—*continued*

Matters relating to Resource Management Act 1991, Natural Environment Act 2025, and Planning Act 2025

After section 9, insert:

9A Relationship between this Act and Natural Environment Act 2025 and Planning Act 2025

If a conflict arises between this Act and the **Natural Environment Act 2025** or the Planning Act **2025**, those Acts prevail.

9B Regional spatial plan

(1) To the extent of any inconsistency, this Act prevails over a regional spatial plan prepared under **subpart 1 of Part 3** of the Planning Act **2025**.

(2) When adopting or amending a regional spatial plan, the Council must ensure that its provisions are not inconsistent with the purpose of this Act or the objectives.

9C Natural environment plan

(1) When preparing or reviewing a natural environment plan that affects the heritage area, the Council must give effect to the purpose of this Act and the objectives.

(2) The requirements in **subsection (1)** are in addition to the requirements in **sections 97 and 112 of the Natural Environment Act 2025**.

(3) When evaluating a proposed natural environment plan, change, or variation that affects the heritage area, the Council must also examine whether the plan, change, or variation is the most appropriate way to achieve the objectives (having regard to the purpose of this Act).

(4) The requirements in **subsection (3)** are in addition to the requirements in **section 106 of the Natural Environment Act 2025**.

After section 11, insert:

11A Land use plans

(1) When preparing or reviewing a land use plan that affects the heritage area, the Council must give effect to the purpose of this Act and the objectives.

(2) The requirements in **subsection (1)** are in addition to the requirements in **sections 28, 80, and 99** of the Planning Act **2025**.

(3) When evaluating a proposed land use plan, change, or variation that affects the heritage area, the Council must examine whether the plan, change, or variation is the most appropriate way to achieve the objectives (having regard to the purpose of this Act).

Waitakere Ranges Heritage Area Act 2008 (2008 No 1 (L))—*continued*

(4) The requirements in **subsection (3)** are in addition to the requirements in **section 87** of the Planning Act **2025**.

In section 12(3)(a), after "1991", insert "or information required under the **Natural Environment Act 2025** or the Planning Act **2025**, including regulations made under either of those Acts".

In section 12(4), after "1991", insert "or under **section 94(2)** of the **Natural Environment Act 2025** or under **section 77(2)** of the Planning Act **2025**".

In section 12(4)(a), replace "regional or district plan" with "regional plan, district plan, land use plan, or natural environment plan".

In the heading to section 16, after "**declarations**", insert "**in relation to Resource Management Act 1991**".

After section 16, insert:

16A Applications for declarations in relation to Natural Environment Act 2025 or Planning Act 2025

(1) **Sections 253 to 257 of the Natural Environment Act 2025** apply as if the matters referred to in **subsection (3)** were stated in **section 254** of that Act as matters that a declaration may declare.

(2) **Sections 227 to 231** of the Planning Act **2025** apply as if the matters referred to in **subsection (3)** were stated in **section 228** of that Act as matters that a declaration may declare.

(3) The matters are—

(a) the application of **section 9A**; or

(b) the existence or extent of any function, power, right, or duty under any of **sections 9B, 9C, 11A, and 12**; or

(c) whether an act or omission, or a proposed act or omission, contravenes or is likely to contravene any of **sections 9B, 9C, 11A, and 12**; or

(d) any other issue or matter relating to the interpretation, administration, or enforcement of any of **sections 9B, 9C, 11A, and 12**.

In the heading to section 24, replace "**Foreshore and Seabed Act 2004**" with "**Marine and Coastal Area (Takutai Moana) Act 2011**".

In section 24, replace "Foreshore and Seabed Act 2004" with "Marine and Coastal Area (Takutai Moana) Act 2011".

After section 28, insert:

28A Relationship between LAP and Planning Act 2025

(1) The Council may include in its land use plan any part of a LAP that may be included in a land use plan under the Planning Act **2025**.

Waitakere Ranges Heritage Area Act 2008 (2008 No 1 (L))—*continued*

(2) For the purposes of **subsection (1)**, the LAP or the parts of the LAP must be treated as a proposed plan change, and **Part 1 of Schedule 3** of the Planning Act **2025** applies accordingly, with any necessary modification.

(3) For the avoidance of doubt, a LAP or a provision of a LAP has no effect on any decision under the Planning Act **2025**.

(4) **Subsection (3)** is subject to **subsections (1) and (2)** and the Planning Act **2025**.

28B Relationship between LAP and Natural Environment Act 2025

(1) The Council may include in its natural environment plan any part of a LAP that may be included in a natural environment plan under the **Natural Environment Act 2025**.

(2) For the purposes of **subsection (1)**, the LAP or the parts of the LAP must be treated as a proposed plan change, and **Part 1 of Schedule 3** of the Planning Act **2025** applies accordingly, with any necessary modification.

(3) For the avoidance of doubt, a LAP or a provision of a LAP has no effect on any decision under the **Natural Environment Act 2025**.

(4) **Subsection (3)** is subject to **subsections (1) and (2)** and the **Natural Environment Act 2025**.

Replace section 35(b) with:

(b) any statutory acknowledgement included in any enactment and listed in Schedule 11 of the Resource Management Act 1991, **Schedule 6 of the Natural Environment Act 2025**, or **Schedule 12** of the Planning Act **2025**:

Part 2
Amendments to RMA that commence 1 month after Royal assent

Section 2

In section 2(1), insert in their appropriate alphabetical order:

initial national rule means a rule—

(a) in a national standard made under the Planning Act **2025** or the **Natural Environment Act 2025**; and

(b) that is identified in that standard as a national rule that has legal effect during the transition period within the meaning of **clause 1 of Schedule 1** of the Planning Act **2025**

specified transition date has the meaning given in **clause 1 of Schedule 1** of the Planning Act **2025**

Section 9

In section 9(1) and (5), after "national environmental standard", insert "or an initial national rule".

Section 11

In section 11(1)(a), after "national environmental standard,", insert "an initial national rule,".

Section 12

In section 12(1), (2), and (3), after "national environmental standard,", insert "an initial national rule,".

In section 12(4)(b), after "national environmental standard", insert "or initial national rule".

In section 12(5), after "national environmental standard", insert "or an initial national rule".

Section 13

In section 13(1), after "national environmental standard,", insert "an initial national rule,".

In section 13(2), after "national environmental standard,", insert "an initial national rule,".

Section 14

In section 14(1), after "national environmental standard,", insert "an initial national rule,".

In section 14(3)(a), after "national environmental standard,", insert "an initial national rule,".

Section 15

In section 15(1), after "regulations,", insert "an initial national rule,".

In section 15(2), after "national environmental standard,", insert "an initial national rule,".

In section 15(2A)(a), after "regulations", insert "or an initial national rule".

Section 16

In section 16(2), after "national environmental standard,", insert "initial national rule,".

Section 17

In section 17(1)(b), after "national environmental standard,", insert "an initial national rule,".

New section 18B

After section 18A, insert:

18B Additional procedural principles

(1) This section applies to a person exercising a power or performing a function—

(a) during the transition period; and

(b) that relates to a decision on a resource consent.

(2) The person must take all practicable steps to—

(a) ensure that all documents are succinct and use plain language that can be readily understood by the public:

(b) act in a timely and cost-effective manner:

(c) act proportionately to the scale and significance of the matter:

(d) ensure that they have enough information to understand the implications of their decision (if any), after considering—

(i) the cost and feasibility of obtaining the information; and

(ii) the scale and significance of the matter to which the decision relates:

(e) act in a pragmatic way that supports practical solutions.

(3) In this section, **transition period** has the meaning given in **clause 1 of Schedule 1** of the Planning Act **2025**.

Section 32

In section 32(4), after "national environmental standard", insert "or an initial national rule".

In section 32(4), after "that standard", insert "or rule".

Section 35

In section 35(5)(ga), after "95G,", insert "**104AA**,".

Section 36

In section 36(1)(ae), after "87BB", insert "or **104AA**".

In section 36(1)(caaa), after "any rule in a plan", insert "or an initial national rule".

In section 36(1)(caab), after "a regulation,", insert "an initial national rule,".

In section 36(1)(cb)(v), after "national environmental standard", insert ", initial national rules,".

New section 43AB

After section 43A, insert:

New section 43AB—*continued*

43AB Certain references to standards to be read as references to initial national rules

(1) A reference to a national environmental standard or a standard in sections 43B to 43E must be read as a reference to a national environmental standard or an initial national rule.

(2) **Subsection (1)** applies to sections 43B to 43E with all necessary modifications.

43AC Relationship between transitional national rules and other instruments

If there is any conflict or duplication between an initial national rule and any of the following documents, the initial national rule prevails:

(a) a national policy statement:

(b) a New Zealand coastal policy statement:

(c) a national environmental standard:

(d) a regional policy statement:

(e) a plan or a proposed plan.

Section 43B

Before section 43B(1), insert:

(1AAA) This section is subject to **section 43AC**.

Section 43C

Before section 43C(1), insert:

(1AAA) This section is subject to **section 43AC**.

Section 43D

Before section 43D(1), insert:

(1AAA) This section is subject to **section 43AC**.

Section 43E

Before section 43E(1), insert:

(1AAA) This section is subject to **section 43AC**.

Section 44A

In the heading to section 44A, after "**standards**", insert "**and initial national rules**".

After section 44A(8), insert:

(9) In this section, a reference to a national environmental standard must be read as including a reference to an initial national rule.

Section 58JA

In the heading to section 58JA, replace "**31 December 2027**" with "**specified transition date**".

In section 58JA, replace "31 December 2027" with "the specified transition date".

Section 58JB

After section 58JB(4)(c), insert:

(ca) an initial national rule:

Section 58JD

After section 58JD(5)(c), insert:

(ca) an initial national rule:

Section 76

After section 76(5), insert:

(6) A rule must not require a resource consent for an activity solely because it relates to a matter specified in **section 104(1A)**.

New section 76A

After section 76, insert:

76A Amendments to plans during transition period to remove or modify out-of-scope matters

A territorial authority may, during the transition period, amend provisions in a district plan, without using the process in Schedule 1, to—

(a) remove provisions relating to matters specified in **section 104(1A)**:

(b) modify provisions to the extent necessary to ensure that matters specified in **section 104(1A)** no longer apply or are no longer considered.

New section 77SA

After section 77S, insert:

77SA Exemption from NPS-UD in specified transition period

(1) All tier 1 and tier 2 local authorities are exempt from the following NPS-UD requirements until the specified transition date:

(a) clause 3.10(2) (assessing demand and development capacity under a Housing and Business Development Capacity Assessment):

(b) clause 3.12(1) (preparation of a Future Development Strategy):

(c) clause 3.16 (review of a Future Development Strategy):

(d) clause 3.18(1) (compliance with ongoing requirements for Future Development Strategy implementation plans):

New section 77SA—*continued*

(e) clause 3.19(1) (obligation to prepare a Housing and Business Development Capacity Assessment).

(2) This section overrides Part 1 of Schedule 3C and Part 10 of Schedule 12.

Cross-heading above section 79

Repeal the cross-heading above section 79.

Section 79

Repeal section 79.

Subpart 5B heading in Part 5

In Part 5, in the subpart 5B heading, replace "31 December 2027" with "specified transition date".

Section 80O

In section 80O, definition of **exemption**, replace "31 December 2027" with "specified transition date".

Section 80P

In the heading to section 80P, replace "**31 December 2027**" with "**specified transition date**".

In section 80P(1), replace "31 December 2027" with "the specified transition date".

New section 80YA

After section 80Y, insert:

80YA Application of subpart 5B to private plan changes

(1) Despite anything to the contrary in this Act, on and after 1 January 2028 and until the specified transition date, a local authority must not notify a draft private plan change unless the Minister grants an exemption under this section.

(2) A local authority may apply in writing to the Minister for an exemption from the prohibition against notifying a draft private plan change.

(3) Section 80V applies to the local authority's application with any necessary modifications.

(4) Section 80W applies to the Minister's consideration of the application with any necessary modifications.

(5) Sections 80X and 80Y apply to the Minister's decision on the application with any necessary modifications.

Section 86H

After section 86H(2)(b), insert:

Section 86H—*continued*

(c) an initial national rule.

Section 87A

In section 87A(2)(b) and (3)(a), after "national environmental standard,", insert "an initial national rule,".

In section 87A(5) and (6), after "(including a national environmental standard),", insert "an initial national rule,".

After section 87A(8)(a), insert:

(aa) any initial national rule:

Section 87BB

In section 87BB(1)(a), after "(including any national environmental standard),", insert "an initial national rule,".

Section 95A

After section 95A(5)(a)(ii), insert:

(iia) an initial national rule:

Repeal section 95A(9) and the heading above section 95A(9).

Section 95B

After section 95B(6)(a)(ii), insert:

(iia) an initial national rule:

Section 95C

In section 95C(4), after "national environmental standard", insert "or initial national rule".

Section 95D

In section 95D(b) and (c), after "national environmental standard", insert "or an initial national rule".

Section 95E

In section 95E(2)(a) and (b), after "national environmental standard", insert "or an initial national rule".

Section 104

In section 104(1)(a), after "activity", insert "; subject to **subsection (1A)**".

After section 104(1)(b)(v), insert:

(va) an initial national rule.

After section 104(1), insert:

Section 104—*continued*

(1A) A consent authority must not have regard to any of the following when considering effects on the environment for any purpose under a district plan:

(a) the internal layout of a building or the external layout of any building on a site if the effects of the external layout remain within the boundaries of the site:

(b) negative effects of development on trade competition, including on competing providers of input goods and services:

(c) effects on retail distribution:

(d) in relation to a project,—

(i) any lack of demand for the project; or

(ii) the fact that the project is not financially viable:

(e) the type of residents to be housed in a new development:

(f) views from private property.

(1B) When forming an opinion for the purposes of **subsection (1)(a)**, the consent authority may disregard a national environmental standard, a plan or proposed plan, a national policy statement, or a regional policy statement to the extent that it regulates or purports to regulate a matter described in **subsection (1A)**.

(1C) A person who exercises a power or performs a function under this Act must not, except as provided in **Schedule 1** of the Planning Act **2025**, consider elements of or instruments made under that Act or the **Natural Environment Act 2025** in the determination of a resource consent application or notice of requirement lodged under this Act during the transition period.

(1D) The consent authority must consider the extent to which its decision on a resource consent application is consistent with—

(a) any relevant decided regional spatial plan; or

(b) any relevant future development strategy published before the notification of that plan.

In section 104(2), after "national environmental standard", insert ", an initial national rule,".

Section 104A

In section 104A(b)(i), after "national environmental standards", insert ", initial national rules,".

New section 104AA

After section 104, insert:

New section 104AA—*continued*

104AA Alternative permitted activity pathway

(1) A consent authority may give a notice that a district land use activity that, despite marginal or temporary non-compliance with a rule or standard relating to a matter specified in **section 104(1A)**, is a permitted activity—

(a) after receiving an application for a resource consent for the activity; or

(b) on its own initiative.

(2) The notice must be in writing and must include—

(a) a description of the activity; and

(b) details of the site at which the activity is to occur; and

(c) the consent authority's reasons for its decision, and the information relied on in making that decision.

(3) If a person has submitted an application for a resource consent for an activity that is a permitted activity under this section, the application need not be further processed, considered, or decided and must be returned to the applicant.

(4) A notice given under **subsection (1)** lapses 5 years after the date of the notice unless the activity permitted by the notice is given effect to.

Section 104C

In section 104C(1)(a) and (3)(a), after "national environmental standards,", insert "initial national rules,".

Section 108AA

In section 108AA(1)(b)(ii), after "national environmental standard", insert ", or an initial national rule".

In section 108AA(4), after "national environmental standard", insert "or an initial national rule".

Section 113

After section 113(1)(ab)(iv), insert:

(iva) an initial national rule:

Section 123A

In section 123A(2)(c), after "national environmental standard", insert "or an initial national rule".

Section 123B

In section 123B(2)(b), after "national environmental standard,", insert "an initial national rule,".

Section 127

In section 127(3B)(b), after "national environmental standard", insert "or an initial national rule".

Section 128

In section 128(1)(ba), after "national environmental standards", insert ", initial national rules,".

Section 137

In section 137(4)(b) and (d), after "national environmental standard", insert "or an initial national rule".

Section 139

In section 139(8A), after "87BB(1)(d)", insert "or **104AA(1)**".

In section 139(10)(a), after "national environmental standard", insert "or initial national rule".

Section 149L

In section 149L(5)(a), after "national environmental standards,", insert "initial national rules,".

Section 149R

In section 149R(3)(f), after "national planning standard,", insert "an initial national rule,".

Section 149ZCB

In section 149ZCB(2)(c) and (3)(a), after "national environment standard", insert "or an initial national rule".

Section 149ZCC

In section 149ZCC(2) and (3), after "national environment standard", insert "or initial national rule".

Section 149ZCD

In section 149ZCD(3), after "national environment standard", insert "or initial national rule".

Section 149ZCE

In section 149ZCE(b) and (c), after "national environment standard", insert "or an initial national rule".

Section 149ZCF

In section 149ZCF(2)(a) and (b), after "national environment standard", insert "or an initial national rule".

Section 165ZFHHA

In section 165ZFHHA(1), replace "3 September 2030" with "the day before the specified transition date".

Section 165ZFHI

In section 165ZFHI(2)(aa)(ii), replace "3 September 2030" with "the day before the specified transition date".

Section 166

In section 166(1), definition of **network utility operator**, after paragraph (hb), insert:

(hc) is Health New Zealand and operates or proposes to operate health facilities to meet its obligations under the Healthy Futures (Pae Ora) Act 2022; or

(hd) operates or proposes to operate infrastructure for an emergency service (for example, an ambulance or fire service); or

Section 168A

After section 168A(2A), insert:

(2B) When considering a requirement and any submissions received, a territorial authority must have regard to any relevant initial national rule under the Planning Act **2025** or the **Natural Environment Act 2025**.

After section 168A(3A), insert:

(3B) When considering the effects on the environment of allowing the requirement under subsection (3), the territorial authority must not have regard to any matters specified in **section 104(1A)**.

(3C) The territorial authority must consider the extent to which its decision on a notice of requirement application is consistent with—

(a) any relevant decided regional spatial plan; or

(b) any relevant future development strategy published before the notification of that plan.

Section 169

In section 169(1B), after "national environment standard", insert "or initial national rule".

Section 171

After section 171(1)(a)(i), insert:

(ia) any relevant initial national rule under the Planning Act **2025** or the **Natural Environment Act 2025**:

After section 171(1B), insert:

Section 171—*continued*

(1C) When considering the effects on the environment of allowing the requirement under subsection (3), the territorial authority must not have regard to any matters specified in **section 104(1A)**.

(1D) If there is any conflict between a national environmental standard and an initial national rule, the rule prevails.

(1E) The territorial authority must consider the extent to which its decision on a notice of requirement application is consistent with—

(a) any relevant decided regional spatial plan; or

(b) any relevant future development strategy published before the notification of that plan.

Section 189A

In section 189A(2B), after "national environment standard", insert "or initial national rule".

Section 190

In section 190(1B), after "national environment standard", insert "or initial national rule".

Section 217B

In section 217B, definition of **specified instrument**, after "national environment standard,", insert "initial national rule,".

Section 217E

In section 217E(1)(d), before "arrange for the farm to be audited", insert "if the freshwater farm plan is required under subclause (1AAA) to be certified,".

Section 217H

In section 217H(1), after "A farm operator must", insert ", if the farm is required under section 217E(1)(d) to be audited,".

Section 217J

Repeal section 217J(a).

After section 217J(b), insert:

(ba) if the farm is required under section 217E(1)(d) to be audited, the date on which the farm was last audited for compliance with the freshwater farm plan; and

Section 217M

In section 217M(g), replace "must be audited for compliance with a freshwater farm plan" with "that must be audited for compliance with a freshwater farm plan is audited".

Section 314

In section 314(1)(a)(i) and (b)(i), after "any regulations,", insert "an initial national rule,".

Section 322

In section 322(1)(b)(i), after "national environment standard,", insert "an initial national rule,".

New section 325C and cross-heading

After section 325B, insert:

Adverse publicity orders

325C Adverse publicity orders

(1) An order under this section (an **adverse publicity order**) to address non-compliance with this Act may—

(a) be made by the Environment Court in enforcement proceedings on application by the local authority or the EPA; or

(b) be made by the District Court in proceedings in that court for an offence under this Act on application by the prosecutor; or

(c) be offered as part of an enforceable undertaking.

(2) An adverse publicity order may be made against a person only if the person—

(a) is convicted of an offence against this Act in relation to the non-compliance; or

(b) is ordered to pay a pecuniary penalty under this Act in relation to the non-compliance.

(3) An adverse publicity order may require the person to do 1 or more of the following:

(a) take any specified action to publicise—

(i) the non-compliance:

(ii) any impacts on human health or the environment or other consequences arising or resulting from the non-compliance:

(iii) if applicable, any penalties imposed, or other orders made, by the court as a result of the non-compliance:

(iv) any specified additional information:

New section 325C and cross-heading—*continued*

(b) take any specified action to notify a specified person or class of persons of the matters listed in **paragraph (a)**.

(4) If an appeal is lodged against the conviction or pecuniary penalty in relation to the non-compliance to which the adverse publicity order relates, the order is stayed until the appeal is determined.

(5) In this section, **non-compliance** includes alleged non-compliance in the case of an enforceable undertaking.

Compare: 2023 No 46 s 673

Section 326

In section 326(2)(a), after "national environment standard", insert "or an initial national rule".

Section 332

In section 332(1), after "dwellinghouse", insert "or marae".

Replace section 332(2) with:

(2) An enforcement officer may—

(a) collect records of their inspection (including measurements, notes, sketches, drawings, photographs, and video recordings); and

(b) take samples of water, air, soil, or organic matter.

Section 334

Replace section 334(1) with:

(1) An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012), on an application made by a constable or an enforcement officer in the manner provided in subpart 3 of Part 4 of that Act, may issue a warrant authorising the entry and search of any place or vehicle if satisfied that there are reasonable grounds for believing that there is in, on, under, or over any place or vehicle anything—

(a) in respect of which an offence has been or is suspected of having been committed against this Act or regulations made under this Act that is punishable by imprisonment; or

(b) that will be evidence of an offence against this Act or regulations that is punishable by imprisonment; or

(c) that is intended to be used for the purpose of committing an offence against this Act or regulations that is punishable by imprisonment.

Section 335

Replace section 335 with:

Section 335—*continued*

335 Direction and execution of warrant for entry for search

(2) Every search warrant issued under section 334 must be directed to any constable generally or enforcement officer generally.

(2A) If a warrant authorises the entry and search of a dwellinghouse or marae, it must be directed to and executed by any constable generally.

(3) An enforcement officer must be accompanied by a constable during the initial entry of the place or vehicle to be searched.

(4) Subject to the agreement of the enforcement officer, the constable may leave the place or vehicle at any time after the initial execution of the search warrant.

Compare: 1991 No 69 s 335; 2023 No 46 s 731

Section 338

After section 338(1)(d), insert:

(e) an adverse publicity order under **section 325C**.

Section 339

In section 339(2), replace "$10,000" with "$15,000".

In section 339(2), replace "$1,000" with "$1,500".

In section 339(3), replace "$1,500" with "$5,000".

Section 342A

Replace section 342A(2) with:

(2) A person must not—

(a) enter into, or offer to enter into, a contract described in subsection (1); or

(b) through a contract of insurance (as defined in section 7(1) of the Insurance (Prudential Supervision) Act 2010)—

(i) indemnify, or offer to indemnify, another person for the other person's liability to pay a fine or an infringement fee under this Act; or

(ii) be indemnified, or agree to be indemnified, by another person for that person's liability to pay a fine or an infringement fee under this Act; or

(iii) pay to another person, or receive from another person, an indemnity for a fine or an infringement fee under this Act.

Section 360F

In section 360F(2)(d), after "87BB", insert "or **104AA**".

Part 3
Amendments to RMA relating to Planning Tribunal that commence on a date set by Order in Council made under section 2(4)

Section 2

In section 2(1), insert in its appropriate alphabetical order:

> **Planning Tribunal** means the Planning Tribunal established under **clause 2 of Schedule 10** of the Planning Act **2025**

Section 36

Repeal section 36(1)(af).

Section 87E

In section 87E(9), replace "section 357A(1)(e)" with "**section 357A(1A)**".

Section 88D

In section 88D(1)(c), replace "section 357A(1)(e)" with "**section 357A(1A)**".

Section 91

Replace section 91(3) with:

> (3) The applicant may apply to the Planning Tribunal to review a determination under this section.

Section 99

In section 99(9)(b) and (10)(c), replace "section 357A" with "**section 357(1A)**".

Section 116

In section 116(1A), replace "an objection has been made" with "a review has been applied for".

In section 116(1AB),—

(a) replace "an objection has been made" with "a review has been applied for"; and

(b) replace "when the objection" with "when the review".

Section 120

Replace section 120(2) with:

> (2) This section is in addition to the rights provided for in section 357A (which provides for reviews by the Planning Tribunal).

Section 125

In section 125(1B), replace "Sections 357A and 357C to 358 apply" with "Section 357A applies".

Section 139

In section 139(9), replace "Sections 357A, 357AB, and 357C to 358 apply" with "Section 357A applies".

Section 139A

In section 139A(10), replace "Sections 357A, 357AB, and 357C to 358 apply" with "Section 357A applies".

Section 179

Replace section 179 with:

179 Reviews relating to sections 176 to 178

(1) Any person who has been refused consent by a requiring authority under section 176(1)(b), 177(2), or 178(2), or who has been granted consent subject to conditions, may apply to the Planning Tribunal for a review of the refusal or the conditions.

(2) An application under this section must—

(a) state the reasons for the review and the relief sought; and

(b) state any matters required to be stated by regulations; and

(c) be lodged with the tribunal and served on the requiring authority who made the decision within 15 working days of receiving the requiring authority's decision under section 176(1)(b), 177(2), or 178(2).

(3) In considering a review under this section, the tribunal must have regard to—

(a) whether the decision being reviewed has caused or is likely to cause serious hardship to the appellant; and

(b) whether the decision would render the land which is subject to the designation or requirement incapable of reasonable use; and

(c) the extent to which the decision may be modified without wholly or partly nullifying the effect of the requirement or designation.

(4) The tribunal may confirm or reverse the decision being reviewed or modify the decision in any manner the tribunal thinks fit.

In section 179(1) and (2)(c), replace "Environment Court" with "Planning Tribunal".

In section 179(3), replace "court" with "tribunal" in each place.

Section 182

In section 182(6), replace "object, under section 357, to" with "apply for a review, under section 357, of".

Section 184

In section 184(3), replace "object, under section 357, to" with "apply for a review, under section 357, of".

Section 357

In the heading to section 357, after "**against**", insert "**or review of**".

In section 357(1), (6), and (7), replace "objection to the territorial authority" with "review by the Planning Tribunal".

In section 357(3), replace "objection to the consent authority" with "review by the Planning Tribunal".

After section 357(9), insert:

(10) A right of review by the Planning Tribunal conferred by this section or section 357A—

(a) may be exercised by applying to the tribunal in the approved form in accordance with **Schedule 10** of the Planning Act **2025**; and

(b) when that application is made,—

(i) nothing in sections 357C to 358 of this Act applies to a right of review to the Planning Tribunal; and

(ii) **Schedule 10** of the Planning Act **2025** applies instead (with any necessary modifications).

(11) Despite **subsection (10) and Schedule 10** of the Planning Act **2025**, no appeal lies against a review under section 357A(1)(f) or (g) in respect of a decision of a consent authority or hearings commissioner, on an application or a review described in section 357A(2) to (4), if the right of appeal against the decision to the Environment Court in the first instance is excluded by section 120(1A).

Section 357A

In the heading to section 357A, replace "**consent authority against**" with "**or review of**".

In section 357A(1), replace "objection to a consent authority" with "review by the Planning Tribunal".

In section 357A(1)(a), replace "that authority" with "a consent authority".

Repeal section 357A(1)(d) and (e).

After section 357A(1), insert:

(1A) There is a right of objection to a consent authority,—

(a) in respect of an application or a submission that a consent authority declines to process or to consider, as provided for by section 99(8), for the person who made the application or submission:

(b) in respect of a decision of the authority under section 87E(5) to (6A), for a person who made a request under section 87D.

Section 357AB

Repeal section 357AB.

Section 357C

Repeal section 357C(2A).

Section 357D

In section 357D(3), replace "section 357A(1)(e)" with "**section 357A(1A)**".

New section 357E

After section 357D, insert:

357E Additional functions of Planning Tribunal

On and after the commencement of this section, the Planning Tribunal may—

(a) make declarations described in **clause 22 of Schedule 10** of the Planning Act **2025**, which applies with any necessary modifications:

(b) review requests for further information or the commissioning of a report from a person applying for a resource consent or designation:

(c) review extensions of statutory time frames based on special circumstances that are granted under section 37A(4):

(d) review decisions made under section 91 not to proceed with a resource consent because other consents are required:

(e) review decisions to decline requests for permission to undertake work on designated land.

Section 358

In section 358(1), replace "section 357A(1)(a), (d), (f), or (g)" with "**section 357A(1A)**".

Repeal section 358(1A)(a).

Section 360O

Repeal section 360O.

Part 4

Amendments to Acts that commence on a date set by Order in Council made under section 2(2)

Airport Authorities Act 1966 (1966 No 51)

In section 6(8), replace "section 11 and Part 10 of the Resource Management Act 1991" with "**section 18 or Schedule 7** of the Planning Act **2025**".

Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 (2004 No 109)

In section 10(4), (4B), (4C), (5), and (6), replace "consent authority" with "permit authority" in each place.

Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 (2004 No 109)—*continued*

In section 10(4C), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In section 10(6), replace "object" with "apply for a review".

In section 10(6A)(a), replace "sections 120 and 121 of the Resource Management Act 1991 apply to the appeal as if it were an appeal against a decision on a review of consent conditions" with "**sections 172 and 173 of the Natural Environment Act 2025** apply to the appeal as if it were an appeal against a decision on a review of permit conditions".

Replace section 10(6A)(b) with:

(b) apply for a review of the decision to the Planning Tribunal under **clause 24 of Schedule 10** of the Planning Act **2025** as if it were an application to review a decision on a review of the conditions of a permit under **clause 24(3)(c) of Schedule 10** of that Act.

In section 13(2), replace "section 122(3) and (4) of the Resource Management Act 1991" with "**section 174(3) and (4) of the Natural Environment Act 2025**".

In section 20(3), (3B), (3C), (4), and (5), replace "consent authority" with "permit authority" in each place.

In section 20(3C), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In section 20(5), replace "object" with "apply for a review".

In section 20(5A)(a), replace "sections 120 and 121 of the Resource Management Act 1991 apply to the appeal as if it were an appeal against a decision on a review of consent conditions" with "**sections 172 and 173 of the Natural Environment Act 2025** apply to the appeal as if it were an appeal against a decision on a review of permit conditions".

Replace section 20(5A)(b) with:

(b) apply for a review of the decision to the Planning Tribunal under **clause 24 of Schedule 10** of the Planning Act **2025** as if it were an application to review a decision on a review of the conditions of a permit under **clause 24(3)(c) of Schedule 10** of that Act.

In section 21(3), (3B), (3C), (4), and (5), replace "consent authority" with "permit authority" in each place.

In section 21(3C), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In section 21(5), replace "object" with "apply for a review".

In section 21(5A)(a), replace "sections 120 and 121 of the Resource Management Act 1991 apply to the appeal as if it were an appeal against a decision on a review of consent conditions" with "**sections 172 and 173 of the Natural Environment Act**

Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 (2004 No 109)—*continued*

2025 apply to the appeal as if it were an appeal against a decision on a review of permit conditions".

Replace section 21(5A)(b) with:

(b) apply for a review of the decision to the Planning Tribunal under **clause 24 of Schedule 10** of the Planning Act **2025** as if it were an application to review a decision on a review of the conditions of a permit under **clause 24(3)(c) of Schedule 10** of that Act.

Replace section 23 with:

23 Regional councils may charge for review

Section 229 of the Natural Environment Act 2025 applies in relation to the functions of a permit authority under sections 10, 20, and 21 as if a review under any of those sections were a review by a permit authority under **section 186 of the Natural Environment Act 2025**.

In section 44L(1), replace "Section 165T of the principal Act" with "**Clause 19 of Schedule 3 of the Natural Environment Act 2025**".

In section 44L(2)(a), replace "regional coastal plan" with "natural environment plan".

In section 44L(3), replace "section 165S of the Resource Management Act 1991" with "**clause 18 of Schedule 3 of the Natural Environment Act 2025**".

In section 53(2), (3), (4A), (5), (5A), (6), (8), and (11), replace "consent authority" with "permit authority" in each place.

Replace section 53(4) with:

(4) **Sections 140 and 141 of the Natural Environment Act 2025** apply, with all necessary modifications, to an application under this section as if it were an application for a natural resource permit.

In section 53(5A), (5B), and (5C), replace "regional coastal plan" with "natural environment plan" in each place.

Replace section 53(6) with:

(6) **Sections 172 and 173 of the Natural Environment Act 2025** apply to the decision of the permit authority under subsection (5) as if the decision were a decision on a review of permit conditions.

Replace section 53(10) with:

(10) The holder of a deemed coastal permit may apply for a review of the decision to the Planning Tribunal under **clause 24 of Schedule 10** of the Planning Act **2025** as if it were an application to review a decision on a review of the conditions of a permit under **clause 24(3)(c) of Schedule 10** of that Act.

Replace section 53(11) with:

Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 (2004 No 109)—*continued*

(11) **Section 229 of the Natural Environment Act 2025** applies to the functions of the permit authority under this section as if an application to amend a deemed coastal permit were an application for a natural resource permit under **section 130** of that Act.

In the heading to section 54, replace "**consent authority**" with "**permit authority**".

In section 54(2), replace "consent authority" with "permit authority".

Auckland City Council (St Heliers Bay Reserve) Act 1995 (1995 No 4 (L))

In section 6(1)(e), replace "section 326 of the Resource Management Act 1991" with "**section 247** of the Planning Act **2025**".

Auckland Improvement Trust Act 1971 (1971 No 9 (L))

In section 4(1D),—

(a) replace "application of the Resource Management Act 1991" with "application of the **Natural Environment Act 2025** or the Planning Act **2025**"; and

(b) replace "Part 10 of the Resource Management Act 1991" with "**Schedule 7** of the Planning Act **2025**".

In section 5(1D),—

(a) replace "application of the Resource Management Act 1991" with "application of the **Natural Environment Act 2025** or the Planning Act **2025**"; and

(b) replace "Part 10 of the Resource Management Act 1991" with "**Schedule 7** of the Planning Act **2025**".

Biosecurity Act 1993 (1993 No 95)

In section 7(2), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**, the Planning Act **2025**".

In the heading to section 7A, replace "**Resource Management Act 1991**" with "**Natural Environment Act 2025 and Planning Act 2025**".

In section 7A(1) and (1)(a), replace "Part 3 of the Resource Management Act 1991" with "**subpart 2 of Part 2 of the Natural Environment Act 2025** or **subpart 2 of Part 2** of the Planning Act **2025**".

In section 7A(3)(a), after "consent authority", insert "or permit authority, as relevant".

In section 7A(4), replace "Part 3 of the Resource Management Act 1991" with "**subpart 2 of Part 2 of the Natural Environment Act 2025** or **subpart 2 of Part 2** of the Planning Act **2025**".

In section 7A(5)(a), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** and the Planning Act **2025**".

Biosecurity Act 1993 (1993 No 95)—*continued*

In section 7A(5)(b), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** and the Planning Act **2025**".

Replace section 7A(6) with:

(6) For the purposes of this section,—

consent authority has the same meaning as in **section 3** of the Planning Act **2025**

permit authority has the same meaning as in **section 3 of the Natural Environment Act 2025**.

In section 7D(1)(a), replace "Part 3 of the Resource Management Act 1991" with "**subpart 2 of Part 2 of the Natural Environment Act 2025** or **subpart 2 of Part 2** of the Planning Act **2025**".

Replace section 71(a)(iv) with:

(iv) a natural environment plan prepared under the **Natural Environment Act 2025**; or

Replace section 74(a)(iv) with:

(iv) a natural environment plan prepared under the **Natural Environment Act 2025**; or

In section 76(6), replace "section 291 of the Resource Management Act 1991" with "**clause 51 of Schedule 9** of the Planning Act **2025**".

Replace section 91(a)(iii) with:

(iii) a natural environment plan prepared under the **Natural Environment Act 2025**; or

Replace section 94(a)(iii) with:

(iii) a natural environment plan prepared under the **Natural Environment Act 2025**; or

In section 96(6), replace "section 291 of the Resource Management Act 1991" with "**clause 51 of Schedule 9** of the Planning Act **2025**".

In section 100F(3), replace "section 291 of the Resource Management Act 1991" with "**clause 51 of Schedule 9** of the Planning Act **2025**".

Building Act 2004 (2004 No 72)

In section 7(1), definition of **heritage building**,—

(a) repeal paragraph (a)(iv); and

(b) paragraph (a)(v), replace "included in a schedule of a district plan" with "subject to protection in a land use plan".

In section 7(1), definition of **territorial authority**, paragraph (a)(ii), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

Building Act 2004 (2004 No 72)—*continued*

In section 10, replace "Resource Management Act 1991" with "Planning Act **2025**" in each place.

In section 35(2), definition of **special feature of the land concerned**, paragraph (c), replace "district plan under the Resource Management Act 1991" with "land use plan under the Planning Act **2025**".

In section 35A(3), replace "district plan and regional plan" with "land use plan and natural environment plan".

In the heading to section 37, replace "**resource**" with "**planning**".

In section 37(1)(a), replace "resource consent under the Resource Management Act 1991" with "planning consent under the Planning Act **2025**".

In section 37(1)(b) and (2), replace "resource consent" with "planning consent".

In section 116A, replace "section 224(f) of the Resource Management Act 1991" with "**clause 29 of Schedule 7** of the Planning Act **2025**".

In section 133BW(4)(g), replace "resource consent under the Resource Management Act 1991" with "a natural resource permit under the **Natural Environment Act 2025** or a planning consent under the Planning Act **2025**".

Replace section 133BY with:

133BY Natural resource permit or planning consent not required for certain works

A natural resource permit under the **Natural Environment Act 2025** or a planning consent under the Planning Act **2025** is not required for works that are carried out under section 133BS, 133BV, or 133BW.

In section 177(3)(h), replace "section 224(f) of the Resource Management Act 1991" with "**clause 29 of Schedule 7** of the Planning Act **2025**".

In section 212(1), replace "Resource Management Act 1991" with "Planning Act **2025**".

In Schedule 1, clause 1AA, definition of **rural zone**, replace "district plan" with "land use plan".

In Schedule 1, clause 41(2), replace "district plan" with "land use plan".

Burial and Cremation Act 1964 (1964 No 75)

In section 45A(1)(c), replace "Resource Management Act 1991" with "Planning Act **2025**".

In section 45D(1), replace "consent has been obtained under the Resource Management Act 1991" with "planning consent has been obtained under the Planning Act **2025**".

Canterbury Property Boundaries and Related Matters Act 2016 (2016 No 40)

In section 10, replace "section 11 or Part 10 of the Resource Management Act 1991" with "**Schedule 7** of the Planning Act **2025**".

Chatham Islands Council Act 1995 (1995 No 41)

Repeal section 7(1)(a)(iv).

Repeal **section 7(1)(b)(iii)**.

Replace the cross-heading above section 26 with:

Natural environment and land use

Replace section 27 with:

27 Time periods for consent or permit hearings

Where the **Natural Environment Act 2025**, the Planning Act **2025**, or any regulations made under those Acts, specifies any period of time within which the consent authority or permit authority or any other person must perform any action in the course of the consent or permit hearing process, and where the consent or permit is required for an activity within the area of the Chatham Islands Territory, that time period is extended by 5 working days.

In section 28, replace "section 38 of the Resource Management Act 1991" with "**section 244 of the Natural Environment Act 2025** and **section 218** of the Planning Act **2025**".

Christ Church Cathedral Reinstatement Act 2017 (2017 No 52)

In Schedule 2, repeal paragraph (h).

In Schedule 2, after paragraph (e), insert:

(ea) the Natural Environment Act 2025:

(eb) the Planning Act **2025**:

Christchurch City Council (Robert McDougall Gallery) Land Act 2003 (2003 No 4 (L))

In section 9, replace "Resource Management Act 1991" with "**Natural Environment Act 2025**, the Planning Act **2025**,".

Christchurch District Drainage Act 1951 (1951 No 21(L))

In section 43(1), replace "and of the Resource Management Act 1991," with ", **Natural Environment Act 2025**, and the Planning Act **2025**,".

Christchurch District Drainage Amendment Act 1969 (1969 No 1 (L))

In section 4(1), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or the Planning Act **2025**".

Civil Aviation Act 2023 (2023 No 10)

In section 234, replace "section 11 and Part 10 of the Resource Management Act 1991" with "**section 18 and Schedule 7** of the Planning Act **2025**".

Civil Defence Emergency Management Act 2002 (2002 No 33)

Repeal section 17(3)(j).

Replace section 111 with:

111 Restricted application of Natural Environment Act 2025 and Planning Act 2025

If a state of emergency is declared, or notice of a transition period is given, under this Act,—

(a) the **Natural Environment Act 2025** applies to emergency works as provided for in **section 303** of that Act; and

(b) the Planning Act **2025** applies to emergency works as provided for in **section 277** of that Act.

Climate Change Response Act 2002 (2002 No 40)

In section 4(1), repeal the definitions of **district plan** and **regional plan**.

In section 4(1), definition of **erosion-prone land**, replace "regional plan or district plan" with "natural environment plan or land use plan".

In section 4(1), insert in their appropriate alphabetical order:

land use plan has the meaning given in **section 3** of the Planning Act **2025**

natural environment plan has the meaning given in **section 3 of the Natural Environment Act 2025**

In section 182A(4)(a), replace "Resource Management Act 1991, including any plan under that Act, or the Forests Act 1949" with "**Natural Environment Act 2025** and the Planning Act **2025**, or the Resource Management Act 1991, including any plan under those Acts, or the Forests Act 1949".

In section 182C(1)(c)(i), replace "Resource Management Act 1991, including any plan under that Act or the Forests Act 1949" with "**Natural Environment Act 2025** and the Planning Act **2025** or the Resource Management Act 1991, including any plan under those Acts, or the Forests Act 1949".

Conservation Act 1987 (1987 No 65)

In section 2(1), definition of **contaminant**, replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In section 2(1), definition of **effect**, replace "section 3 of the Resource Management Act 1991" with "**section 3 of the Natural Environment Act 2025**".

Replace section 17P with:

Conservation Act 1987 (1987 No 65)—*continued*

17P Relationship with Natural Environment Act 2025 and Planning Act 2025

(1) Except as provided in **subsection (2)**, this Part does not relieve any person from any obligation to obtain a natural resource permit under the **Natural Environment Act 2025** or planning consent under the Planning Act **2025**.

(2) **Section 18 and Schedule 7** of the Planning Act **2025** do not apply to any lease granted by the Minister.

Replace section 17SD(3)(a) with:

(a) in the form set out in **Schedule 2 of the Natural Environment Act 2025**; or

In section 23(1), replace "under the Resource Management Act 1991" with "or continued under the **Natural Environment Act 2025**".

In section 24(5), replace "section 230 of the Resource Management Act 1991" with "**clause 40 of Schedule 7** of the Planning Act **2025**".

In section 24(7C), replace "section 355 of the Resource Management Act 1991" with "**section 328 of the Natural Environment Act 2025** or **section 289** of the Planning Act **2025**".

Replace section 39(6A) with:

(6A) It is a defence to a charge under subsection (4) if the defendant can show that the discharge of the contaminant was—

(a) done in accordance with the conditions of a current discharge permit under the **Natural Environment Act 2025**; or

(b) allowed by a national standard under **subpart 5 of Part 2 of the Natural Environment Act 2025**; or

(c) authorised by any secondary legislation (including by way of an exemption) made under the **Natural Environment Act 2025**; or

(d) a permitted activity in the relevant natural environment plan and any proposed natural environment plan, if there is one, under the **Natural Environment Act 2025**.

Contract and Commercial Law Act 2017 (2017 No 5)

In Schedule 5, Part 4, paragraph (s), replace "Resource Management Act 1991" with "Planning Act **2025**".

Corrections Act 2004 (2004 No 50)

In section 32(2A), replace "section 9 of the Resource Management Act 1991" with "**section 17** of the Planning Act **2025**".

In the heading to section 178, replace "**Resource Management Act 1991**" with "**Planning Act 2025**".

Corrections Act 2004 (2004 No 50)—*continued*

In section 178, replace "Part 8 of the Resource Management Act 1991" with "**Schedule 5** of the Planning Act **2025**".

Costs in Criminal Cases Act 1967 (1967 No 129)

In sections 4(5), 7(3), and 10(2), replace "or the Resource Management Act 1991," with "the **Natural Environment Act 2025**, the Planning Act **2025**, or the Resource Management Act 1991,".

Crown Forest Assets Act 1989 (1989 No 99)

In section 33, replace "Part 10 of the Resource Management Act 1991" with "**Schedule 7** of the Planning Act **2025**" in each place.

Crown Minerals Act 1991 (1991 No 70)

In section 2(1), definition of **coastal marine area**, replace "section 2(1) of the Resource Management Act 1991" with "**section 3 of the Natural Environment Act 2025**".

In section 2(1), definition of **consent authority**, replace "section 2(1) of the Resource Management Act 1991" with "**section 3** of the Planning Act **2025**".

In section 2(1), definition of **regulatory agency**, after paragraph (b), insert:

(ba) a permit authority:

In section 2(1), definition of **specified Act**, replace paragraph (c) with:

(c) **Natural Environment Act 2025**:

(ca) Planning Act **2025**:

In section 2(1), insert in its appropriate alphabetical order:

permit authority has the same meaning as in **section 3 of the Natural Environment Act 2025**

In section 29A(4)(b), after "government agency,", insert "permit authority,".

Replace section 41C(3)(aa)(ii) with:

(ii) **Natural Environment Act 2025**:

(iia) Planning Act **2025**:

In sections 61(3) and 61B(3),—

(a) replace "Resource Management Act 1991" with "**Natural Environment Act 2025**"; and

(b) delete "(as defined in section 2(1) of that Act)".

In section 89B(1), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In section 89E(1)(a), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

Crown Minerals Act 1991 (1991 No 70)—*continued*

In section 90E(3), after "any consent authority", insert "and to any permit authority".

In section 90E(3)(b)(i), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

Replace section 90E(3)(b)(ii) with:

(ii) a consent authority in the performance or exercise of its functions, duties, or powers under the Planning Act **2025**; or

(iii) a permit authority in the performance or exercise of its functions, duties, or powers under the **Natural Environment Act 2025**.

In Schedule 1, replace clause 12(1)(b) with:

(b) the holder of the privilege continues to have the same statutory rights as the holder would have had if the principal Act, the Resource Management Act 1991, and the Planning Act **2025** or the **Natural Environment Act 2025** had not been enacted (except that if any consent in respect of the privilege would, but for this subclause, be required and need to be sought under the Resource Management Act 1991, the Planning Act **2025**, or the **Natural Environment Act 2025**, then the Planning Act **2025** or the **Natural Environment Act 2025** (as applicable) does apply); and

In Schedule 1, heading to clause 15, replace "**Resource Management Act 1991 and**" with "**Natural Environment Act 2025, Planning Act 2025, and**".

In Schedule 1, clause 15(1), replace "consent authority and the provisions of the Resource Management Act 1991" with "permit authority or consent authority and the provisions of the **Natural Environment Act 2025** or the Planning Act **2025**".

In Schedule 1, clause 15(1)(b), replace "section 30 or 31 of the Resource Management Act 1991 and" with "**sections 221 and 222 of the Natural Environment Act 2025** and **sections 184 and 185** of the Planning Act **2025**".

In Schedule 1, clause 15(3) and (4), replace "consent authority" with "permit authority or consent authority" in each place.

In Schedule 1, clause 15(6), replace "section 332 of the Resource Management Act 1991" with "**section 274 of the Natural Environment Act 2025** and **section 250** of the Planning Act **2025**, as relevant".

In Schedule 1, clause 15(8)(b), replace "section 30 or 31 of the Resource Management Act 1991" with "**section 222 of the Natural Environment Act 2025** and **section 185** of the Planning Act **2025**".

In Schedule 1, clause 16(1)(a) and (c), replace "consent authority" with "permit authority or consent authority".

In Schedule 1, clause 16(5), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** and the Planning Act **2025**".

Crown Organisations (Criminal Liability) Act 2002 (2002 No 37)

In section 3(b), replace "and the Resource Management Act 1991" with "the **Natural Environment Act 2025**, and the Planning Act **2025**".

Replace section 6(1)(c) with:

(c) an offence against the **Natural Environment Act 2025**:

(ca) an offence against the Planning Act **2025**:

In section 7(a), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**, the Planning Act **2025**,".

In section 8(5), replace "section 4(9) of the Resource Management Act 1991" with "**section 6(9) of the Natural Environment Act 2025** or **section 6(9)** of the Planning Act **2025**".

Replace section 10(1)(b)(vii) with:

(vii) **section 243 of the Natural Environment Act 2025**; or

(viii) **section 217** of the Planning Act **2025**; or

Crown Pastoral Land Act 1998 (1998 No 65)

In section 96(1), replace "Resource Management Act 1991," with "Planning Act **2025**,".

In Schedule 1AC, clause 44(a), replace "Resource Management Act 1991," with "Planning Act **2025**,".

Education and Training Act 2020 (2020 No 38)

In section 563(1)(b), replace "district plans under the Resource Management Act 1991" with "land use plans under the Planning Act **2025**".

Replace section 563(8) with:

(8) If any proposed designation has been made under **clause 13 of Schedule 5** of the Planning Act **2025** in respect of any work that has been transferred to an institution under this Act, the procedures specified in the Planning Act **2025** may be completed as if a Minister of the Crown continued to be financially responsible for the work and as if the work were a public work.

Replace section 564(4)(c) with:

(c) **section 326 of the Natural Environment Act 2025**.

In section 571(5), replace "section 218 of the Resource Management Act 1991" with "**clause 2 of Schedule 7** of the Planning Act **2025**".

Electricity Act 1992 (1992 No 122)

In section 23F(6), replace "sections 310 to 313 of the Resource Management Act 1991" with "**sections 228 to 231** of the Planning Act **2025**".

In section 23F(9), replace "sections 299 to 308 of the Resource Management Act 1991" with "**clauses 77 to 86 of Schedule 9** of the Planning Act **2025**".

Energy Efficiency and Conservation Act 2000 (2000 No 14)

In section 3, replace the definition of **environment** with:

> **environment** includes—
>
> (a) ecosystems and their constituent parts, including people and communities; and
>
> (b) all natural and physical resources; and
>
> (c) amenity values; and
>
> (d) the social, economic, aesthetic, and cultural conditions that affect the matters stated in **paragraphs (a) to (c)** or that are affected by those matters

In section 3, insert in its appropriate alphabetical order:

> **natural and physical resources** has the meaning given in **section 3 of the Natural Environment Act 2025**

Replace section 11 with:

> **11 Consistency with national instruments**
>
> A strategy must be consistent with any national instruments in force under the **Natural Environment Act 2025** and the Planning Act **2025**.

Environment Act 1986 (1986 No 127)

In section 2, definition of **consent**, repeal paragraph (c).

In Schedule 2, repeal the item relating to the Resource Management Act 1991.

In Schedule 3, repeal the item relating to the Resource Management Act 1991.

Environmental Protection Authority Act 2011 (2011 No 14)

In section 5, replace the definition of **environment** with:

> **environment** includes—
>
> (a) ecosystems and their constituent parts, including people and communities; and
>
> (b) all natural and physical resources; and
>
> (c) amenity values; and
>
> (d) the social, economic, aesthetic, and cultural conditions that affect the matters stated in **paragraphs (a) to (c)** or that are affected by those matters

In section 5, definition of **environmental Act**, repeal paragraph (e).

In section 5, replace the definition of **natural and physical resources** with:

> **natural and physical resources** has the meaning given in **section 3 of the Natural Environment Act 2025**

In section 13(c)(iia), delete "the Resource Management Act 1991 or".

Environmental Reporting Act 2015 (2015 No 87)

In section 4, definition of **structure**, replace "section 2(1) of the Resource Management Act 1991" with "**section 3** of the Planning Act **2025**".

Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72)

In section 3(4)(b), delete "or a board of inquiry hearing a resource consent application in relation to the same cross-boundary activity".

In section 3(9), delete ", including a cross-boundary activity that includes a matter of national significance".

In section 4(1), insert in its appropriate alphabetical order:

> **biological diversity** means the variability among living organisms, and the ecological complexes of which they are a part, including diversity within species, between species, and of ecosystems

In section 4(1), definition of **existing interest**, paragraph (c), replace "resource consent granted under the Resource Management Act 1991" with "natural resource permit granted or deemed to be granted under the **Natural Environment Act 2025**".

In section 4(2), replace "section 2(1) of the Resource Management Act 1991" with "**section 3 of the Natural Environment Act 2025**".

Repeal section 4(2)(a).

Repeal section 7(2)(l).

Repeal section 16(1)(b).

In section 52A(1), delete "or 99A".

In section 88, definition of **assessment of environmental effects**, replace "section 88(2)(b) of the Resource Management Act 1991" with "**clause 2(3) of Schedule 2 of the Natural Environment Act 2025**".

In section 88, definition of **coastal marine area**, replace "section 2(1) of the Resource Management Act 1991" with "**section 3 of the Natural Environment Act 2025**".

In section 88, definition of **joint application for consent** or **joint application**, replace "resource consent under the Resource Management Act 1991" with "natural resource permit under the **Natural Environment Act 2025**".

In section 88, repeal the definitions of **relevant resource consent authority**, **resource consent**, and **resource consent authority**.

In section 88, insert in their appropriate alphabetical order:

> **natural resource permit** has the meaning given in **section 127 of the Natural Environment Act 2025**
>
> **permit authority** has the meaning given in **section 3 of the Natural Environment Act 2025**

Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72)—*continued*

relevant permit authority means—

(a) the permit authority responsible for the region in which part of a cross-boundary activity is or is intended to be undertaken; or

(b) the Minister of Conservation, in relation to the coastal marine areas of the Kermadec Islands, the Snares Islands, the Bounty Islands, the Antipodes Islands, the Auckland Islands, Campbell Island, and the islands adjacent to Campbell Island

In section 89(1)(a), replace "resource consent" with "natural resource permit".

Repeal section 89(2).

Replace section 90(a)(ii) with:

(ii) the **Natural Environment Act 2025**, and any regulations, national instruments, or natural environment plans made under that Act, in relation to the part of the activity that relates to New Zealand; or

In section 90(b), replace "resource consent" with "natural resource permit".

In section 91(1)(a), replace "relevant resource consent authority" with "relevant permit authority".

In section 91(3), replace "section 88(2)(b) of the Resource Management Act 1991" with "**clause 2(3) of Schedule 2 of the Natural Environment Act 2025**".

Repeal section 91(4).

In section 92(b), replace "resource consent" with "natural resource permit".

In section 93(1), replace "resource consent" with "natural resource permit".

In section 93(2), replace "resource and marine consents" with "a natural resource permit and a marine consent".

In section 93(3)(a), replace "resource consent is lodged with it and the relevant resource consent authority" with "natural resource permit is lodged with it and the relevant permit authority".

In section 93(5), replace "resource consent" with "natural resource permit" in each place.

Repeal section 94.

In section 94A(1) and (3)(d), replace "resource consent" with "natural resource permit".

In section 94A(3)(a), replace "relevant resource consent authority" with "relevant permit authority".

Replace section 94A(4)(a) with:

Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72)—*continued*

(a) the relevant permit authority must resume processing the application for a natural resource permit under the **Natural Environment Act 2025**; and

In section 96(2), (2)(b), and (2)(d), replace "relevant resource consent authority" with "relevant permit authority".

In section 96(3)(a), replace "resource consent" with "a natural resource permit".

In the heading to section 97, after "**relevant**", insert "**permit**".

In section 97(1) and (2), replace "relevant resource consent authority" with "relevant permit authority".

In the heading to section 98, replace "**resource consent**" with "**natural resource permit**".

In section 98(1)(b), replace "relevant resource consent authority must decide the application for a resource consent" with "relevant permit authority must decide the application for a natural resource permit".

Replace section 98(3) with:

(3) **Sections 154 to 171 and 175 to 181 of the Natural Environment Act 2025** apply to the application for a natural resource permit.

Repeal sections 99, 99A, and 100.

In section 113I(1)(b), replace "relevant resource consent authority" with "relevant permit authority".

Replace section 116(3) with:

(3) **Schedule 9** of the Planning Act **2025** applies as if the application were made under **section 234** of that Act.

Replace section 129(3) with:

(3) **Schedule 9** of the Planning Act **2025** applies as if the application were made under **section 243** of that Act.

In section 131, replace "Sections 299 to 308 of the Resource Management Act 1991" with "**Clauses 77 to 86 of Schedule 9** of the Planning Act **2025**".

In section 142(e), delete ", 99, or 99A".

In section 158(6), replace "section 279(3)(a) of the Resource Management Act 1991" with "**clause 17(1)(a) of Schedule 4** of the Planning Act **2025**".

In section 158(7), replace "section 279(3)(a) of the Resource Management Act 1991" with "**clause 17(2) of Schedule 9** of the Planning Act **2025**".

In section 158B(4), definition of **regulatory agency**, replace paragraph (a) with:

(a) a permit authority as that term is defined in **section 3 of the Natural Environment Act 2025**:

Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72)—*continued*

(aa) a consent authority as defined in **section 3** of the Planning Act **2025**:

In Schedule 3, clause 8(1)(b)(iii), replace "relevant resource consent authority" with "relevant permit authority".

In Schedule 4, clause 5(3)(c)(iii), replace "relevant resource consent authority" with "relevant permit authority".

Farm Debt Mediation Act 2019 (2019 No 73)

In section 6(1), definition of **property**, paragraph (b), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or the Planning Act **2025**".

Fast-track Approvals Act 2024 (2024 No 56)

In section 4(1), definition of **administering agency**, paragraph (a), replace "and the Resource Management Act 1991" with ", the Planning Act **2025**, and the **Natural Environment Act 2025**".

In section 4(1), definition of **aquaculture decision**, replace "clause 20" with "**clause 40**".

In section 4(1), definition of **determination**, replace "section 42(4)(a) or (b)" with "**section 42(4)(aa) or (ba)**".

In section 4(1), definition of **reservation**, replace "section 42(4)(a) or (b)" with "**section 42(4)(aa) or (ba)**".

In section 4(1), definition of **specified Act**, after paragraph (e), insert:

(ea) the **Natural Environment Act 2025**:

(eb) the Planning Act **2025**:

In section 4(1), definition of **specified Act**, repeal paragraph (g).

Replace section 4(2)(a) with:

(a) the **Natural Environment Act 2025** or the Planning Act **2025**, if they are defined in either of those Acts:

In section 4(2)(b), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or the Planning Act **2025**".

In section 5(1)(e)(ii),—

(a) replace "section 42(4)(a) (resource consent)" with "**section 42(4)(aa) (natural resource permit)**"; and

(b) replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In section 5(1)(g), replace "section 165J, 165M, 165Q, 165ZC, or 165ZDB of the Resource Management Act 1991" with "**clause 9, 12, 16, 29, or 30 of Schedule 3 of the Natural Environment Act 2025**".

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

In section 5(1)(l)(ii), replace "section 15B of the Resource Management Act 1991" with "**section 23 of the Natural Environment Act 2025**".

In section 5(1)(l)(iii), replace "section 15C of the Resource Management Act 1991" with "**section 24 of the Natural Environment Act 2025**".

In section 13(4)(i), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or the Planning Act **2025**".

In section 13(4)(y)(i),—

(a) replace "resource consent" with "planning consent"; and

(b) replace "clause 2" with "**clause 5**".

After section 13(4)(y)(i), insert:

(ia) an approval described in **section 42(4)(aa)** (natural resource permit), the information specified in **clause 24 of Schedule 5**:

Replace section 13(4)(y)(ii) with:

(ii) an approval described in section 42(4)(b) (change or cancellation of planning consent), the information specified in **clause 6 of Schedule 5**:

(iia) an approval described in **section 42(4)(ba)** (change or cancellation of natural resource permit), the information specified in **clause 25 of Schedule 5**:

Replace section 13(4)(y)(iii) with:

(iii) an approval described in section 42(4)(c) (certificate of compliance under the Planning Act **2025**), the information specified in **clause 7 of Schedule 5**:

(iiia) an approval described in **section 42(4)(ca)** (certificate of compliance under the **Natural Environment Act 2025**), the information specified in **clause 26 of Schedule 5**:

In section 13(4)(y)(vi),—

(a) replace "section 42(4)(a) or (d)" with "**section 42(4)(aa)**"; and

(b) replace "clause 4A" with "**clause 27**".

In section 13(6), replace "notice of requirement" with "proposed designation".

In section 17(3)(a)(ii), replace "section 42(4)(a) (resource consent), any existing resource consents" with "**section 42(4)(aa)** (natural resource permit), any existing natural resource permits".

In section 18(2)(c), after "Resource Management Act 1991", insert ", the **Natural Environment Act 2025**, or the Planning Act **2025**".

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

In section 18(2)(j), replace "resource consent, change or cancellation of resource consent condition" with "planning consent, natural resource permit, change or cancellation of consent or permit condition".

In section 21(5)(f), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or the Planning Act **2025**".

In section 21(5)(h), replace "section 42(4)(a) (resource consent), there are 1 or more existing resource consents" with "**section 42(4)(aa)** (natural resource permit), there are 1 or more existing natural resource permits".

In section 21(7), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or the Planning Act **2025**".

In section 22(2)(a)(i), replace "spatial strategy" with "regional spatial plan".

In section 22(2)(a)(iii), delete "(within the meaning of policy 1 of the National Policy Statement on Urban Development 2020)".

In section 22(2)(a)(x), replace "regional planning documents, including spatial strategies" with "natural environment planning documents, including regional spatial plans".

In section 22(7)(b),—

(a) replace "section 42(4)(a) (resource consent)" with "**section 42(4)(aa) (natural resource permit)**"; and

(b) replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In section 23(1)(a),—

(a) replace "network utility operator" with "core infrastructure operator"; and

(b) replace "requiring authority" with "designating authority".

In section 27(3)(b)(v), replace "section 42(4)(a) (resource consent), there are any existing resource consents" with "**section 42(4)(aa)** (natural resource permit), where there are any existing natural resource permits".

In the cross-heading above section 30, replace "*resource consent*" with "*natural resource permit*".

In the heading to section 30, replace "**resource consent**" with "**natural resource permit**".

In section 30(1)(a), replace "section 42(4)(a) (resource consent)" with "**section 42(4)(aa)** (natural resource permit)".

In section 30(1)(b), (3)(a), (4), (5), (6)(a), and (7)(a), replace "resource consent" with "natural resource permit" in each place.

In section 30(3)(a), replace "section 124C(1)(c) or 165ZI of the Resource Management Act 1991" with "**section 184(1)(c) or clause 44 of Schedule 3 of the Natural Environment Act 2025**".

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

In section 30(3)(b), replace "resource consents" with "natural resource permits".

Replace section 30(4)(b)(i) with:

(i) lodge an application for a natural resource permit under the **Natural Environment Act 2025** that is affected by **section 181(a) or clause 43 of Schedule 3** of that Act; or

In section 30(4)(b)(ii), replace "section 42(4)(a) (resource consent)" with "**section 42(4)(aa)** (natural resource permit)".

In section 31(1), replace "section 42(4)(a) (resource consent)" with "**section 42(4)(aa)** (natural resource permit)".

In section 40(b), replace "section 42(4)(a) (resource consent)" with "**section 42(4)(aa)** (natural resource permit)".

In section 42(4)(a) to (d), replace "Resource Management Act 1991" with "Planning Act **2025**".

In section 42(4)(a) and (b), replace "resource consent" with "planning consent".

After section 42(4)(a), insert:

(aa) a natural resource permit that would otherwise be applied for under the **Natural Environment Act 2025** (but *see* **subsection (5A)**):

After section 42(4)(b), insert:

(ba) a change or cancellation of a natural resource permit condition that would otherwise be applied for under the **Natural Environment Act 2025** (but *see* subsection (6)):

After section 42(4)(c), insert:

(ca) a certificate of compliance that would otherwise be applied for under the **Natural Environment Act 2025** (but *see* subsections (7) and **(7B)**):

In section 42(4)(d), replace "notice of requirement" with "proposed designation".

Replace section 42(5) with:

(5) A substantive application that seeks an approval described in subsection (4)(a) may seek that approval for an activity that is a prohibited activity under the Planning Act **2025**.

After section 42(5), insert:

(5A) A substantive application that seeks an approval described in **subsection (4)(aa)**—

(a) may seek that approval for an activity that is a prohibited activity under the **Natural Environment Act 2025**:

(b) must, if section 30(6) applies, be lodged within the time frame specified in that section.

In section 42(6), after "subsection (4)(b)", insert "or **(ba)**".

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

In section 42(6)(a), replace "subsection (4)(a) or (d)" with "subsection (4)(a), **(aa)**, or (d)".

In section 42(7), after "subsection (4)(c)", insert "or **(ca)**".

In section 42(7), replace "subsection (4)(a) or (d)" with "subsection (4)(a), **(aa)**, or (d)".

Replace section 42(7A) with:

(7A) A substantive application that, under subsection (7), seeks an approval described in subsection (4)(c) may only seek an approval of that kind in relation to an activity that would not require a planning consent under the Planning Act **2025**.

(7B) A substantive application that, under subsection (7), seeks an approval described in **subsection (4)(ca)** may only seek an approval of that kind in relation to an activity that would not require a natural resource permit under the **Natural Environment Act 2025**.

In section 42(9)(a), replace "subsection (4)(a) or (d)" with "subsection (4)(a), **(aa)**, or (d)".

Replace section 43(3)(a) to (c) with:

(a) for an approval described in section 42(4)(a) (planning consent), **clauses 8 to 10 of Schedule 5**:

(aa) for an approval described in **section 42(4)(aa)** (natural resource permit), **clauses 28 to 31 of Schedule 5**:

(b) for an approval described in section 42(4)(b) (change or cancellation of planning consent condition), **clause 11 of Schedule 5**:

(ba) for an approval described in **section 42(4)(ba)** (change or cancellation of natural resource permit condition), **clause 32 of Schedule 5**:

(c) for an approval described in section 42(4)(c) (certificate of compliance under the Planning Act **2025**), **clause 12 of Schedule 5**:

(ca) for an approval described in **section 42(4)(ca)** (certificate of compliance under the **Natural Environment Act 2025**), **clause 33 of Schedule 5**:

In section 43(3)(d), replace "clauses 9 and 12" with "**clause 13**".

In section 46(1), replace "and relevant consent authorities" with ", relevant consent authorities, and relevant permit authorities".

In the heading to section 47, replace "**resource consents**" with "**natural resource permits**".

In section 47(1), replace "and relevant consent authorities" with ", relevant consent authorities, and relevant permit authorities".

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

In section 47(1)(b), replace "section 42(4)(a) (resource consent), whether there are any existing resource consents" with "**section 42(4)(aa)** (natural resource permits), whether there are any existing natural resource permits".

In the heading to section 47A, replace "**resource consents**" with "**natural resource permits**".

In section 47A(2)(a) and (3)(b), replace "consent authority" with "permit authority".

In the heading above section 47A(4), replace "*resource consents*" with "*natural resource permits*".

In section 47A(4) and (5), replace "resource consents" with "natural resource permits".

In section 47B(1)(b), replace "resource consents" with "natural resource permits".

In section 48(1)(a), replace "section 42(4)(a) or (b) (resource consent or change or cancellation of resource consent condition)" with "**section 42(4)(aa) or (ba)** (natural resource permit or change or cancellation of natural resource permit condition)".

In section 48(1)(b), replace "section 42(4)(a)" with "**section 42(4)(aa)**".

In section 48(1)(b)(i), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In section 48(1)(c), replace "section 42(4)(b)" with "**section 42(4)(ba)**".

In section 48(2), replace "clauses 14 to 16" with "**clauses 34 to 36**".

In section 48(4), replace "clause 14" with "**clause 34**".

In section 53(2)(m)(i),—

(a) replace "section 42(4)(a) or (d) (resource consent or designation)" with "section 42(4)(a), **(aa)**, or (d) (planning consent, natural resource permit, or designation)"; and

(b) replace "clause 13" with "**clause 2**".

In section 57(7), replace "a board of inquiry given authority to conduct a hearing under section 149J of the Resource Management Act 1991" with "an independent hearings panel given authority to conduct a hearing under the Planning Act **2025**".

In section 71(2), replace "clause 15" with "**clause 35**"; and

In section 80(2),—

(a) replace "clause 20" with "**clause 40**".

(b) replace "section 42(4)(a) or (b) (resource consent or change or cancellation of resource consent condition)" with "**section 42(4)(aa) or (ba)** (natural resource permit or change or cancellation of natural resource permit condition)".

In section 80(3)(a)(i), replace "consent authority" with "permit authority".

Replace section 81(3)(a) to (e) with:

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

(a) for an approval described in section 42(a) (planning consent), **clauses 14 and 15 of Schedule 5**:

(aa) for an approval described in **section 42(a)(aa)** (natural resource permits), **clauses 37 to 42 of Schedule 5**:

(ab) for an approval described in section 42(4)(b) (change or cancellation of planning consent condition), **clause 16 of Schedule 5**:

(b) for an approval described in **section 42(4)(ba)** (change or cancellation of natural resource permit condition), in relation to a condition of a coastal permit specified under section 186H(3) of the Fisheries Act 1996, **clauses 40 to 42 of Schedule 5**:

(c) for any other approval described in **section 42(4)(ba)** (change or cancellation of natural resource permit condition), **clause 43 of Schedule 5**:

(d) for an approval described in section 42(4)(c) (certificate of compliance under the Planning Act **2025**), **clause 19 of Schedule 5**:

(da) for an approval described in **section 42(4)(ca)** (certificate of compliance under the **Natural Environment Act 2025**), **clause 44 of Schedule 5**:

(e) for an approval described in section 42(4)(d) (designation), **clauses 17 and 18 of Schedule 5**:

Replace section 85(1)(c) and (d) with:

(c) in the case of an approval described in section 42(4)(b) (change or cancellation of planning consent condition), the approval must be declined under **clause 16 of Schedule 5**:

(ca) in the case of an approval described in **section 42(4)(ba)** (change or cancellation of natural resource permit condition), the approval must be declined under **clause 43 of Schedule 5**:

(d) in the case of an approval described in section 42(4)(c) (certificate of compliance under the Planning Act **2025**), the approval must be declined under **clause 19 of Schedule 5**:

(da) in the case of an approval described in **section 42(4)(ca)** (certificate of compliance under the **Natural Environment Act 2025**), the approval must be declined under **clause 44 of Schedule 5**:

In section 85(2),—

(a) replace "section 42(4)(a) (resource consent)" with "**section 42(4)(aa)** (natural resource permit)"; and

(b) replace "clause 17(5)" with "**clause 37(5)**".

Replace section 87(2)(b) with:

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

(b) for an approval described in—

(i) section 42(4)(a) or (d) (planning consent or designation), may specify a date on which the approval lapses in accordance with **clause 3 of Schedule 5**:

(ia) **section 42(4)(ba)** (natural resource permit), may specify a date on which the approval lapses in accordance with **clause 3 of Schedule 5**:

(ii) section 42(4)(a) or (b) (natural resource permit or change or cancellation of natural resource permit condition), must comply with **clause 42 of Schedule 5**, if applicable:

(iii) section 42(4)(c) (certificate of compliance under the Planning Act **2025**), must comply with **clause 20 of Schedule 5**:

(iv) **section 42(4)(ca)** (certificate of compliance under the **Natural Environment Act 2025**), must comply with **clause 45 of Schedule 5**:

In section 89(2), replace "requirement for a designation" with "proposed designation".

In section 89(2)(a), replace "district plan and any proposed district plan under clause 30" with "land use plan and any proposed land use plan under **clause 22**".

Replace section 95(1)(b) with:

(b) for an approval under a specified Act or an exploration permit or existing privilege referred to in section 42(11), is lodged more than 3 months before the existing approval is due to expire.

Replace section 95(4)(b) with:

(b) a right under **section 164(3)** of the Planning Act **2025** to continue operating under a planning consent:

(ba) a right to continue operating under a natural resource permit under—

(i) **section 181(a) of the Natural Environment Act 2025**, which applies **section 164(3)** of the Planning Act **2025**; or

(ii) **clause 43(2)(c) of Schedule 3 of the Natural Environment Act 2025**:

Replace section 96(2)(a) with:

(a) for an approval described in section 42(4)(a), (b), (c), or (d) (planning consent, change or cancellation of planning consent condition, certificate of compliance, or designation), **clauses 4 and 23 of Schedule 5**:

(aa) for an approval described in **section 42(4)(aa), (ba), or (ca)**, (natural resource permit, change or cancellation of natural resource permit condi-

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

tion, or certificate of compliance), **clauses 4 and 46 to 49 of Schedule 5**:

In section 97(2)(a),—

(a) replace "section 42(4)(a) or (b)" with "**section 42(4)(aa) or (ba)**"; and

(b) replace "clauses 22 and 35" with "**clauses 42 and 48**".

In section 97(2)(b), replace "clause 30" with "**clause 22**".

In section 100(4)(c), replace "section 42(4)(a) or (b)" with "**section 42(4)(aa) or (ba)**".

In section 103, replace the definition of **administering agency** with:

administering agency has the meaning given in section 4(1), and also includes, in relation to their functions, duties, and powers under this Act,—

(a) the chief executives of the departments that, with the authority of the Prime Minister, are responsible for administering—

(i) the **Natural Environment Act 2025**; and

(ii) the Planning Act **2025**; and

(b) the Ministry for Culture and Heritage; and

(c) the Ministry for Primary Industries; and

(d) the Office of Treaty Settlements and Takutai Moana—Te Tari Whakatau; and

(e) the Ministry of Māori Development—Te Puni Kōkiri

In Schedule 1, after clause 15, insert:

Part 3
Provisions relating to Planning Act 2025 and Natural Environment Act 2025

In Schedule 3, clause 4(3), replace "who is accredited under section 39A of the Resource Management Act 1991" with "who has been accredited in accordance with any regulations made under the Planning Act **2025** or the **Natural Environment Act 2025**".

In Schedule 3, clause 5(1)(a), replace "resource consent applications or notice of requirement" with "resource consent, planning consent, or natural resource permit applications or proposed designations".

In Schedule 3, clause 5(1)(a), after "Resource Management Act 1991", insert ", the **Natural Environment Act 2025**, or the Planning Act **2025**".

In Schedule 3, replace clause 11 with:

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

11 Protection of sensitive information

(1) When a panel is assessing a proposed approval under the Planning Act **2025**, section 295(2) to (7) of that Act applies with any necessary modifications, as if the panel were a relevant authority.

(2) When a panel is assessing a proposed approval under the **Natural Environment Act 2025**, section 337(2) to (7) of that Act applies with any necessary modifications, as if the panel were a relevant authority.

Replace Schedule 5 with:

Schedule 5
Approvals relating to Natural Environment Act 2025 and Planning Act 2025

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Part 1
Provisions applying to all approvals

1 Interpretation

In this schedule,—

application for the change or cancellation of a condition means an application for an approval described in section 42(4)(b) or **(ba)**

certificate of compliance means an approval of the kind described in section 42(4)(c) or **(ca)**

coastal permit has the meaning given in **section 127(a) of the Natural Environment Act 2025**

designation means a designation for which an application is lodged under section 42(4)(d)

natural resource permit application or **permit application** means an application for an approval described in **section 42(4)(aa)**

planning consent application or **consent application** means an application for an approval described in section 42(4)(a)

proposed designation means an application for an approval described in section 42(4)(d).

2 Persons to be invited to provide written comments

For the purposes of section 53(2)(m)(i), the persons or groups are—

(a) the Director-General of Conservation:

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

(b) iwi authorities and groups that represent hapū that are parties to relevant Mana Whakahono ā Rohe or joint management agreements.

3 Content of decision document for planning consent, natural resource permit, or designation

(1) A decision document for a planning consent, natural resource permit, or designation may specify the date on which the approval lapses unless it is given effect to by the specified date.

(2) A date specified under **subclause (1)** must be no less than 2 years after the approval commences.

(3) If no date is specified under **subclause (1)**, the approval lapses 2 years after it commences.

4 Status of planning consents, natural resource permits, or certificates of compliance granted, or designations confirmed or modified, under this Act and role of local authority

(1) This clause applies to the following:

(a) a planning consent that is granted under this Act:

(b) a planning consent for which a condition of the consent is changed or cancelled under this Act:

(c) a natural resource permit that is granted under this Act:

(d) a natural resource permit for which a condition of the permit is changed or cancelled under this Act:

(e) a certificate of compliance that is granted under this Act:

(f) a designation that is confirmed or modified and included in a land use plan.

(2) The local authority that, but for this Act, would have had responsibility—

(a) for granting a planning consent or certificate of compliance under the Planning Act **2025** has all the functions, powers, and duties in relation to a planning consent or certificate of compliance granted under this Act, or a planning consent with a condition changed or cancelled under this Act, as if it had granted the planning consent or certificate of compliance itself; and

(b) for granting a natural resource permit or certificate of compliance under the **Natural Environment Act 2025** has all the functions, powers, and duties in relation to a natural resource permit or certificate of compliance granted under this Act, or a natural resource permit with a condition changed or cancelled under this Act, as if it had granted the natural resource permit or certificate of compliance itself; and

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

(c) for recommending, under the Planning Act **2025**, that a designation be confirmed or modified, has all the functions, powers, and duties in relation to the designation as if it had dealt with the matter itself.

(3) Unless otherwise specified in this Act,—

(a) a planning consent or certificate of compliance granted, or a designation confirmed or modified and included in a land use plan, or a planning consent with a condition changed or cancelled, under this Act has full force and effect for its duration, and according to its terms and conditions, as if it were granted under the Planning Act **2025**; and

(b) a natural resource permit or certificate of compliance granted, or a natural resource permit with a condition changed or cancelled, under this Act has full force and effect for its duration, and according to its terms and conditions, as if it were granted under the **Natural Environment Act 2025**; and

(c) any provision of an enactment that refers to a planning consent or certificate of compliance granted, or a designation confirmed or modified and included in a land use plan, under the Planning Act **2025** (including any such provision in that Act) must be read, with any necessary modifications, as including a planning consent or certificate of compliance granted, or a designation confirmed and included in a land use plan, or a planning consent with a condition changed or cancelled, under this Act; and

(d) any provision of an enactment that refers to a natural resource permit or certificate of compliance granted under the **Natural Environment Act 2025** (including any such provision in that Act) must be read, with any necessary modifications, as including a natural resource permit or certificate of compliance granted, or a natural resource permit with a condition changed or cancelled, under this Act.

(4) Despite **subclause (3)(b)**, **section 177 of the Natural Environment Act 2025** does not apply in respect of the commencement of coastal permits for aquaculture activities granted under this Act.

(5) To avoid doubt, the functions, powers, and duties referred to in **subclause (2)** include—

(a) determining any application to extend the period during which a consent may not lapse under **section 165(2) or clause 49 of Schedule 5** of the Planning Act **2025**; and

(b) determining any application to extend the period during which a natural resource permit may not lapse under **section 181 of the Natural Environment Act 2025**, which applies **section 165** of the Planning Act **2025**; and

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

(c) determining any application for a change or cancellation of a condition of a planning consent under **section 167** of the Planning Act **2025**; and

(d) determining any application for a change or cancellation of a condition of a natural resource permit under **section 185 of the Natural Environment Act 2025**.

Part 2
Provisions relating to Planning Act 2025 approvals

Information required in referral application

5 Information about planning consent or proposed designation required in referral application

The information required to be provided under section 13(4)(y)(i) is an assessment of the project against—

(a) any relevant national policy direction under the Planning Act **2025**; and

(b) any relevant national standards under the Planning Act **2025**.

6 Information about change or cancellation of condition required in referral application

The information to be provided under **section 13(4)(y)(ii)** is information about whether the change or cancellation of the condition is material to the implementation or delivery of the project.

7 Information about certificate of compliance required in referral application

The information required to be provided under **section 13(4)(y)(iii)** is information that shows the activity that the certificate of compliance is intended to cover can be done lawfully in the particular location without a planning consent.

Application requirements, etc, for substantive application

8 Information required in planning consent application

(1) For the purposes of **section 43(3)(a)**, a planning consent application must include the following information:

(a) a description of the proposed activity; and

(b) a description and map of the site at which the activity is to occur, including whether the site is within or adjacent to—

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

(i) a statutory area (as defined in the relevant Treaty settlement Act); or

(ii) ngā rohe moana o ngā hapū o Ngāti Porou; or

(iii) a protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011; and

(c) confirmation that the planning consent application complies with section 46(2)(a), (b), and (d); and

(d) the full name and address of—

(i) each owner of the site and of land adjacent to the site; and

(ii) each occupier of the site and of land adjacent to the site whom the applicant is able to identify after reasonable inquiry; and

(e) a description of any other activities that are part of the proposal to which the planning consent application relates; and

(f) a description of any other planning consents, natural resource permits, proposed designations, or alterations to designations required for the project to which the planning consent application relates; and

(g) an assessment of the activity against the goals in **section 11** of the Planning Act **2025**, to the extent relevant having regard to **section 12** of that Act; and

(h) an assessment of the activity against any relevant provisions in any of the documents listed in **subclause (2)**; and

(i) information about any Treaty settlements that apply in the area covered by the consent application, including—

(i) identification of the relevant provisions in those Treaty settlements; and

(ii) a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area; and

(j) a list of any relevant customary marine title groups, protected customary rights groups, ngā hapū o Ngāti Porou (where an application is within, adjacent to, or directly affecting ngā rohe moana o ngā hapū o Ngāti Porou), or applicants under the Marine and Coastal Area (Takutai Moana) Act 2011; and

(k) any conditions that the applicant proposes for the planning consent.

(2) The documents referred to in **subclause (1)(h)** are the following:

(a) a national instrument made under the Planning Act **2025**:

(b) regulations made under the Planning Act **2025**:

(c) a land use plan or proposed land use plan:

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

(d) a planning document recognised by a relevant iwi authority and lodged with a local authority.

(3) An assessment under **subclause (1)(h)** must include an assessment of the activity against—

(a) any relevant directions, directives, objectives, policies, or rules in a document listed in **subclause (2)**; and

(b) any requirement, condition, or permission in any rules in any of those documents; and

(c) any other requirements in any of those documents.

(4) A planning consent application must include an assessment of the activity's effects on the built environment that includes the information required by, and covers the matters specified in, **clause 9**.

(5) A planning consent application must also include the following information:

(a) if a permitted activity is part of the proposal to which the planning consent application relates, a description that demonstrates that the activity complies with the requirements, conditions, and permissions for the permitted activity; and

(b) if the activity is to occur in an area that is within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 or the environmental covenant prepared by ngā hapū o Ngāti Porou under section 19 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, an assessment of the activity against any resource management matters set out in that document; and

(c) if the activity is to occur in an area that is a taiāpure-local fishery, a mātaitai reserve, or an area that is subject to bylaws made under Part 9 of the Fisheries Act 1996, an assessment of the effects of the activity on the use or management of the area.

(6) If the applicant is not able to supply the name and address of the owner and each occupier of the site and of land adjacent to the site because the land is Māori land in multiple ownership, the applicant must include a statement to that effect.

(7) If the substantive application is to be lodged by more than 1 authorised person, the references to the applicant in **subclauses (1)(d) and (k) and (6)** must be read as references to the authorised person who is to be identified in the application as the proposed holder of the planning consent.

9 Information required to assess effects

(1) The assessment of an activity's effects on the built environment under **clause 8(4)** must include the following information:

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

(a) an assessment of the actual or potential effects on the built environment:

(b) if the activity includes the use of hazardous installations, an assessment of any risks to the built environment that are likely to arise from such use:

(c) a description of how any adverse effects on the built environment will be—

(i) avoided, remedied, or mitigated, where practicable; or

(ii) offset or compensated for, where appropriate:

(d) identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal:

(e) if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision:

(f) if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved:

(g) an assessment of any effects of the activity on the exercise of a protected customary right.

(2) A consent application need not include any additional information specified in a relevant national rule or land use plan that would be required in an assessment of environmental effects under **clause 6 of Schedule 6** of the Planning Act **2025**.

10 Information required in application for subdivision

In addition to the information required under **clause 8**, a planning consent application for a subdivision must include information that adequately defines the following:

(a) the position of all new boundaries; and

(b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan; and

(c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips; and

(d) the locations and areas of existing esplanade reserves, esplanade strips, and access strips; and

(e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under **clause 22 of Schedule 7** of the Planning Act **2025**; and

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

(f) the locations and areas of any land within the coastal marine area that are to become part of the common marine and coastal area under **clause 22 of Schedule 7** of the Planning Act **2025**; and

(g) the locations and areas of land to be set aside as new roads.

11 Information required in application for change or cancellation of planning consent condition

For the purposes of **section 43(3)(b)**, an application for the change or cancellation of a planning consent condition must include the same information as required by **clauses 8 to 10**, and those clauses apply as if references to—

(a) a planning consent were references to the change or cancellation of a condition; and

(b) an activity were references to the effects of the change or cancellation of the condition.

12 Information required in application for certificate of compliance under Planning Act 2025

(1) For the purposes of **section 43(3)(c)**, an application for a certificate of compliance must include the following information:

(a) a description of the proposed activity; and

(b) confirmation that the application for the certificate of compliance complies with section 46(2)(a), (b), and (d); and

(c) a description of any other planning consents, natural resource permits, proposed designations, or alterations to designations required for the project to which the application for the certificate of compliance relates; and

(d) an explanation of how the activity meets the relevant provisions of the land use plan and any relevant national standard.

(2) If the activity is to occur in an area that is within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 or the environmental covenant prepared by ngā hapū o Ngāti Porou under section 19 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, the application must include an assessment of the activity against any resource management matters set out in that document.

13 Information required in proposed designation

(1) For the purposes of section 43(3)(d), a proposed designation must include the following information:

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

(a) a description and map of the site to which the proposed designation applies, including whether the site is within or adjacent to a statutory area (as defined in the relevant Treaty settlement Act); and

(b) information on the effects of the proposed project or work on the built environment, together with a description of how any adverse effects will be mitigated; and

(c) confirmation that the proposed designation complies with section 46(2)(a), (b), and (d); and

(d) an assessment of the project or work against—

(i) the goals in **section 11** of the Planning Act **2025**, to the extent relevant having regard to **section 12** of that Act; and

(ii) any relevant provisions in any of the documents listed in **subclause (2)**; and

(e) information about any Treaty settlements that apply in the area to which the substantive application relates, including—

(i) identification of the relevant provisions in those Treaty settlements; and

(ii) a summary of any redress provided by those settlements that affects natural and physical resources relevant to the area to which the substantive application relates; and

(f) the full name and address of—

(i) each owner of the land to which the proposed designation relates and of the land adjacent to that land; and

(ii) each occupier of the land to which the proposed designation relates and of land adjacent to that land whom the designating authority is able to identify after reasonable inquiry; and

(g) an assessment of whether the project or work and the designation sought are reasonably necessary for achieving the objectives of the designating authority; and

(h) any consideration of alternative sites, routes, or methods of undertaking the project or work; and

(i) a list of the planning consents and natural resource permits needed for the project or work and whether they have been applied for; and

(j) a description of any consultation undertaken with parties likely to be affected by the project or work and the designation; and

(k) any conditions that the designating authority proposes for the designation.

(2) The documents referred to in **subclause (1)(d)(ii)** are the following:

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

(a) a national policy direction:

(b) a national standard:

(c) regulations made under the Planning Act **2025**.

(3) If the applicant is not able to supply the name and address of the owner and each occupier of the site and of land adjacent to the site because the land is Māori land in multiple ownership, the applicant must include a statement to that effect.

(4) If the substantive application is to be lodged by more than 1 authorised person, the references to the applicant in **subclause (3)** must be read as references to the authorised person who is to be identified in the application as the proposed holder of the proposed designation.

Panel decision

14 Criteria and other matters for assessment of planning consent application

(1) For the purposes of section 81, when considering a planning consent application, including conditions in accordance with **clause 15**, the panel must take into account, giving the greatest weight to **paragraph (a)**,—

(a) the purpose of this Act; and

(b) the provisions of **Parts 2 and 4 and Schedules 5 and 7** of the Planning Act **2025** that direct decision-making on an application for a consent; and

(c) the relevant provisions of any other legislation that directs decision-making under the Planning Act **2025**.

(2) For the purpose of applying any provisions in **subclause (1)**,—

(a) if the consent application relates to an activity that is the subject of a determination under section 23 of this Act, the panel must treat the effects of the activity on the relevant land and on the rights or interests of Māori as a relevant matter under **section 11(1)(i)** of the Planning Act **2025**; and

(b) to avoid doubt, for the purposes of **subclause (1)(b)**, any existing or initiated Mana Whakahono ā Rohe or existing joint management agreement that is relevant to the approval is a relevant matter.

(3) **Subclause (4)** applies to any provision of the Planning Act **2025** (including, for example, **section 33** of the Planning Act **2025**) or any other legislation referred to in **subclause (1)(c)** that would require a decision maker to decline an application for a planning consent.

(4) For the purposes of **subclause (1)**, the panel must take into account that the provision referred to in **subclause (3)** would normally require an application

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

to be declined, but must not treat the provision as requiring the panel to decline the application the panel is considering.

(5) For the purposes of **subclause (1)**, the provisions referred to in that subclause must be read with all necessary modifications, including that a reference to a consent authority must be read as a reference to a panel.

(6) **Section 163** of the Planning Act **2025** applies to a decision of the panel on the consent.

15 Conditions on planning consent

When setting conditions on a consent, the provisions of **Part 4 and Schedule 7** of the Planning Act **2025** that are relevant to setting conditions on a planning consent apply to the panel, subject to all necessary modifications, including the following:

(a) a reference to a consent authority must be read as a reference to a panel; and

(b) a reference to services or works must be read as a reference to any activities that are the subject of the consent application.

16 Criteria for assessment of application for change or cancellation of condition

For the purposes of section 81, when considering an application for the change or cancellation of a condition,—

(a) the panel must apply **section 167(1) and (2)** of the Planning Act **2025** as if,—

(i) in **section 167(2)** of the Planning Act **2025**, the reference to **subparts 1 to 5 of Part 4** of that Act were to the provisions of those subparts that relate to decision-making on a planning consent; and

(ii) the provisions of **subparts 1 to 5 of Part 4** of that Act were read with all necessary modifications, including that a reference to a consent authority must be read as a reference to a panel; and

(b) the panel must consider any Mana Whakahono ā Rohe or joint management agreement that is relevant to the approval; and

(c) to avoid doubt, **section 167(3)** of the Planning Act **2025** does not apply.

17 Criteria and other matters for assessment of proposed designation

(1) For the purposes of section 81, when considering a proposed designation, including conditions in accordance with **clause 18**, the panel must, giving the greatest weight to **paragraph (a)(i)**,—

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

(a) take into account—

(i) the purpose of this Act; and

(ii) the provisions of **Schedule 5** of the Planning Act **2025** that direct decision-making on an application for a designation (except **clause 15 of Schedule 5** of that Act); and

(iii) the relevant provisions of any other legislation that directs decision-making under the Planning Act **2025**; and

(b) consider any Mana Whakahono ā Rohe or joint management agreement that is relevant to the approval.

(2) For the purpose of applying any provisions in **subclause (1)**, if the proposed designation relates to an activity that is the subject of a determination under section 23 of this Act, the panel must treat the effects of the activity on the relevant land and on the rights or interests of Māori as a relevant matter under **section 11** of the Planning Act **2025**.

(3) For the purposes of **subclause (1)**, the provisions referred to in that subclause must be read with all necessary modifications, including (where appropriate) that a reference to a consent authority must be read as a reference to a panel.

18 Conditions on designation

When setting conditions on a designation, the provisions of **Schedule 5** of the Planning Act **2025** relevant to setting conditions on a designation apply to the panel, subject to all necessary modifications, as if references to a consent authority were references to a panel.

19 Criteria and other matters for assessment of applications for certificate of compliance

(1) For the purposes of section 81, the panel must grant the certificate of compliance if the activity that the certificate is intended to cover can be done lawfully in the particular location without a planning consent.

(2) The panel must not grant the certificate of compliance if—

(a) the application under this Act for the certificate is made after a proposed plan is notified; and

(b) the activity could not be done lawfully in the particular location without a planning consent under the proposed plan.

(3) The panel must not grant a certificate of compliance under the Planning Act **2025** if a notice for the activity is in force under **section 177(1)(d)** of that Act.

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

20 Content of decision document for certificate of compliance

Section 178(2) of the Planning Act **2025** applies to a certificate of compliance issued under this Act.

Provisions applying to approvals once granted

21 Panel may waive requirement for construction project plan for designation

If a panel grants a designation,—

(a) it may waive the requirement for a construction project plan as required by **Part 5 of Schedule 5** of the Planning Act **2025**; but

(b) if it does not waive the requirement under that Part, the construction project plan must be submitted to the territorial authority in accordance with that Part.

22 Designations to be included in land use plans

(1) This clause applies after a panel issues a decision document under section 88 confirming or modifying a designation (with or without modification).

(2) The territorial authority must, without using **Schedule 3** of the Planning Act **2025**,—

(a) include the designation in its land use plan and any proposed land use plan, as if it were a rule in the plan or proposed plan; and

(b) state in the plan and any proposed plan the name of the designating authority that has the benefit of the designation.

(3) The designation commences when it is included in a land use plan.

23 Interim effect of designations

Clause 5 of Schedule 5 of the Planning Act **2025** applies, with the necessary modifications, to an application for an approval described in section 42(4)(d).

Part 3
Provisions relating to Natural Environment Act 2025 approvals

Information required in referral application

24 Information about natural resource permit required in referral application

(1) The information required to be provided under **section 13(4)(y)(ia)** is—

(a) an assessment of the project against—

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

(i) any relevant national policy direction under the **Natural Environment Act 2025**; and

(ii) any relevant national standards under the **Natural Environment Act 2025**; and

(b) in relation to any proposed approval that is a natural resource permit, whether, to the best of the applicant's knowledge, there are any existing natural resource permits of the kind referred to in section 30(3)(a).

(2) If the referral application is to be lodged by more than 1 person, the reference to the applicant in **subclause (1)(b)** must be read as a reference to the person who is to be identified in the application as the proposed holder of the natural resource permit.

25 Information about change or cancellation of condition required in referral application

The information to be provided under **section 13(4)(y)(iia)** is information about whether the change or cancellation of the condition is material to the implementation or delivery of the project.

26 Information about certificate of compliance required in referral application

The information required to be provided under **section 13(4)(y)(iiia)** is information that shows the activity that the certificate of compliance is intended to cover can be done lawfully in the particular location without a natural resource permit.

27 Information about standard freshwater fisheries activity

The information required to be provided under section 13(4)(y)(vi) is the following:

(a) whether an in-stream structure is proposed (including formal notification of any dam or diversion structure) and the extent to which the proposed structure may impede fish passage; and

(b) whether any fish salvage activities are proposed.

Application requirements, etc, for substantive application

28 Information required in natural resource permit application

(1) For the purposes of **section 43(3)(aa)**, a natural resource permit application must include the following information:

(a) a description of the proposed activity; and

(b) a description and map of the site at which the activity is to occur, including whether the site is within or adjacent to—

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(i) a statutory area (as defined in the relevant Treaty settlement Act); or

(ii) ngā rohe moana o ngā hapū o Ngāti Porou; or

(iii) a protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011; and

(c) confirmation that the natural resource permit application complies with section 46(2)(a), (b), and (d); and

(d) the full name and address of—

(i) each owner of the site and of land adjacent to the site; and

(ii) each occupier of the site and of land adjacent to the site whom the applicant is able to identify after reasonable inquiry; and

(e) a description of any other activities that are part of the proposal to which the natural resource permit application relates; and

(f) a description of any other planning consents, natural resource permits, proposed designations, or alterations to designations required for the project to which the natural resource permit application relates; and

(g) an assessment of the activity against the goals in **section 11 of the Natural Environment Act 2025**, to the extent relevant having regard to **section 12** of that Act; and

(h) an assessment of the activity against any relevant provisions in any of the documents listed in **subclause (2)**; and

(i) information about any Treaty settlements that apply in the area covered by the natural resource permit application, including—

(i) identification of the relevant provisions in those Treaty settlements; and

(ii) a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area; and

(j) a list of any relevant customary marine title groups, protected customary rights groups, ngā hapū o Ngāti Porou (where an application is within, adjacent to, or directly affecting ngā rohe moana o ngā hapū o Ngāti Porou), or applicants under the Marine and Coastal Area (Takutai Moana) Act 2011; and

(k) any conditions that the applicant proposes for the natural resource permit; and

(l) if a notice under section 30(3)(b) or (5) has been received,—

(i) a copy of that notice showing that it was received within the time frame specified in section 30(6)(b); and

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(ii) if a notice has been received under section 30(5), any more up-to-date information that the applicant is aware of about the existing natural resource permit referred to in the notice.

(2) The documents referred to in **subclause (1)(h)** are the following:

(a) national instruments made under the **Natural Environment Act 2025**:

(b) regulations made under the **Natural Environment Act 2025**:

(c) a natural environment plan or proposed natural environment plan:

(d) a planning document recognised by a relevant iwi authority and lodged with a local authority.

(3) An assessment under **subclause (1)(h)** must include an assessment of the activity against—

(a) any relevant directions, directives, objectives, policies, or rules in a document listed in **subclause (2)**; and

(b) any requirement, condition, or permission in any rules in any of those documents; and

(c) any other requirements in any of those documents.

(4) A natural resource permit application must include an assessment of the activity's effects that includes the information required by, and covers the matters specified in, **clause 30**.

(5) A natural resource permit application must also include the following information:

(a) if a permitted activity is part of the proposal to which the natural resource permit application relates, a description that demonstrates that the activity complies with the requirements, conditions, and permissions for the permitted activity; and

(b) if the activity is to occur in an area that is within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 or the environmental covenant prepared by ngā hapū o Ngāti Porou under section 19 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, an assessment of the activity against any resource management matters set out in that document; and

(c) if the activity is to occur in an area that is a taiāpure-local fishery, a mātaitai reserve, or an area that is subject to bylaws made under Part 9 of the Fisheries Act 1996, an assessment of the effects of the activity on the use or management of the area.

(6) If the applicant is not able to supply the name and address of the owner and each occupier of the site and of land adjacent to the site because the land is

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Māori land in multiple ownership, the applicant must include a statement to that effect.

(7) If the substantive application is to be lodged by more than 1 authorised person, the references to the applicant in **subclauses (1)(d), (k), and (l) and (6)** must be read as references to the authorised person who is to be identified in the application as the proposed holder of the natural resource permit.

29 Information required in application for reclamation

In addition to the information required by **clause 28**, a natural resource permit application for a reclamation must include information to show the area to be reclaimed, including the following:

(a) the location of the area to be reclaimed:

(b) if practicable, the position of all new boundaries:

(c) any part of the reclaimed area to be set aside as an esplanade reserve or esplanade strip.

30 Information required to assess effects

(1) The assessment of an activity's effects under **clause 28(4)** must include the following information:

(a) an assessment of the actual or potential effects on natural resources and people:

(b) if the activity includes the use of hazardous installations, an assessment of any risks to natural resources and people that are likely to arise from such use:

(c) if the activity includes the discharge of any contaminant, a description of—

(i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and

(ii) any possible alternative methods of discharge, including discharge into any other receiving environment:

(d) a description of how any adverse effects on natural resources and people will be—

(i) avoided, remedied, or mitigated, where practicable; or

(ii) offset or compensated for, where appropriate:

(e) an assessment of whether there is a material risk that the proposal would breach any relevant environmental limits:

(f) identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal:

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(g) if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision:

(h) if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved:

(i) an assessment of any effects of the activity on the exercise of a protected customary right.

(2) A natural resource permit application need not include any additional information specified in a relevant national rule or natural environment plan that would be required in an assessment of environmental effects under **clause 5 of Schedule 2 of the Natural Environment Act 2025**.

31 Information required in application including standard freshwater fisheries activity

For the purposes of **section 43(3)(aa)**, an application for a natural resource permit for a project that includes a standard freshwater fisheries activity must include the following information:

(a) in relation to the structure and any fish facility,—

(i) a description of the type of structure or fish facility:

(ii) the dimensions of the structure or fish facility:

(iii) the design of the structure or fish facility:

(iv) the placement of the structure or fish facility:

(v) the water flows:

(vi) the operating regime:

(b) the freshwater species and values present (with particular focus on threatened, data-deficient, and at-risk species as defined in the New Zealand Threat Classification System):

(c) the water quality and quantity in the surrounding habitat (at the proposed structure location, upstream and downstream):

(d) how the passage of fish will be provided for or impeded.

32 Information required in application for change or cancellation of natural resource permit condition

For the purposes of **section 43(3)(ba)**, an application for the change or cancellation of a natural resource permit condition must include the same information as required by **clauses 28, 30, and 31**, and those clauses apply as if references to—

(a) a natural resource permit were references to the change or cancellation of a condition; and

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(b) an activity were references to the effects of the change or cancellation of the condition.

33 Information required in application for certificate of compliance

(1) For the purposes of **section 43(3)(ca)**, an application for a certificate of compliance must include the following information:

(a) a description of the proposed activity; and

(b) confirmation that the application for the certificate of compliance complies with section 46(2)(a), (b), and (d); and

(c) a description of any other planning consents, natural resource permits, proposed designations, or alterations to designations required for the project to which the application for the certificate of compliance relates; and

(d) an explanation of how the activity meets the relevant provisions of the natural environment plan and any relevant national standard.

(2) If the activity is to occur in an area that is within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 or the environmental covenant prepared by ngā hapū o Ngāti Porou under section 19 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, the application must include an assessment of the activity against any resource management matters set out in that document.

Recommendation by relevant chief executive on aquaculture decision requested under section 48

34 Chief executive may seek information or consult certain persons

(1) For the purpose of making a recommendation on an aquaculture decision requested under section 48, the relevant chief executive may seek information relevant to the application for the natural resource permit from—

(a) the applicant:

(b) any fisher whose interests may be affected:

(c) persons and organisations that the relevant chief executive considers represent the classes of persons who have customary, commercial, or recreational fishing interests that may be affected by the granting of the coastal permit or change to, or cancellation of, the conditions of the coastal permit.

(2) Before making a recommendation on an aquaculture decision, the relevant chief executive may consult any of the persons or organisations specified in **subclause (1)**.

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(3) If the relevant chief executive seeks information or consults persons or organisations under this clause,—

(a) the relevant chief executive must do so at the same time as the panel seeks written comments on the application for the natural resource permit; and

(b) the persons or organisations must provide the information or submissions to the relevant chief executive within 20 working days after the chief executive's request.

(4) The relevant chief executive must provide any information or submissions received under **subclause (3)(b)** to the EPA no later than 5 working days after the date by which information or submissions must be received under that subclause.

(5) The EPA must provide the information received under **subclause (4)** to the panel.

(6) If the substantive application is lodged by more than 1 authorised person, the reference to the applicant in **subclause (1)(a)** must be read as a reference to the authorised person who is identified in the application as the proposed holder of the coastal permit.

35 Relevant chief executive to make recommendation to panel on aquaculture decision

(1) The relevant chief executive must, within 5 working days after receiving from the panel under section 71 draft permit conditions relating to the application for the natural resource permit, provide the EPA with a recommendation on an aquaculture decision consisting of—

(a) a determination; or

(b) a reservation; or

(c) 1 or more determinations or reservations, or both, in relation to different parts of the area to which the request relates.

(2) After having regard to the following, the relevant chief executive must make a recommendation under **subclause (3)**:

(a) information held by the Ministry that is, with the authority of the Prime Minister, for the time being responsible for the administration of the Fisheries Act 1996; and

(b) information supplied, or submissions made, to the relevant chief executive under **clause 34(3)(b)**; and

(c) information that is forwarded by the panel; and

(d) any other information that the relevant chief executive has requested and obtained.

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(3) In making a recommendation on an aquaculture decision, the relevant chief executive must take into account sections 8 to 10 and 186GB of the Fisheries Act 1996.

(4) A recommendation on an aquaculture decision must—

(a) be in writing; and

(b) define the areas that are subject to the recommendation; and

(c) provide reasons for the recommendation; and

(d) include the information described in **subclause (2)(a), (b), and (d)**.

(5) If the relevant chief executive recommends a determination, the recommended determination may—

(a) specify any condition of the coastal permit that is material to the recommendation and that relates to the character, intensity, or scale of the aquaculture activities; and

(b) state that the condition may not be changed or cancelled until the relevant chief executive makes a further aquaculture decision in relation to the area affected by the change or cancellation under the Fisheries Act 1996.

(6) If the relevant chief executive recommends a reservation, the recommended reservation must also include—

(a) whether the reservation relates to customary, recreational, or commercial fishing, or a combination of them; and

(b) if the reservation relates to commercial fishing, the stocks and areas concerned, specifying any stocks subject to the quota management system and any other stock not subject to the quota management system; and

(c) any other matters required to be included by regulations made under the Fisheries Act 1996, as if the recommended reservation were an aquaculture decision made under that Act.

(7) The EPA must provide the recommendation on the aquaculture decision to the panel.

36 Order in which recommendation requests to panel on aquaculture decisions to be processed

(1) The relevant chief executive must make recommendations on aquaculture decisions in the same order in which the requests for the decisions are received.

(2) For the purposes of **subclause (1)**, the order in which recommendations must be made in relation to requests received on the same day is determined by the time when the requests are received.

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

(3) If 2 or more requests for recommendations are received at the same time, the relevant chief executive must make recommendations in the order specified by the EPA.

(4) The relevant chief executive must give higher priority to processing a request made by a panel under section 48 than a request made as a consequence of coastal permits granted under the **Natural Environment Act 2025**.

Panel decision

37 Criteria and other matters for assessment of natural resource permit application

(1) For the purposes of section 81, when considering a natural resource permit application, including conditions in accordance with **clauses 38 and 39**, the panel must take into account, giving the greatest weight to **paragraph (a)**,—

(a) the purpose of this Act; and

(b) the provisions of **Parts 2 and 4 of the Natural Environment Act 2025** that direct decision-making on an application for a natural resource permit; and

(c) the relevant provisions of any other legislation that directs decision-making under the **Natural Environment Act 2025**.

(2) For the purpose of applying any provisions in **subclause (1)**,—

(a) if the natural resource application relates to an activity that is the subject of a determination under section 23 of this Act, the panel must treat the effects of the activity on the relevant land and on the rights or interests of Māori as a relevant matter under **section 11(f) of the Natural Environment Act 2025**; and

(b) to avoid doubt, for the purposes of **subclause (1)(b)**, any existing or initiated Mana Whakahono ā Rohe or existing joint management agreement that is relevant to the approval is a relevant matter.

(3) **Subclause (4)** applies to any provision of the **Natural Environment Act 2025** or any other legislation referred to in **subclause (1)(c)** that would require a decision maker to decline an application for a natural resource permit.

(4) For the purposes of **subclause (1)**, the panel must take into account that the provision referred to in **subclause (3)** would normally require an application to be declined, but must not treat the provision as requiring the panel to decline the application the panel is considering.

(5) In the case of an application for a coastal permit for aquaculture activities, if the panel makes a reservation under **clause 40** in relation to customary, recreational, or commercial fishing in relation to stocks or species not subject to

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the quota management system, the panel must not grant the coastal permit in respect of the areas covered by the reservation.

(6) For the purposes of **subclause (1)**, the provisions referred to in that subclause must be read with all necessary modifications, including that a reference to a permit authority must be read as a reference to a panel.

(7) **Sections 178 to 180 of the Natural Environment Act 2025** apply to a decision of the panel on the natural resource permit.

38 Conditions on natural resource permit

When setting conditions on a natural resource permit, the provisions of **Part 4 and Schedule 4 of the Natural Environment Act 2025** that are relevant to setting conditions on a natural resource permit apply to the panel, subject to all necessary modifications, including the following:

(a) a reference to a permit authority must be read as a reference to a panel; and

(b) a reference to services or works must be read as a reference to any activities that are the subject of the natural resource permit application.

39 Conditions on natural resource permit may deal with standard freshwater fisheries activity

(1) A panel may set conditions on a natural resource permit in respect of a standard freshwater fisheries activity for which approval, dispensation, or authorisation is required, or for which a requirement may be imposed, under the following provisions:

(a) regulation 42 of the Freshwater Fisheries Regulations 1983 (culvert or ford):

(b) regulation 43 of the Freshwater Fisheries Regulations 1983 (dam or diversion structure):

(c) regulation 65(2) of the Freshwater Fisheries Regulations 1983 (noxious fish):

(d) section 26ZM(2)(a) or (3)(b) of the Conservation Act 1987 (transfer or release of live aquatic life).

(2) If the panel sets conditions under **subclause (1)**, they must be the conditions the panel considers necessary to manage the effects of the activity on freshwater fish species, taking into account—

(a) best practice standards; and

(b) the New Zealand Fish Passage Guidelines.

(3) The provisions referred to in **subclause (1)(a) to (d)** do not apply to the holder of a natural resource permit issued under this Act who complies with the relevant conditions imposed under this clause.

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Guidance note

The New Zealand Fish Passage Guidelines are available at https://niwa.co.nz/freshwater/new-zealand-fish-passage-guidelines

40 Panel to make aquaculture decision

(1) For the purposes of section 80, an aquaculture decision may consist of—

(a) a determination; or

(b) a reservation; or

(c) 1 or more determinations or reservations, or both, in relation to different parts of the area to which the request relates.

(2) The panel must have regard to the information described in **clause 35(2)**.

(3) In making an aquaculture decision, the panel must—

(a) take into account, giving the greatest weight to **subparagraph (i)**,—

(i) the purpose of this Act; and

(ii) sections 8 to 10 and 186GB of the Fisheries Act 1996; and

(b) have regard to the recommendation of the relevant chief executive made under **clause 35**.

(4) An aquaculture decision may differ from the recommendation made by the relevant chief executive.

(5) If the panel makes a determination, the determination may—

(a) specify any condition of the coastal permit that is material to the decision and that relates to the character, intensity, or scale of the aquaculture activities; and

(b) state that the condition may not be changed or cancelled until the relevant chief executive makes a further aquaculture decision under the Fisheries Act 1996 in relation to the area affected by the change or cancellation.

(6) If the panel makes a reservation, the reservation must also include—

(a) whether the reservation relates to customary, recreational, or commercial fishing, or a combination of them; and

(b) if the reservation relates to commercial fishing, the stocks and areas concerned, specifying any stocks subject to the quota management system and any other stock not subject to the quota management system; and

(c) any other matters required to be included by regulations made under the Fisheries Act 1996, as if the reservation were an aquaculture decision made under that Act.

(7) An aquaculture decision must—

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(a) be in writing; and

(b) define the areas that are subject to the decision; and

(c) provide reasons for the decision.

41 Conditions to be included in coastal permit relating to reservation

If the panel makes a reservation under section 80 in relation to commercial fishing in relation to stocks or species subject to the quota management system, the panel must include permit conditions on the coastal permit noting the areas affected by the reservation.

42 Content of decision document for coastal permit

(1) If the panel makes a determination under section 80, the panel must note any conditions on the coastal permit that may not be changed or cancelled until a further aquaculture decision is made under the Fisheries Act 1996.

(2) If the panel makes a reservation in relation to commercial fishing of stocks or species subject to the quota management system, the panel must notify the applicant that the permit will not commence in the area affected by the reservation unless—

(a) an aquaculture agreement is registered in accordance with section 186ZH of the Fisheries Act 1996; or

(b) a compensation declaration is registered under section 186ZHA of the Fisheries Act 1996.

(3) If the substantive application was lodged by more than 1 authorised person, the reference to the applicant in **subclause (2)** must be read as a reference to the authorised person who was identified in the application as the proposed holder of the coastal permit.

43 Criteria for assessment of application for change or cancellation of condition

For the purposes of section 81, when considering an application for the change or cancellation of a condition,—

(a) the panel must apply **section 185(1) to (3) of the Natural Environment Act 2025** as if,—

(i) in **section 185(3) of the Natural Environment Act 2025**, the reference to **subparts 1 to 5 of Part 4** of that Act were to the provisions of those subparts that relate to decision-making on a natural resource permit; and

(ii) the provisions of **subparts 1 to 5 of Part 4** of that Act were read with all necessary modifications, including that a reference to a permit authority must be read as a reference to a panel; and

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

(b) the panel must consider any Mana Whakahono ā Rohe or joint management agreement that is relevant to the approval; and

(c) to avoid doubt, **section 185(6) of the Natural Environment Act 2025** does not apply.

44 Criteria and other matters for assessment of applications for certificate of compliance

(1) For the purposes of section 81, the panel must grant the certificate of compliance if the activity that the certificate is intended to cover can be done lawfully in the particular location without a natural resource permit.

(2) The panel must not grant the certificate of compliance if—

(a) the application under this Act for the certificate is made after a proposed plan is notified; and

(b) the activity could not be done lawfully in the particular location without a natural resource permit under the proposed plan.

(3) The panel must not grant a certificate of compliance under the **Natural Environment Act 2025** if a notice for the activity is in force under **section 199(1)(d)** of that Act.

45 Content of decision document for certificate of compliance

Section 200 of the Natural Environment Act 2025 applies to a certificate of compliance issued under this Act.

Provisions applying to approvals once granted

46 Application of subpart 4 of Part 9A of Fisheries Act 1996

(1) Subpart 4 of Part 9A of the Fisheries Act 1996 applies, subject to the modifications in this clause, in respect of—

(a) a coastal permit issued under this Act; and

(b) a reservation made by the panel under this Act, as if it were a reservation made by the chief executive under the Fisheries Act 1996.

(2) Section 186ZD of the Fisheries Act 1996 must be read as if it included the following definition:

panel means a panel as defined in section 4 of the Fast-track Approvals Act 2024

(3) Section 186ZN of the Fisheries Act 1996 must be read as if subsection (3) were replaced with:

(3) In subsection (2), **quota owner** means a person who is a registered quota owner as at 5 pm on the date on which the relevant reservation is made by a panel under the Fast-track Approvals Act 2024.

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

47 Aquaculture decision by panel to be treated as determination for purposes of Fisheries Act 1996

A determination under **clause 40(5)(b)** must be treated as a determination under section 186H(3)(b) of the Fisheries Act 1996.

48 Notification of aquaculture agreement or compensation declaration

(1) If **clause 42(2)** applies and the relevant permit authority has been notified by the relevant chief executive that an aquaculture agreement or a compensation declaration has been registered for those stocks under section 186ZH or 186ZHA of the Fisheries Act 1996 (as the case may require), the permit authority must—

(a) amend the permit so that it no longer shows the areas affected by the reservation:

(b) provide the applicant with a copy of the amended permit:

(c) notify the applicant that the permit (as amended) commences in respect of the area previously shown as subject to the reservation on the date of notification under this paragraph.

(2) If the substantive application was lodged by more than 1 authorised person, the references to the applicant in **subclause (1)** must be read as references to the authorised person who was identified in the application as the proposed holder of the coastal permit.

49 Natural Environment Act 2025 modified in respect of conditions made under clause 40(5)(b)

In **sections 133(2), 177(2), 185(4), and 186(4) of the Natural Environment Act 2025**, the reference to a condition that has been specified under section 186H(1A) or 186H(3) of the Fisheries Act 1996 must be read as a condition imposed under section 81 in accordance with **clause 40(5)(b)** of this schedule in relation to a coastal permit for aquaculture activities granted under this Act.

In Schedule 6, clause 31(1)(a)(i), replace "resource consent" with "planning consent, natural resource permit,".

In Schedule 8, clause 2(2), replace "section 42(4)(a) or (d)" with "section 42(4)(a), **(aa)**, or (d)".

In Schedule 10, in the heading to clause 3, replace "**section 42(4)(a)**" with "**section 42(4)(aa)**".

In Schedule 10, clause 3(1), replace "section 42(4)(a)" with "**section 42(4)(aa)**".

In Schedule 10, clause 3(2), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

Fast-track Approvals Act 2024 (2024 No 56)—*continued*

In Schedule 11, clause 3(d)(v), replace "resource consents" with "planning consents, natural resource permits,".

In Schedule 12, clause 3(1), replace "section 168A(3)(b) or 171(1)(b) of the Resource Management Act 1991" with "**clause 24(2)(a) of Schedule 5** of the Planning Act **2025**".

Fencing Act 1978 (1978 No 50)

Replace section 3(1)(e) with:

> (e) land that is an esplanade reserve or an esplanade strip within the meaning of the **Natural Environment Act 2025** or the Planning Act **2025**.

Fiordland (Te Moana o Atawhenua) Marine Management Act 2005 (2005 No 36)

In section 4(1), repeal the definition of **Southland Regional Coastal Plan**.

In section 4(2), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

Repeal section 11.

In Schedule 3, replace clause 1(3)(a) with:

> (a) any natural resource permit under the **Natural Environment Act 2025**; and

In Schedule 3, clause 4, replace "consent requirements in the Southland Regional Coastal Plan" with "permit requirements under the **Natural Environment Act 2025**".

Repeal Schedule 12.

In Schedule 13, repeal "Resource Management Act 1991".

Fisheries Act 1996 (1996 No 88)

In section 2(1), replace the definition of **aquaculture activities** with:

> **aquaculture activities** has the corresponding meaning given in **section 3 of the Natural Environment Act 2025**

In section 2(1), replace the definitions of **coastal marine area** and **coastal permit** with:

> **coastal marine area** has the meaning given in **section 3 of the Natural Environment Act 2025**
>
> **coastal permit** has the meaning given in **section 127(a) of the Natural Environment Act 2025**

In section 2(1), repeal the definition of **regional plan**.

In the heading to section 6, replace "**Resource Management Act 1991**" with "**Natural Environment Act 2025 and Planning Act 2025**".

Fisheries Act 1996 (1996 No 88)—*continued*

In section 6(1), replace "regional plan" with "regional spatial plan, natural environment plan, land use plan,".

In section 6(2)(a), replace "section 30(1)(d) of the Resource Management Act 1991" with "**section 222(3) and (4) of the Natural Environment Act 2025**".

In section 6(3), definition of **occupy**, replace "section 2(1) of the Resource Management Act 1991" with "**section 3 of the Natural Environment Act 2025**".

Repeal section 11(2)(a).

In section 182, replace "sections 299 and 308 of the Resource Management Act 1991" with "**clause 77 and clause 86 of Schedule 9** of the Planning Act **2025**".

In section 186C, definition of **application for a coastal permit**,—

(a) paragraph (a), replace "section 88 of the Resource Management Act 1991" with "**section 130 of the Natural Environment Act 2025**"; and

(b) paragraph (b)(i), replace "section 127" with "**section 185**"; and

(c) paragraph (b)(ii), replace "section 128" with "**section 186**".

In section 186C, definition of **coastal permit**, replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In section 186C, definition of **regional council**, replace "consent authority under the Resource Management Act 1991" with "permit authority under the **Natural Environment Act 2025**".

In section 186D(1), replace "section 107F of the Resource Management Act 1991" with "**section 133 of the Natural Environment Act 2025**".

In section 186E(1), replace "a regional council under section 114 of the Resource Management Act 1991" with "**section 133(3) of the Natural Environment Act 2025**".

In section 186F(3), replace "under section 114(5) of the Resource Management Act 1991" with "**section 133(3) of the Natural Environment Act 2025**".

In section 186GA(a)(ii) and (b), after "Resource Management Act 1991", insert "or the **Natural Environment Act 2025**".

In section 186GA(d), replace "section 114(6) of the Resource Management Act 1991" with "**section 133(3) of the Natural Environment Act 2025**".

After section 186GA, insert:

186GAA Aquaculture decisions must not be made in relation to certain areas

The chief executive must not make an aquaculture decision in relation to any part of an aquaculture area that is subject to a coastal permit for aquaculture activities for which an aquaculture area decision has already been made.

In **section 186JC(2)**, replace "under section 114 of the Resource Management Act 1991" with "**section 133(3) of the Natural Environment Act 2025**".

Fisheries Act 1996 (1996 No 88)—*continued*

In section 186N(2), replace "resource consent or certificate of compliance under the Resource Management Act 1991" with "natural resource permit or certificate of compliance under the **Natural Environment Act 2025**".

In section 186R(2), replace—

(a) "resource consent" with "natural resource permit" in each place; and

(b) "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In section 186S(2)(a)(i) and (ii) and (b), replace "resource consent or certificate of compliance under the Resource Management Act 1991" with "natural resource permit or certificate of compliance under the **Natural Environment Act 2025**".

Replace section 186ZF(3) with:

(3) After an aquaculture agreement is registered, no person whose consent is contained in the agreement may revoke the consent, but the consent and the aquaculture agreement itself come to an end when—

(a) the coastal permit to which they relate comes to an end, unless it is replaced by a new permit in accordance with **clause 43 of Schedule 3 of the Natural Environment Act 2025**; or

(b) the aquaculture area decision expires under **section 186JH**, unless it has been extended by the chief executive under **section 186JI**.

Replace section 186ZF(4) with:

(4) For the purposes of this section, subsection (2) applies to the persons specified in that subsection as at 5 pm on the date on which the chief executive gives notice of—

(a) a reservation under section 186H(2)(a) in relation to the coastal permit concerned; or

(b) a reservation under **section 186JF(2)(a)** in relation to an aquaculture area.

In section 186ZM(1), replace "section 114 of the Resource Management Act 1991" with "**section 133 of the Natural Environment Act 2025**".

In section 186ZM(5)(b), replace "section 165ZH of the Resource Management Act 1991" with "**clause 43 of Schedule 3 of the Natural Environment Act 2025**".

Food Act 2014 (2014 No 32)

Replace section 368(3)(i) with:

(i) the **Natural Environment Act 2025**; or

Forestry Rights Registration Act 1983 (1983 No 42)

In section 6, replace "Resource Management Act 1991" with "Planning Act **2025**".

Forests Act 1949 (1949 No 19)

In section 67L, replace "Resource Management Act 1991" with "Planning Act **2025**".

Replace section 67P(3) with:

(3) For the purposes of this section, **Schedule 9** of the Planning Act **2025** applies, with the necessary modifications, as if the decision appealed against were a planning consent under that Act.

Replace section 67V with:

67V Relationship of Part with Natural Environment Act 2025 and Planning Act 2025

Nothing in this Part derogates from any provision of the **Natural Environment Act 2025** or the Planning Act **2025**.

In Schedule 2, replace clause 4 with:

4 Plan to specify relevant requirements under Natural Environment Act 2025 and Planning Act 2025

The plan must specify the relevant details of all applicable natural environment plans under the **Natural Environment Act 2025** and land use plans under the Planning Act **2025**.

Goods and Services Tax Act 1985 (1985 No 141)

Repeal section 5(7B)(a) and (7C)(a).

Government Roading Powers Act 1989 (1989 No 75)

In section 43(1), definition of **Environment Court**, replace "Resource Management Act 1991" with "Planning Act **2025**".

In section 48(8), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or the Planning Act **2025**".

In section 61(10), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or the Planning Act **2025**".

In section 73(e), replace "Harbours Act 1950 and the Resource Management Act 1991" with "**Natural Environment Act 2025** and the Planning Act **2025**".

In section 73(f), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In section 88(6), replace "section 238(1)(c) of the Resource Management Act 1991 and section 60" with "**clause 32(2)(c) of Schedule 7** of the Planning Act **2025**".

Hauraki Gulf Marine Park Act 2000 (2000 No 1)

In the heading to section 9, replace "**Resource Management Act 1991, Natural Environment Act 2025,**" with "**Natural Environment Act 2025**".

Hauraki Gulf Marine Park Act 2000 (2000 No 1)—*continued*

In section 9(1), delete "**district plan**, **plan**, **proposed plan**, **regional plan**, **regional policy statement**, **resource consent**, and **New Zealand coastal policy statement** have the same meanings as in the Resource Management Act 1991, and".

In section 9(1), after "**national instrument**,", insert "**planning consent**,".

In section 9(1), after "**2025**, and **natural environment plan**", insert ", **natural resource permit**,".

Repeal section 9(2), (3), and (5).

Replace section 9(4) with:

(4) A permit authority must, when considering an application for a natural resource permit for the Hauraki Gulf, its islands, and catchments, have regard to sections 7 and 8 in addition to the matters contained in the **Natural Environment Act 2025**.

(4A) A consent authority must, when considering an application for a planning consent for the Hauraki Gulf, its islands, and catchments, have regard to sections 7 and 8 in addition to the matters contained in the Planning Act **2025**.

In the heading to section 10, delete "**New Zealand coastal policy statement or**".

Repeal section 10(1) to (3).

In Schedule 1, repeal the item relating to the Resource Management Act 1991.

Hauraki Gulf / Tīkapa Moana Marine Protection Act 2025 (2025 No 54)

Replace section 26(d) with:

(d) any activity that is expressly allowed, without obtaining a natural resource permit, under regulations made under section 360(1)(a) and (ha) to (hh) of the Resource Management Act 1991 or under **section 307(1)(b) and (o) to (s) of the Natural Environment Act 2025** that relate to the regulation of marine pollution:

In section 26(e), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In section 26(h)(i), replace "regional coastal plan or resource consent" with "natural environment plan, land use plan, natural resource permit, or planning consent".

In section 38(2)(b), after "of the relevant", insert "permit authority or".

Hawke's Bay Endowment Land Empowering Act 2002 (2002 No 1 (L))

In section 5(3)(b), replace "section 2(1) of the Resource Management Act 1991" with "**section 3 of the Natural Environment Act 2025**".

Hazardous Substances and New Organisms Act 1996 (1996 No 30)

In section 2(1), definition of **natural and physical resources**, replace "section 2(1) of the Resource Management Act 1991" with "**section 3 of the Natural Environment Act 2025**".

In section 97(1)(h)(ii), replace "Resource Management Act 1991" with "Planning Act **2025**".

In section 97(2)(a), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or the Planning Act **2025**".

Replace section 142(4) and (5) with:

(4) Nothing in this Act applies to a planning consent under the Planning Act **2025** until the time that the conditions on the planning consent are reviewed in accordance with **section 168** of that Act, if the planning consent—

(a) is a consent that relates to the storage, use, disposal, or transportation of any hazardous substance; and

(b) was granted before the coming into force of any regulations made under this Act (other than regulations made under Parts 11 to 16).

(5) Nothing in this Act applies to a natural resource permit under the **Natural Environment Act 2025** until the time that the conditions on the natural resource permit are reviewed in accordance with **section 186** of that Act, if the permit—

(a) is a coastal permit to do something that would otherwise contravene **section 21 of the Natural Environment Act 2025** or is a discharge permit; and

(b) was granted before the coming into force of any regulations made under this Act (other than regulations made under Parts 11 to 16).

Health Act 1956 (1956 No 65)

In section 54(7), after "Resource Management Act 1991", insert "or a natural resource permit for that activity has been granted under the **Natural Environment Act 2025** or a planning consent for that activity has been granted under the Planning Act **2025**".

Health and Safety at Work Act 2015 (2015 No 70)

Replace section 230 with:

230 Relationship between regulations relating to hazardous substances under this Act and Natural Environment Act 2025 and Planning Act 2025

(1) Nothing prescribed in regulations made under this Act for the safe use, handling, manufacture, or storage of hazardous substances applies in relation to any natural resource permit or planning consent to which this subsection applies that is—

Health and Safety at Work Act 2015 (2015 No 70)—*continued*

(a) a land use consent relating to the use, handling, manufacture, or storage of any hazardous substance; or

(b) a coastal permit to do something that would otherwise contravene **section 21 of the Natural Environment Act 2025**; or

(c) a discharge permit under the **Natural Environment Act 2025**.

(2) **Subsection (1)** applies where the natural resource permit or planning consent concerned was granted before the coming into force of any regulations made under the Hazardous Substances and New Organisms Act 1996 and until such time as the conditions on the natural resource permit or planning consent are reviewed in accordance with **section 186 of the Natural Environment Act 2025** or **section 168** of the Planning Act **2025**.

(3) In this section,—

natural resource permit has the meaning given in **section 127 of the Natural Environment Act 2025**

planning consent has the meaning given in **section 107** of the Planning Act **2025**.

Health Sector (Transfers) Act 1993 (1993 No 23)

In Schedule 1, clause 5, replace "section 11 or Part 10 of the Resource Management Act 1991" with "**section 18 or Schedule 7** of the Planning Act **2025**".

Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26)

In section 6, definition of **Environment Court**, replace "section 2(1) of the Resource Management Act 1991" with "**section 3** of the Planning Act **2025**".

In section 6, repeal the definition of **heritage order**.

In section 6, repeal the definition of **heritage protection authority**.

In section 6, definition of **statutory acknowledgement**, replace "Schedule 11 of the Resource Management Act 1991" with "**Schedule 12** of the Planning Act **2025** or **Schedule 6 of the Natural Environment Act 2025**".

In section 7(b)(ii), delete ", including the power to be a heritage protection authority under Part 8 of the Resource Management Act 1991".

Repeal section 13(1)(i).

Repeal section 21(j).

In section 40(2)(a), delete "or the Resource Management Act 1991".

In section 46(5), replace "resource consent application or notice of requirement for a designation under the Resource Management Act 1991" with "planning consent application or proposed designation under the Planning Act **2025** or a natural resource permit application under the **Natural Environment Act 2025**".

Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26)—*continued*

In section 46(5)(a), replace "Resource Management Act 1991" with "Planning Act **2025** or **Natural Environment Act 2025**".

Replace section 58(3)(b) with:

(b) state any matters that are prescribed in regulations made under—

(i) the Planning Act **2025**, for appeals made under **section 154** of that Act; and

(ii) the **Natural Environment Act 2025**, for appeals made under **section 172** of that Act; and

In section 58(4), replace "Resource Management Act 1991" with "Planning Act **2025** and the **Natural Environment Act 2025**".

In section 59(2), replace "Resource Management Act 1991" with "Planning Act **2025** and the **Natural Environment Act 2025**".

Repeal section 59(5).

In section 65(3)(c), replace "Resource Management Act 1991" with "Planning Act **2025** and the **Natural Environment Act 2025**".

Replace section 92(2) with:

(2) An application under subsection (1) is to be treated as if it were an application for an enforcement order under—

(a) **section 232** of the Planning Act **2025**, and **sections 233(1) to (3), 235, 236, 238, and 239** of that Act apply to an application, except as those provisions are modified by this section or section 93; and

(b) **section 258 of the Natural Environment Act 2025**, and **sections 259(1) to (3), 261, 262, 264, and 265** of that Act apply to an application, except as those provisions are modified by this section or section 93.

In section 92(4)(b), replace "Part 12 of the Resource Management Act 1991" with "**Part 6** of the Planning Act **2025** or **Part 6 of the Natural Environment Act 2025**".

In section 92(5), replace "section 320 of the Resource Management Act 1991" with "**section 238** of the Planning Act **2025** or **section 264 of the Natural Environment Act 2025**".

In section 92(6)(b), replace "section 320(5) of the Resource Management Act 1991" with "**section 238(6)** of the Planning Act **2025** or **section 264(6) of the Natural Environment Act 2025**".

In section 92(6)(c), replace "section 321 of the Resource Management Act 1991" with "**section 239** of the Planning Act **2025** or **section 265 of the Natural Environment Act 2025**".

Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26)—*continued*

In section 92(7), replace "Part 11 of the Resource Management Act 1991" with "**Schedule 9** of the Planning Act **2025** and **section 242 of the Natural Environment Act 2025**".

Housing Act 1955 (1955 No 51)

Replace section 3A with:

3A Relationship to Natural Environment Act 2025 and Planning Act 2025

Nothing in this Part derogates from any of the provisions of the **Natural Environment Act 2025** or the Planning Act **2025**.

In section 11(2), replace "Resource Management Act 1991" with "Planning Act **2025**".

Housing Assets Transfer Act 1993 (1993 No 50)

In section 7(4), replace "Resource Management Act 1991" with "Planning Act **2025**".

Income Tax Act 2007 (2007 No 97)

Replace section CB 14(2)(a) with:

(a) the rules of an operative land use plan under the Planning Act **2025**:

Replace section CB 14(2)(e) to (g) with:

(e) a natural resource permit granted under the **Natural Environment Act 2025** or a planning consent granted under the Planning Act **2025**:

(f) the likelihood of a consent or permit being granted:

(g) a decision of the Environment Court made under the **Natural Environment Act 2025** or the Planning Act **2025**:

Replace section CB 14(2)(i) with:

(i) the removal of a condition, covenant, designation, obligation, prohibition, or restriction under the **Natural Environment Act 2025** or the Planning Act **2025**:

In section CB 14(2)(j), delete "heritage order,".

In section CB 14, list of defined terms, insert "natural resource permit" and "planning consent" in their appropriate alphabetical order.

In the heading above section CB 28(7), replace "*resource consent*" with "*natural resource permit or planning consent*".

In section CB 28(7) and (8), replace "resource consent" with "natural resource permit or planning consent" in each place.

In section CB 28, list of defined terms,—

(a) delete "resource consent"; and

Income Tax Act 2007 (2007 No 97)—*continued*

(b) insert "natural resource permit" and "planning consent" in their appropriate alphabetical order.

In section CG 7B(1)(c) and (2)(b), replace "resource consent" with "natural resource permit, a planning consent,".

In section CG 7B, list of defined terms, insert "natural resource permit" and "planning consent" in their appropriate alphabetical order.

In the heading to section DB 19, replace "**resource consent**" with "**natural resource permit or planning consent**".

In section DB 19(1), replace "resource consent under the Resource Management Act 1991" with "natural resource permit under the **Natural Environment Act 2025** or a planning consent under the Planning Act **2025**".

In section DB 19(1)(b), (1B)(b), and (2)(b), replace "resource consent" with "natural resource permit or planning consent".

In section DB 19, list of defined terms, insert "natural resource permit" and "planning consent" in their appropriate alphabetical order.

In section DB 46(8), replace "resource consent" with "natural resource permit or planning consent" in each place.

In section DB 46, list of defined terms, insert "natural resource permit" and "planning consent" in their appropriate alphabetical order.

In section DU 11(2)(b), replace "resource consents" with "natural resource permits or planning consents".

In section DU 11, list of defined terms, insert "natural resource permit" and "planning consent" in their appropriate alphabetical order.

In section DU 12(a)(iii), replace "Resource Management Act 1991 or regulations made under that Act" with "**Natural Environment Act 2025** or the Planning Act **2025** or national instruments or regulations made under those Acts".

In section EE 57(3)(cb), replace "or a resource consent under the Resource Management Act 1991" with "a natural resource permit under the **Natural Environment Act 2025**, or a planning consent under the Planning Act **2025**".

In section EE 57, list of defined terms, insert "natural resource permit" and "planning consent" in their appropriate alphabetical order.

In section YA 1, definition of **contaminant**, replace "section 2(1) of the Resource Management Act 1991" with "**section 3 of the Natural Environment Act 2025**".

In section YA 1, definition of **property**, paragraph (a), after "Resource Management Act 1991", insert ", the **Natural Environment Act 2025**, or the Planning Act **2025**".

In section YA 1, repeal the definition of **resource consent**.

Income Tax Act 2007 (2007 No 97)—*continued*

In section YA 1, insert in their appropriate alphabetical order:

natural resource permit has the meaning given in **section 127 of the Natural Environment Act 2025**

planning consent has the meaning given in **section 107** of the Planning Act **2025**

In Schedule 14, replace item 10 with:

10	a consent granted under the Resource Management Act 1991 to do something that otherwise would contravene sections 12 to 15B of that Act or a natural resource permit under the **Natural Environment Act 2025** that would otherwise contravene **sections 18 to 23** of that Act (in either case, other than a consent or permit for a reclamation), being a consent or permit granted in or after—	
	(a)	the 1996–97 tax year, if the consent or permit relates to sections 12 to 15 of the Resource Management Act 1991 or **sections 18 to 21 of the Natural Environment Act 2025**; or
	(b)	the 2014–15 income year, if the consent or permit relates to sections 15A and 15B of the Resource Management Act 1991 or **sections 22 and 23 of the Natural Environment Act 2025**

Infrastructure Funding and Financing Act 2020 (2020 No 47)

In section 7(1), definition of **financial contribution**, after "1991", insert "before its repeal".

In section 8(3), definition of **natural hazard**, replace "section 2(1) of the Resource Management Act 1991" with "**section 3** of the Planning Act **2025**".

In section 9(6), definition of **establishment costs**, paragraph (b), after "1991", insert "or the Planning Act **2025**".

In section 11(2), definition of **mana whenua**, replace "section 2(1) of the Resource Management Act 1991" with "**section 3** of the Planning Act **2025**".

Inquiries Act 2013 (2013 No 60)

In Schedule 1, repeal the item relating to the Resource Management Act 1991.

Irrigation Schemes Act 1990 (1990 No 52)

In the heading to section 12, replace "**Section 11 and Part 10 of Resource Management Act 1991**" with "**Section 18 and Schedule 7 of Planning Act 2025, section 203 of Natural Environment Act 2025,**".

In section 12, replace "Section 11 and Part 10 of the Resource Management Act 1991" with "**Section 18 and Schedule 7** of the Planning Act **2025**, **section 203 of the Natural Environment Act 2025**,".

Replace section 13 with:

Irrigation Schemes Act 1990 (1990 No 52)—*continued*

13 Activity permitted as of right

To avoid doubt, if any irrigation scheme is sold or otherwise disposed of under this Part, any use for irrigation purposes of the land upon which the irrigation scheme is situated is deemed to be a permitted activity within the meaning of the Planning Act **2025** and the **Natural Environment Act 2025**.

Joint Family Homes Act 1964 (1964 No 45)

In section 3(3), replace "Part 10 of the Resource Management Act 1991" with "**Schedule 7** of the Planning Act **2025**".

Lake Wanaka Preservation Act 1973 (1973 No 107)

In section 6(1), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In section 8(1), replace "Resource Management Act 1991, the **Natural Environment Act 2025**," with "**Natural Environment Act 2025**".

In section 11, replace "resource consent under the Resource Management Act 1991 authorising any activity in relation to the lake that is referred to in section 13 or section 14" with "natural resource permit under the **Natural Environment Act 2025** authorising any activity in relation to the lake that is referred to in **section 19 or 20**".

Land Act 1948 (1948 No 64)

In section 2, definition of **Crown land**, paragraph (f), replace "Part 10 of the Resource Management Act 1991" with "**Schedule 7** of the Planning Act **2025**".

In section 66A(5), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** and the Planning Act **2025**".

In section 82(3A)(b), replace "section 238 or 239 of the Resource Management Act 1991" with "**clauses 32 and 33 of Schedule 7** of the Planning Act **2025**".

In section 93(1), replace "Part 10 of the Resource Management Act 1991" with "**Schedule 7** of the Planning Act **2025**".

In section 93(3), replace "section 238 of the Resource Management Act 1991" with "**clause 32 of Schedule 7** of the Planning Act **2025**".

In section 165(6A), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**, the Planning Act **2025**,".

Land Drainage Act 1908 (1908 No 96)

Replace section 2A with:

2A Relationship to Natural Environment Act 2025 and Planning Act 2025

Nothing in this Act derogates from the **Natural Environment Act 2025** or the Planning Act **2025**.

Land Transport Management Act 2003 (2003 No 118)

Repeal section 14(c)(ii).

Repeal section 19B(b)(v).

Repeal section 20(3)(a)(ii).

Repeal section 22G(1)(b)(iii).

In section 63(5)(a), replace "section 218 of the Resource Management Act 1991" with "**clause 2 of Schedule 7** of the Planning Act **2025**".

Repeal section 67(1)(b)(ii).

Repeal section 124(c)(ii).

Replace section 140(7) and (8) with:

(7) **Schedule 9** of the Planning Act **2025**, and any regulations made under that Act that relate to that schedule, apply to an appeal under this section with all necessary modifications.

(8) A notice of appeal must state any matters that regulations made under the Planning Act **2025** require to be stated in the case of an appeal under **section 154** of that Act.

Lawyers and Conveyancers Act 2006 (2006 No 1)

In section 322(6), definition of **conveyance**, paragraph (a)(i), replace "section 2(1) of the Resource Management Act 1991" with "**clause 1 of Schedule 7** of the Planning Act **2025**".

Local Authorities (Members' Interests) Act 1968 (1968 No 147)

Repeal section 6(3)(e).

Local Electoral Act 2001 (2001 No 35)

In section 5(1), definition of **allotment**, replace "section 218(2) of the Resource Management Act 1991" with "**clause 3 of Schedule 7** of the Planning Act **2025**".

Local Government Act 1974 (1974 No 66)

In section 2(1), repeal the definition of **district plan, operative**.

In section 2(1), replace the definition of **rural area** with:

> **rural area** means an area zoned rural in a proposed or an operative land use plan

In section 2(1), insert in their appropriate alphabetical order:

> **Environment Court** has the meaning given in **section 3** of the Planning Act **2025**
>
> **land use plan** has the meaning given in **section 3** of the Planning Act **2025**

In section 315(1), replace the definition of **survey plan** with:

Local Government Act 1974 (1974 No 66)—*continued*

survey plan has the meaning given in **clause 4 of Schedule 7** of the Planning Act **2025**

In section 319(1)(e), replace "district plan" with "land use plan".

In section 336(4), replace "Resource Management Act 1991" with "Planning Act **2025**".

In section 336(6), replace "district plan under the Resource Management Act 1991" with "land use plan under the Planning Act **2025**".

In section 340(1), replace "Resource Management Act 1991" with "Planning Act **2025**".

In section 341(1), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or the Planning Act **2025**".

In section 345(3), replace "(as defined in section 2(1) of the Resource Management Act 1991) for the purposes specified in section 229 of that Act" with "(as defined in **clause 1 of Schedule 7** of the Planning Act **2025**)".

In section 345(4), replace "district plan under section 77 of the Resource Management Act 1991" with "land use plan under **section 84** of the Planning Act **2025**".

In section 346G(2), replace "Resource Management Act 1991" with "Planning Act **2025**".

In section 346G(3), replace "section 299 of the Resource Management Act 1991" with "**clause 77 of Schedule 9** of the Planning Act **2025**".

In section 347, replace "Resource Management Act 1991" with "Planning Act **2025**".

In section 348(6), replace "Resource Management Act 1991" with "Planning Act **2025**".

Replace section 502 with:

502 This Part subject to Natural Environment Act 2025 and Planning Act 2025

Nothing in this Part derogates from the provisions of the **Natural Environment Act 2025** or the Planning Act **2025**.

Replace section 517A with:

517A This Part subject to Natural Environment Act 2025, Planning Act 2025, and Soil Conservation and Rivers Control Act 1941

Nothing in this Part derogates from the provisions of the **Natural Environment Act 2025**, the Planning Act **2025**, or the Soil Conservation and Rivers Control Act 1941.

In section 517B, definition of **scheme asset**, in paragraph (e), replace "consent granted under the Resource Management Act 1991" with "natural resource permit granted under the **Natural Environment Act 2025** or planning consent granted under the Planning Act **2025**".

Local Government Act 1974 (1974 No 66)—*continued*

In section 517I(i), replace "district plans" with "land use plans".

Repeal section 517I(j).

Replace section 517I(k) with:

(k) identify any natural resource permits and planning consents relating to the scheme; and

In section 517U(e), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**, the Planning Act **2025**".

In section 517Z(1)(b), replace "district plans" with "land use plans".

In section 517Z(3), replace—

(a) "section 167 of the Resource Management Act 1991" with "**clause 10 of Schedule 5** of the Planning Act **2025**"; and

(b) "requiring authority" with "designating authority" in each place.

In section 517Z(3),—

(a) replace "section 167 of the Resource Management Act 1991 for approval as a requiring authority" with "**clause 10 of Schedule 5** of the Planning Act **2025** for approval as a designating authority"; and

(b) replace "a requiring authority within the meaning" with "a designating authority within the meaning".

Replace section 517ZH with:

517ZH Section 18 and Schedule 7 of Planning Act 2025 and Part 21 of this Act not to apply

Section 18 and **Schedule 7** of the Planning Act **2025** and Part 21 of this Act do not apply to or in respect of the transfer of any land or interest in land under this Part, nor to any subdivision required in respect of any such transfer.

Repeal section 517ZI.

In Schedule 10, clause 6, replace "district plan" with "land use plan".

Local Government Act 2002 (2002 No 84)

In section 5(1), definition of **natural hazard**, replace "section 2(1) of the Resource Management Act 1991" with "**section 3** of the Planning Act **2025**".

In section 5(1), repeal the definition of **resource consent**.

In section 5(1), insert in their appropriate alphabetical order:

natural resource permit has the meaning given in **section 127 of the Natural Environment Act 2025**, and includes a change to a condition of a natural resource permit under **section 185** of that Act

Local Government Act 2002 (2002 No 84)—*continued*

> **planning consent** has the meaning given in **section 107** of the Planning Act **2025**, and includes a change to a condition of a planning consent under **section 167** of that Act

In section 48J(1)(a), delete "the Resource Management Act 1991,".

In section 79(3), delete "the Resource Management Act 1991,".

In section 102(2)(d) and (3A)(a), delete "or financial contributions".

Repeal section 103(2)(h).

In the heading to section 106, delete "**or financial contributions**".

Repeal section 106(1), (2)(b)(ii) and (f), and (4).

In section 106(2), delete "or financial contributions" in each place.

In section 106(2)(d), delete "or a financial contribution".

In section 106(5), replace "subsections (3) and (4)" with "subsection (3)".

In section 174(5)(b), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or the Planning Act **2025**".

In section 197(1), definition of **allotment**, replace "section 218(2) of the Resource Management Act 1991" with "**clause 3 of Schedule 7** of the Planning Act **2025**".

In section 197(1), repeal the definition of **network utility operator**.

In section 197(1), insert in its appropriate alphabetical order:

> **core infrastructure operator** has the meaning given in **clause 9 of Schedule 5** of the Planning Act **2025**

In section 197(2), repeal the definition of **resource consent**.

Replace section 198(1)(a) with:

> (a) a planning consent is granted under the Planning Act **2025** for a development within its district:

Replace section 202(1)(b)(i) with:

> (i) granting a planning consent under the Planning Act **2025**; or

In the heading to section 207, delete "**or Resource Management Act 1991**".

In section 207(1)(b), after "Resource Management Act 1991", insert ", as if that Act had not been repealed".

Replace section 207D(3)(a) with:

> (a) grant a planning consent under the Planning Act **2025**; or

In section 207D(3)(d), replace "section 224 of the Resource Management Act 1991" with "**clause 18 of Schedule 7** of the Planning Act **2025**".

In section 208(1)(a)(i), replace "section 224(c) of the Resource Management Act 1991" with "**clause 18 of Schedule 7** of the Planning Act **2025**".

Local Government Act 2002 (2002 No 84)—*continued*

In section 208(1)(a)(ii), replace "resource consent under the Resource Management Act 1991" with "planning consent under the Planning Act **2025**".

Replace section 209(1)(a) with:

(a) the planning consent—

(i) lapses under **section 165** of the Planning Act **2025**; or

(ii) is surrendered under **section 176** of that Act; or

In section 209(1)(c), replace "resource consent" with "planning consent".

In section 211, replace "Resource Management Act 1991" with "Planning Act **2025**".

In section 212, repeal the definitions of **plan** and **proposed plan**.

In the heading to section 222, replace "**Resource Management Act 1991**" with "**Natural Environment Act 2025, Planning Act 2025,**".

In section 222, replace "Resource Management Act 1991," with "**Natural Environment Act 2025**, the Planning Act **2025**,".

In section 290(a)(i) and (b), replace "resource consent" with "planning consent".

In Schedule 3, clause 2, definition of **affected area**, paragraph (d), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or the Planning Act **2025**".

In Schedule 3, repeal clause 23(1)(e)(ii).

In Schedule 3, replace clause 23(3)(b) with:

(b) include responsibility for preparing a plan, variation, or plan change under the **Natural Environment Act 2025** or the Planning Act **2025**.

In Schedule 3, replace clause 43(1)(e)(i) and (ii) with:

(i) the administration of any natural resource permits under the **Natural Environment Act 2025**, but subject to **sections 94(3)** and **118 to 122**, **Part 4**, and **Schedule 3** of that Act:

(ii) the administration of any designations, planning consents, and proposed designations under the Planning Act **2025**, but subject to **sections 101 to 105**, **Part 4**, **Part 3 of Schedule 3**, and **Schedule 5** of that Act:

In Schedule 13, clause 3(1)(b), delete "or financial contributions".

In Schedule 14, replace clause 4(a) with:

(a) a natural resource permit granted under the **Natural Environment Act 2025** or a planning consent under the Planning Act **2025**; or

Local Government (Auckland Council) Act 2009 (2009 No 32)

In section 42B(3), replace "a national environmental standard, a national policy statement, or a national planning standard made under Part 5 of the Resource Management

Local Government (Auckland Council) Act 2009 (2009 No 32)—*continued*

Act 1991, a national instrument made under the Planning Act **2025**," with "a national instrument made under the Planning Act **2025**".

Local Government Official Information and Meetings Act 1987 (1987 No 174)

In section 2(1), replace the definition of **climate change** with:

> **climate change** means a change of climate that is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and that is in addition to natural climate variability observed over comparable time periods

In section 2(1), replace the definition of **natural hazard** with:

> **natural hazard** has the meaning given in **section 3** of the Planning Act **2025**

Replace section 7(2)(ba) with:

> (ba) in the case only of an application for a natural resource permit or water conservation order under the **Natural Environment Act 2025**, or a planning consent or proposed designation under the Planning Act **2025**, avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of wāhi tapu; or

Replace section 44A(2)(aa)(ii) with:

> (ii) is not apparent from a land use plan under the Planning Act **2025**:

Replace section 45(1A) with:

> (1A) Despite **subsections (1) and (1AB)**, **meeting**, in relation to a special tribunal appointed under **Schedule 4 of the Natural Environment Act 2025**, is limited to any hearing the special tribunal holds under **clause 9 of Schedule 4** of that Act.
>
> (1AA) Despite **subsections (1), (1A), and (1AB)**, **meeting**, in relation to a person given authority to conduct hearings under **section 235 of the Natural Environment Act 2025** or **section 196** of the Planning Act **2025**, is limited to any hearing the person holds under—
>
> (a) **section 134 or 135** of the Planning Act **2025**; or
>
> (b) **section 153(a) or (b) of the Natural Environment Act 2025**, which applies those provisions of the Planning Act **2025**.

Replace section 45A with:

> **45A Application of this Part to certain local authorities**
>
> Sections 48 and 53 are the only provisions of this Part that apply to the following local authorities:
>
> (a) an independent hearings panel established under the Planning Act **2025**; and

Local Government Official Information and Meetings Act 1987 (1987 No 174)—*continued*

(b) a special tribunal given authority to conduct hearings under **clause 5 of Schedule 4 of the Natural Environment Act 2025**.

In Schedule 1, Part 1, repeal the item relating to community boards, boards of inquiry, freshwater hearings panels, public bodies, special tribunals, and certain persons given authority to conduct hearings.

In Schedule 1, Part 1, after the item relating to spatial plan committees, insert:

Special tribunals appointed under **Schedule 4 of the Natural Environment Act 2025**, or any person given authority to conduct hearings under **sections 193 to 196** of the Planning Act **2025** or **sections 232 to 235 of the Natural Environment Act 2025**

Local Government (Rating) Act 2002 (2002 No 6)

In Schedule 2, replace item 2 with:

2 The activities that are permitted, controlled, restricted discretionary, or discretionary for the area in which the land is situated, and the rules to which the land is subject under an operative natural environment plan under the **Natural Environment Act 2025** or an operative land use plan under the Planning Act **2025**.

In Schedule 2, repeal item 3.

Local Government (Water Services) Act 2025 (2025 No 42)

In section 4, repeal the definition of **district plan**.

In section 4, insert in their appropriate alphabetical order:

land use plan has the meaning given in **section 3** of the Planning Act **2025**

regional spatial plan has the meaning given in **section 3** of the Planning Act **2025**

In section 4, definition of **urban area**, in paragraph (a), replace "district plan or proposed district plan" with "land use plan or proposed land use plan".

In section 17(2), definition of **natural hazard**, replace "section 2(1) of the Resource Management Act 1991" with "**section 3** of the Planning Act **2025**".

In section 52(1)(q), replace "resource management planning and land use planning" with "land use planning, spatial planning, and natural environment planning (as relevant)".

In sections 70(3)(c) and 71(7)(c), replace "district plan prepared under the Resource Management Act 1991" with "land use plan prepared under the Planning Act **2025**".

In section 109, definition of **consent authority**, paragraph (b), replace "Resource Management Act 1991 (*see* section 2(1) of that Act)" with "Planning Act **2025** (*see* **section 3** of that Act)".

Local Government (Water Services) Act 2025 (2025 No 42)—*continued*

In section 109, insert in their appropriate alphabetical order:

> **core infrastructure operator** has the meaning given in **clause 9 of Schedule 5** of the Planning Act **2025**
>
> **planning consent** has the meaning given in **section 107** of the Planning Act **2025**, and includes a change to a condition of a planning consent under **section 167** of the Planning Act 2025

In section 109, definition of **development**, paragraph (b), replace "network utility operator" with "core infrastructure operator".

In section 109, repeal the definitions of **network utility operator** and **resource consent**.

In section 109, replace the definition of **financial contribution** with:

> **financial contribution** means a financial contribution that was received under the Resource Management Act 1991

In section 113(1)(a), (3), and (4)(a), replace "resource consent" with "planning consent".

In section 116(5), delete "or financial contribution".

In the heading to section 117, delete "**or financial contributions**".

In section 117(1)(a), delete "or financial contributions".

In section 117(5), replace "resource consent" with "planning consent".

Repeal section 117(6) to (8) and the heading above section 117(6).

In section 120(5), replace "resource consent" with "planning consent".

In section 127(6)(a), replace "resource consent" with "planning consent".

In section 129(3)(a)(i), replace "resource consents" with "planning consents".

Replace section 141(3)(a) with:

> (a) grant a planning consent under the Planning Act **2025**; or

In section 141(3)(d), replace "section 224(c) of the Resource Management Act 1991" with "**clause 18 of Schedule 7** of the Planning Act **2025**".

In section 144,—

(a) replace "section 224(c) of the Resource Management Act 1991" with "**clause 18 of Schedule 7** of the Planning Act **2025**" in each place; and

(b) replace "resource consent under the Resource Management Act 1991" with "planning consent under the Planning Act **2025**" in each place.

In section 145(1)(a) and (c), replace "resource consent" with "planning consent".

In section 145(1)(a)(i), replace "section 125 of the Resource Management Act 1991" with "**section 165** of the Planning Act **2025**".

In section 145(1)(a)(ii), replace "section 138" with "**section 176**".

Local Government (Water Services) Act 2025 (2025 No 42)—*continued*

In section 147(4)(c), replace "resource consents" with "planning consents".

In section 148, replace "Resource Management Act 1991" with "Planning Act **2025**".

In section 168(6), replace "resource consent" with "natural resource permit, planning consent,".

Replace section 203(2)(b) with:

(b) may refer to any relevant management plans prepared by a territorial authority, regional council, or a water organisation under the **Natural Environment Act 2025**.

Replace section 209(1)(b) with:

(b) without a natural resource permit required under the **Natural Environment Act 2025** for the activity; or

(c) without a planning consent required under the Planning Act **2025** for the activity.

In section 212, replace "Resource Management Act 1991" with "**Natural Environment Act 2025**" in each place.

In section 213(2), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

Replace section 227(1)(b) with:

(b) requirements relating to land use planning, spatial planning, and natural environment planning that are relevant to the water organisation's service area; and

In section 236(6), replace "territorial authority in whose district" with "territorial authority and regional council (if relevant) in whose district or region".

In section 236(6)(a), replace "the territorial authority's resource management planning and land use planning" with "the land use planning, spatial planning, and natural environment planning (as relevant)".

In Schedule 2, clause 3(1)(g), replace "resource consents" with "natural resource permits, planning consents,".

In Schedule 2, replace clause 5(2)(b) with:

(b) spatial planning, natural environment planning (as relevant), and land use planning (including natural resource permits and planning consents); and

In Schedule 3, after clause 2(1)(f), insert:

(fa) the steps that the water services provider will take to implement, or otherwise progress, any actions identified in a regional spatial plan for which the water services provided is responsible for under the Planning Act **2025**:

Local Government (Water Services) Act 2025 (2025 No 42)—*continued*

In Schedule 3, clause 2(1)(g), replace "a territorial authority's resource management planning and land use planning" with "land use planning, spatial planning, and natural environment planning (as relevant)".

In Schedule 3, after clause 2(2), insert:

(2A) The steps referred to in **subclause (1)(fa)** must provide for the water services provider to implement or progress the actions only to the extent that the provider is reasonably able to do so—

(a) in the period covered by the water services strategy; and

(b) consistently with the water services provider's functions, duties, and powers under this Act and any other legislation.

In Schedule 4, after clause 4(3), insert:

(4) A water services annual report must include a statement that sets out—

(a) the steps that the water services provider has taken to implement or progress any actions identified in a regional spatial plan for which the local authority is responsible under the Planning Act **2025**; and

(b) the steps that the water services provider intended to take (but has not taken) to implement or progress the actions and an explanation of why the water services provider has not taken them.

Maori Commercial Aquaculture Claims Settlement Act 2004 (2004 No 107)

In section 4, definition of **aquaculture activities**, replace "has the same meaning as in section 2(1) of the Resource Management Act 1991" with "has the corresponding meaning given in **section 3 of the Natural Environment Act 2025**".

In section 4, definition of **authorisation**, replace "has the same meaning as in section 165C of the Resource Management Act 1991" with "has the meaning given in **clause 1(1) of Schedule 3 of the Natural Environment Act 2025**".

In section 4, definition of **coastal marine area**, replace "has the same meaning as in section 2(1) of the Resource Management Act 1991" with "has the meaning given in **section 3 of the Natural Environment Act 2025**".

In section 4, definition of **coastal permit**, replace "has the same meaning as in section 2(1) of the Resource Management Act 1991" with "has the meaning given in **section 127(a) of the Natural Environment Act 2025**".

In section 4, definition of **new space**, paragraph (a), replace "section 116A of the Resource Management Act 1991" with "**section 177 of the Natural Environment Act 2025**".

In section 4, definition of **occupy**, replace "has the same meaning as in section 2(1) of the Resource Management Act 1991" with "has the meaning given in **section 3 of the Natural Environment Act 2025**".

In section 4, repeal the definition of **public notice**.

Maori Commercial Aquaculture Claims Settlement Act 2004 (2004 No 107)—*continued*

In section 4, definition of **regional council**, replace "has the same meaning as in section 2(1) of the Resource Management Act 1991" with "has the meaning given in **section 3 of the Natural Environment Act 2025**".

In section 4, replace the definition of **space** with:

> **space**, in relation to the coastal marine area, means any part of the foreshore, seabed, and coastal water, and the airspace above the water

In section 5(1)(aa), replace "in accordance with an Order in Council under section 165K, or a notice in the *Gazette* under section 165N, of the Resource Management Act 1991" with "in accordance with an Order in Council under **clause 10 of Schedule 3**, or a notice in the *Gazette* under **clause 13 of Schedule 3**, of the **Natural Environment Act 2025**".

In section 11(2)(b)(ii),—

(a) after "resource consent", insert "or natural resource permit"; and

(b) replace "section 165ZH of the Resource Management Act 1991" with "**clause 43 of Schedule 3 of the Natural Environment Act 2025**".

In section 12(3), replace "Section 165E of the Resource Management Act 1991" with "**Clause 3 of Schedule 3 of the Natural Environment Act 2025**".

In section 13(6), replace "section 165R of the Resource Management Act 1991" with "**clause 17 of Schedule 3 of the Natural Environment Act 2025**".

In section 14(4)(d)(iv)(A), replace "a resource consent under the Resource Management Act 1991 that could commence under section 116A" with "a natural resource permit under the **Natural Environment Act 2025** that could commence under **section 177**".

In section 16A(1), replace "Section 165T of the Resource Management Act 1991" with "**Clause 19 of Schedule 3 of the Natural Environment Act 2025**".

In section 16A(2)(a), after "resource consent application", insert "or natural resource permit application".

In section 16A(2)(b), after "Resource Management Act 1991", insert "or a natural resource permit has been cancelled under **section 177(3) or (7) of the Natural Environment Act 2025**".

In section 16A(3), after "Resource Management Act 1991", insert "or a notice of transfer of the authorisation to the regional council under **clause 18 of Schedule 3 of the Natural Environment Act 2025**".

In section 50(6), replace "sections 135 and 165S of the Resource Management Act 1991" with "**section 194 and clause 18 of Schedule 3 of the Natural Environment Act 2025**".

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)

In section 3(6)(a)(i), replace "resource consent" with "natural resource permit and planning consent".

In section 9(1), insert in their appropriate alphabetical order:

aquaculture activity has the meaning given in **section 3 of the Natural Environment Act 2025**

coastal permit has the meaning given in **section 127(a) of the Natural Environment Act 2025**

consent authority has the meaning given in **section 3** of the Planning Act **2025**

customary marine title permitted activity rule,—

(a) in relation to a natural environment plan or proposed natural environment plan, has the meaning given in **section 3 of the Natural Environment Act 2025**; and

(b) in relation to a land use plan or proposed land use plan, has the meaning given in **section 3** of the Planning Act **2025**

environment includes—

(a) ecosystems and their constituent parts, including people and communities; and

(b) all natural and physical resources; and

(c) amenity values; and

(d) the social, economic, aesthetic, and cultural conditions which affect the matters in **paragraphs (a) to (c)** or that are affected by those matters

infrastructure means—

(a) pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy:

(b) a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001:

(c) a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989:

(d) facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—

(i) uses them in connection with the generation of electricity for the person's use; and

(ii) does not use them to generate any electricity for supply to any other person:

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)—*continued*

(e) a water supply distribution system, including a system for irrigation:

(f) a drainage or sewerage system:

(g) structures for transport on land by cycleways, rail, roads, walkways, or any other means:

(h) facilities for the loading or unloading of cargo or passengers transported on land by any means:

(i) an aerodrome as defined in section 5 of the Civil Aviation Act 2023:

(j) a navigation installation as defined in section 5 of the Civil Aviation Act 2023:

(k) facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988

kaitiakitanga has the meaning given in **section 3 of the Natural Environment Act 2025**

natural resource permit has the meaning given in **section 3 of the Natural Environment Act 2025**

permission right means the right held by a customary marine title group under a customary marine title order or agreement as provided for in **sections 66 to 68**

permit authority has the meaning given in **section 3 of the Natural Environment Act 2025**

planning consent has the meaning given in **section 3** of the Planning Act **2025**

proposed land use plan has the meaning given in **section 3** of the Planning Act **2025**

regional council has the meaning given in **section 3 of the Natural Environment Act 2025**

structure has the meaning given in **section 3 of the Natural Environment Act 2025**

In section 9(1), repeal the following definitions:

(a) **aquaculture activities**:

(b) **coastal permit**:

(c) **consent authority**:

(d) **environment**:

(e) **infrastructure**:

(f) **kaitiakitanga**:

(g) **plan**:

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)—*continued*

(h) **proposed plan**:

(i) **public notice**:

(j) **regional council**:

(k) **regional document**:

(l) **resource consent**:

(m) **RMA permission right**:

(n) **structure**.

In section 9(1), definition of **marine and coastal area**, paragraph (b), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In section 9(2), replace "section 3 of the Resource Management Act 1991" with "**section 3 of the Natural Environment Act 2025**".

After section 9(2), insert:

(3) If this Act requires a person to give **public notice** of something, the person must—

(a) publish on an internet site to which the public has free access a notice that—

(i) includes all the information that is required to be publicly notified; and

(ii) is in the prescribed form (if any); and

(iii) is worded in a way that is clear and concise; and

(b) publish a short summary of the notice, along with details of the internet site where the notice can be accessed, in 1 or more newspapers circulating in the entire area likely to be affected by the matter to which the notice relates.

In section 11(5)(d), replace "resource consents or permits" with "natural resource permits or planning consents".

In section 11(6), delete "regional plans, district plans,".

In section 14(2)(b), replace "resource consent" with "natural resource permit, planning consent,".

In section 18(4), replace "resource consent" with "natural resource permit".

In section 19(3)(b), replace "resource consent" with "natural resource permit".

In section 19(3A)(b), replace "section 12(7) of the Resource Management Act 1991" with "**section 18(8) of the Natural Environment Act 2025** and **section 17A(4)** of the Planning Act **2025**".

In section 19(3C), replace "regional coastal plan" with "natural environment plan" in each place.

In section 19(3C)(b), replace "resource consent" with "natural resource permit".

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)—*continued*

In the heading to section 20, replace "**resource consents**" with "**natural resource permits, planning consents,**"

Replace section 20(a) with:

(a) any natural resource permit or land use granted before the commencement of this Act (being a resource consent granted under the Resource Management Act 1991 that is treated as a natural resource permit or land use permit under **Schedule 1** of the Planning Act **2025**); or

In section 20(b), replace "resource consent" with "natural resource permit or planning consent".

In section 21(1)(a), after "resource consent", insert ", natural resource permit, or planning consent".

In section 23(4), replace "Part 10 of the Resource Management Act 1991" with "**Schedule 7 of the Planning Act 2025**".

In section 26(4), replace "regional plans, and district plans" with "natural environment plans, and land use plans".

In section 27(5), replace "regional plans, and district plans" with "natural environment plans, and land use plans".

In section 29(1), definition of **developer**, replace "resource consent" with "natural resource permit" in each place.

In section 30(2), replace "section 245(5) of the Resource Management Act 1991" with "**clause 72(3) of Schedule 7 of the Planning Act 2025**".

In section 35(2),—

(a) replace "network utility operator" with "core infrastructure operator" in each place; and

(b) replace "network utility operation" with "core infrastructure operation".

Replace section 35(7) with:

(7) In this section, **core infrastructure operation** and **core infrastructure operator** have the meanings given in **clause 9 of Schedule 5** of the Planning Act 2025.

In section 36(2)(d), replace "resource consent" with "natural resource permit".

In section 39(1)(c), replace "section 245(5)(b) of the Resource Management Act 1991" with "**clause 72(3) of Schedule 7** of the Planning Act **2025**".

In section 43(5), replace "section 245(5)(b) of the Resource Management Act 1991" with "**clause 72(3) of Schedule 7** of the Planning Act **2025**".

In section 51(2)(e), replace "section 2(1) of the Resource Management Act 1991" with "**section 3** of the Planning Act **2025**".

In section 52(1),—

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)—*continued*

(a) replace "resource consent" with "natural resource permit or planning consent"; and

(b) replace "sections 12 to 17 of the Resource Management Act 1991" with "**sections 18 to 21 or 26 of the Natural Environment Act 2025** or **section 17, 17A, 24, or 25** of the Planning Act **2025**".

Replace section 52(2) with:

(2) In exercising a protected customary right, a protected customary rights group is not liable for—

(a) natural resource levies imposed under **section 313 of the Natural Environment Act 2025**; or

(b) royalties for sand and shingle imposed by regulations made under the **Natural Environment Act 2025**.

In the heading to section 55, replace "**resource consent**" with "**natural resource permit or planning consent**".

In section 55(1), replace "resource consent" with "natural resource permit or planning consent".

In section 55(2),—

(a) replace "A consent authority" with "A permit authority or consent authority"; and

(b) replace "resource consent" with "natural resource permit or planning consent".

In section 55(3)(a), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In section 55(3)(b),—

(a) replace "resource consent under section 330A of the Resource Management Act" with "natural resource permit under **section 302 of the Natural Environment Act 2025**"; and

(b) replace "section 330" with "**section 301 or 301A**" in each place.

In section 55(3)(c), replace "resource consent" with "natural resource permit or planning consent" in each place.

In section 55(3)(d), replace "resource consent" with "natural resource permit or planning consent".

In section 55(4), before "consent authority", insert "permit authority or".

In section 57B(f), after "resource consent", insert ", natural resource permit, or planning consent".

In section 59(4)(b)(ii), replace "section 2(1) of the Resource Management Act 1991" with "**section 3** of the Planning Act **2025**".

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)—*continued*

In section 60(2)(a), replace "resource consent," with "natural resource permit, planning consent,".

Replace section 60(2)(b) with:

(b) is not liable for payment, in relation to the customary marine title area, of—

(i) natural resource levies imposed under **section 313 of the Natural Environment Act 2025**; or

(ii) royalties for sand and shingle imposed by regulations made under the Natural Environment Act **2025**.

In section 62(1)(a), delete "Resource Management Act 1991 (**RMA**)".

In section 62(2), replace "resource consent" with "natural resource permit or planning consent".

In the heading to section 62A, replace "**resource consents**" with "**natural resource permits or planning consents**".

In section 62A, replace "resource consent" with "natural resource permit or planning consent" in each place.

In section 62A(3),—

(a) before "consent authority", insert "permit authority or"; and

(b) replace "section 88 of the Resource Management Act 1991" with "**section 135 of the Natural Environment Act 2025** or **section 115** of the Planning Act **2025** (as the case requires)".

In section 63, definition of **accommodated activities**, paragraph (a), replace "an RMA permission right" with "a permission right".

In section 63, definition of **accommodated infrastructure**, paragraph (b)(iii), replace "a network utility operator (within the meaning of section 166 of the Resource Management Act 1991)" with "a core infrastructure operator (within the meaning of **clause 9 of Schedule 5** of the Planning Act **2025**)".

In section 63, definition of **associated operations**, paragraph (a), replace "resource consent granted under the Resource Management Act 1991" with "natural resource permit or planning consent".

In section 63, definition of **emergency activity**, paragraph (c)(vi), replace "section 330 of the Resource Management Act 1991" with "**section 301 or 301A of the Natural Environment Act 2025**".

In section 63, definition of **existing**, after "resource consents", insert ", natural resource permits, or planning consents".

In section 64(1)(b), replace "an RMA permission right" with "a permission right".

In section 64(2)(a),—

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)—*continued*

(a) after "resource consent,", insert "natural resource permit, or planning consent,"; and

(b) after "the consent", insert "or permit".

In section 64(2)(b), after "resource consent,", insert "natural resource permit, or planning consent,".

In section 64(2)(d), replace "resource consent" with "natural resource permit or planning consent".

In section 64(2)(e), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In section 65(1)(a)(iv)(A), replace "consents" with "natural resource permits and planning consents".

In section 65(1)(a)(iv)(B), replace "resource consents" with "natural resource permits and planning consents".

Replace the cross-heading above section 66 with:

Permission right

Replace sections 66 to 68 with:

66 Scope of permission right

(1) A permission right applies to activities that are to be carried out under any of the following, to the extent that the activity is to be carried out within a customary marine title area:

(a) a natural resource permit (including a natural resource permit for a controlled activity):

(b) a planning consent:

(c) a customary marine title permitted activity rule in a natural environment plan, a proposed natural environment plan, a land use plan, or a proposed land use plan.

(2) A customary marine title group may give or decline permission, on any grounds, for an activity to which a permission right applies.

(3) Permission given by a customary marine title group cannot be revoked.

(4) A permission right does not apply to—

(a) the grant or exercise of a natural resource permit or a planning consent for an accommodated activity; or

(b) any activity that is carried out under a customary marine title permitted activity rule for an accommodated activity.

(5) A permission right, or permission given under such a right, does not limit the discretion of a permit authority or a consent authority—

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)—*continued*

(a) to decline an application for a natural resource permit or a planning consent; or

(b) to impose conditions.

(6) In this section,—

consent authority includes the Minister of Conservation exercising the powers of a consent authority under **section 183** of the Planning Act **2025**

permit authority includes the Minister of Conservation exercising the powers of a permit authority under **section 215A** of the **Natural Environment Act 2025**.

67 Procedural matters relevant to exercise of permission right

(1) A person seeking to an activity to which a permission right applies (the **person**)—

(a) must make a request for permission by notice in writing to the relevant customary marine title group; and

(b) may do so at any time before—

(i) the natural resource permit or planning consent commences (in the case of an activity to be carried out under a natural resource permit or planning consent); or

(ii) the activity commences (in the case of an activity to be carried out under a customary marine title permitted activity rule).

(2) The customary marine title group must—

(a) notify in writing its decision on a request for permission to—

(i) the person; and

(ii) the consent authority, permit authority, or local authority responsible for administering the customary marine title permitted activity rule (as the case requires); and

(b) if permission is given, specify—

(i) the activity for which permission is given; and

(ii) the person who is to have the benefit of the permission; and

(iii) the duration of the permission.

(3) Unless the customary marine title group has already notified its decision to the applicant under **subsection (2)**, it must do so no later than—

(a) 40 working days after it receives a notice from the applicant that the applicant has been granted the natural resource permit or planning consent (in the case of an activity to be carried out under a natural resource permit or planning consent); or

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)—*continued*

(b) 40 working days after a request under **subsection (1)(a)** (in the case of an activity to be carried out under a customary marine title permitted activity rule).

(4) The customary marine title group is to be treated as having given permission for—

(a) the natural resource permit or planning consent, for its duration, if notice of its decision is not received by the person in accordance with **subsection (3)(a)**; or

(b) the activity to be undertaken under the customary marine title permitted activity rule, if notice of its decision is not received by the person in accordance with **subsection (3)(b)**.

(5) In **subsection (3)(a)**,—

(a) the grant of a natural resource permit means that the permit has been granted and any appeal rights exhausted, and that the permit would, but for the requirement for the permission of the customary marine title group, commence under **section 175** of the **Natural Environment Act 2025**; and

(b) the grant of a planning consent means that the consent has been granted and any appeal rights exhausted, and that the consent would, but for the requirement for the permission of the customary marine title group, commence under **sections 158 to 160** of the Planning Act **2025**.

(6) **Subsection (3)(a)** applies whether or not the person had previously notified the customary marine title group of the application.

(7) When a permit authority or consent authority receives an application for a natural resource permit or planning consent to which a permission right applies, it must refer the application to the relevant customary marine title group as soon as practicable unless the group has already notified its decision in accordance with **subsection (2)**.

68 Effect of permission right

(1) The holder of a natural resource permit or a planning consent for an activity in a customary marine title area to which a permission right applies must not commence the activity to which the permit or consent applies unless—

(a) permission has been given by the relevant customary marine title group under **section 66(2)** (or treated as given under **section 67(4)**) for that activity; and

(b) the permission covers the activity to which the permit or consent applies.

(2) A customary marine title permitted activity rule does not authorise a person to carry out an activity in a customary marine title area to which a permission right applies unless, before the person commences the activity,—

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)—*continued*

(a) permission has been given by the relevant customary marine title group under **section 66(2)** (or treated as given under **section 67(4)**) for that activity; and

(b) the permission covers that activity.

(3) To avoid doubt, a decision of a customary marine title group to give or to decline permission for an activity is not subject to—

(a) a right of appeal; or

(b) a right to apply to the Planning Tribunal for review.

In section 69(1), replace "an RMA permission right" with "a permission right".

Replace section 70(1) with:

(1) Subsection (3) applies only if,—

(a) in relation to the exercise of a natural resource permit or a planning consent,—

(i) a permission right applies; and

(ii) the natural resource permit or planning consent is exercised without permission of the customary marine title group being obtained; or

(b) in relation to an activity carried out in reliance on a customary marine title permitted activity rule,—

(i) a permission right applies; and

(ii) the activity is carried out without the permission of the customary marine title group being obtained.

Replace section 77 with:

77 Consultation

If the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of the **Natural Environment Act 2025** proposes to prepare, issue, change, review, or revoke a national policy direction in respect of the coastal marine area under **section 84** of that Act, the Minister must seek and consider the views of the customary marine title groups recorded on the register.

In section 84(2)(b), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

Repeal section 85(5)(d).

In section 87, replace "resource consents" with "natural resource permits or planning consents".

In section 91(2)(b)(i), replace "the Resource Management Act 1991" with "the **Natural Environment Act 2025**".

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)—*continued*

In section 91A, replace "section 360B of the Resource Management Act 1991" with "**section 311 of the Natural Environment Act 2025**".

Replace section 92 with:

92 Meaning of relevant natural environment plan or proposed natural environment plan

In section 93, unless the context otherwise requires, **relevant natural environment plan or proposed natural environment plan**, in relation to a planning document, means a natural environment plan or proposed natural environment plan (as the case requires) that relates, directly or indirectly, to all or part of the area to which a planning document applies.

In section 93(1), replace "regional documents, natural environment plan, or proposed natural environment plan" with "natural environment plan or proposed natural environment plan".

In the heading above section 93(2), replace "*resource management*" with "*certain*".

In section 93(2), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In section 93(3), replace "section 104 of the Resource Management Act 1991" with "**section 156 of the Natural Environment Act 2025** or **section 139** of the Planning Act **2025**".

Repeal section 93(5)(a).

In section 93(5)(b), replace "regional documents, natural environment plan, or proposed natural environment plan" with "natural environment plan or proposed natural environment plan".

In section 93(6),—

(a) replace "regional documents, natural environment plan, or proposed natural environment plan" with "natural environment plan or proposed natural environment plan"; and

(b) replace "Resource Management Act 1991 (in the case of a regional document) or the purpose of the **Natural Environment Act 2025** (in the case of a natural environment plan or proposed natural environment plan)" with "**Natural Environment Act 2025**".

In section 93(8), replace "regional documents, natural environment plan, or proposed natural environment plan" with "natural environment plan or proposed natural environment plan".

Replace section 93(9) and (10) with:

(9) The obligations on a regional council under subsection (8) must be carried out in accordance with the requirements and procedures that relate to natural environment plans and proposed natural environment plans in—

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)—*continued*

(a) **subpart 1 of Part 3 of the Natural Environment Act 2025**; and

(b) **Schedule 3** of the Planning Act **2025** (as applied by **section 94 of the Natural Environment Act 2025**).

(10) A regional council may decide, in conducting the process required by subsection (6), not to alter its relevant natural environment plan or proposed natural environment plan, but only on the grounds that the matters in the planning document—

(a) are already provided for in a natural environment plan or proposed natural environment plan; or

(b) would not achieve the purpose of the **Natural Environment Act 2025**; or

(c) would be more effectively and efficiently addressed in another way.

In section 93(11), delete "a proposed policy statement or plan that is notified under clause 5 of Schedule 1 of the Resource Management Act 1991 or".

Repeal section 93(12).

Replace the Schedule 1 heading with:

Schedule 1
Natural resource permits, planning consents, and controls in protected customary rights area

ss 55(5), 56(5)

In Schedule 1, clause 1, before "consent authority", insert "permit authority or".

In Schedule 1, clause 1(f), replace "resource consent" with "natural resource permit or planning consent".

In Schedule 1, clause 2, replace "resource consent" with "natural resource permit or planning consent" in each place.

In Schedule 1, heading to clause 3, replace "**resource consent**" with "**natural resource permit or planning consent**".

In Schedule 1, clause 3,—

(a) replace "resource consent" with "natural resource permit or planning consent" in each place; and

(b) before "consent authority", insert "permit authority or" in each place.

In Schedule 2, clause 1, replace "the Resource Management Act 1991 for any resource consents" with "the **Natural Environment Act 2025** for any natural resource permits, or the Planning Act **2025** for any planning consents,".

In Schedule 3, clause 3(b), replace "resource consents" with "natural resource permits or planning consents".

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)—*continued*

In Schedule 2, clause 6(b), delete "RMA".

In Schedule 2, clause 10(a),—

(a) delete "RMA"; and

(b) replace "resource consents" with "natural resource permits or planning consents".

In Schedule 2, clause 10(c), replace "resource consent" with "natural resource permit or planning consent".

In Schedule 2, clause 10(d),—

(a) before "consent authority", insert "permit authority or"; and

(b) replace "resource consents" with "natural resource permits or planning consents"; and

(c) replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or Planning Act **2025**".

In Schedule 2, clause 11(a), replace "resource consents" with "natural resource permits or planning consents".

In Schedule 2, clause 13, replace "resource consent" with "natural resource permit or planning consent" in each place.

In Schedule 2, clause 14(2)(b), replace "resource consent" with "natural resource permit or planning consent".

Maritime Transport Act 1994 (1994 No 104)

In section 4(2), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

Replace section 33I(4)(a) with:

(a) the **Natural Environment Act 2025**; and

(aa) the Planning Act **2025**; and

Replace section 33M(2)(d)(ii) with:

(ii) the **Natural Environment Act 2025**; or

(iia) the Planning Act **2025**; or

In section 110(1)(d), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or the Planning Act **2025**".

In section 225, definition of **pollution incident**, replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In section 227(1)(b), replace "section 15B of the Resource Management Act 1991" with "**section 23 of the Natural Environment Act 2025**".

In section 227(6), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

Maritime Transport Act 1994 (1994 No 104)—*continued*

In section 232(1) and (1A), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In section 233(1)(a), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In section 235(1), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

Replace section 261(5)(a) with:

(a) a natural resource permit granted under the **Natural Environment Act 2025**; or

Replace section 272(1)(e)(iii) and (iv) with:

(iii) **section 22, 23, or 24 of the Natural Environment Act 2025**; or

(iv) any regulations made under any of **paragraphs (o) to (r) of section 307(1) of the Natural Environment Act 2025**; or

In section 276(2)(a) and (c), after "Resource Management Act 1991", insert ", the **Natural Environment Act 2025**,".

Replace section 291(2)(c) with:

(c) the natural environment plan applying to that region under the **Natural Environment Act 2025**, and any relevant national instruments prepared under that Act.

In section 397(2) and (7), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**" in each place.

In section 463(2B)(b), replace "section 15B of the Resource Management Act 1991" with "**section 23 of the Natural Environment Act 2025**".

In section 464(2), replace "Resource Management Act 1991," with "**Natural Environment Act 2025**, the Planning Act **2025**,".

In the heading to section 467, replace "**Resource Management Act 1991**" with "**Natural Environment Act 2025 and Planning Act 2025**".

In section 467, replace "sections 9, 12, 13, 14, 15, 15A, 15B, and 15C of the Resource Management Act 1991" with "**sections 17, 18, 19, 20, 21, 22, 23, and 24 of the Natural Environment Act 2025** and **section 17** of the Planning Act **2025**".

Mauao Historic Reserve Vesting Act 2008 (2008 No 31)

Repeal section 11(1).

National Parks Act 1980 (1980 No 66)

In section 7(6), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

National War Memorial Park (Pukeahu) Empowering Act 2012 (2012 No 76)

Replace section 8(4) with:

(4) The following provisions of the Planning Act **2025** do not apply in relation to the resource consents granted by this section:

(a) **section 154** (which provides for appeal rights):

(b) **sections 168 to 172** (which provide for the review of consent conditions):

(c) **section 173** (which relates to the power of the Environment Court to change or cancel a consent).

(4A) The following provisions of the **Natural Environment Act 2025** do not apply in relation to the resource consents granted by this section:

(a) **section 172** (which provides for appeal rights):

(b) **sections 186 to 190** (which provide for the review of permit conditions):

(c) **section 191** (which relates to the power of the Environment Court to change or cancel a permit).

In section 9(4), replace "Resource Management Act 1991" with "Planning Act **2025**".

Replace section 9(5) with:

(5) The following provisions of the Planning Act **2025** do not apply in relation to the designation provided by this section:

(a) **section 154** (which provides for appeal rights):

(b) **clause 4(1)(c) and (2) of Schedule 5** (which prohibits certain actions from being carried out to or on land that is subject to a designation without the consent of the designating authority), but only in respect of the construction, operation, and maintenance of the Park.

In section 38(1), replace "section 8(4)" with "**section 8(4) and (4A)**".

In section 38(1), replace "Resource Management Act 1991" with "Planning Act **2025** or the **Natural Environment Act 2025**".

In section 38(2), replace "Resource Management Act 1991" with "Planning Act **2025**".

Natural Hazards Insurance Act 2023 (2023 No 1)

In section 44, replace "district plan" with "land use plan" in each place.

In section 44(6), repeal the definition of **district plan**.

In section 44(6), insert in its appropriate alphabetical order:

land use plan means the land use plan (within the meaning of **section 3** of the Planning Act **2025**) for the district where the damaged residential land is situated

New Plymouth District Council (Waitara Lands) Act 2018 (2018 No 2 (L))

In the heading to section 53, replace "**Resource Management Act 1991**" with "**Planning Act 2025**".

In section 53, replace "Section 11 and Part 10 of the Resource Management Act 1991" with "**Section 18** and **Schedule 7** of the Planning Act **2025**".

New Zealand Railways Corporation Act 1981 (1981 No 119)

Replace section 3A with:

3A Relationship to Natural Environment Act 2025 and Planning Act 2025

The Corporation is not an instrument of the Executive Government of New Zealand for the purposes of the **Natural Environment Act 2025** or the Planning Act **2025**.

Replace section 31(9) with:

(9) Nothing in this section derogates from the provisions of **subpart 2 of Part 2 of the Natural Environment Act 2025** or **subpart 2 of Part 2** of the Planning Act **2025**.

New Zealand Railways Corporation Restructuring Act 1990 (1990 No 105)

In section 12(3), replace "Section 11(1) of the Resource Management Act 1991" with "**Section 18(1)** of the Planning Act **2025**".

In section 25A(1), replace "section 11 and Part 10 of the Resource Management Act 1991" with "**section 18** and **Schedule 7** of the Planning Act **2025**".

In section 25A(2)(b) and (6)(a), replace "Resource Management Act 1991" with "Planning Act **2025**" in each place.

In section 25A(12), replace the definition of **allotment** with:

allotment has the meaning given in **clause 3 of Schedule 7** of the Planning Act **2025**

Ombudsmen Act 1975 (1975 No 9)

In Schedule 1, Part 3, insert in its appropriate alphabetical order:

Spatial plan committees

Overseas Investment Act 2005 (2005 No 82)

In section 6(1), definition of **historic heritage**, replace "section 2(1) of the Resource Management Act 1991" with "**section 3** of the Planning Act **2025**".

In section 6(1), definitions of **kaitiakitanga**, **lake**, **natural and physical resources**, and **river**, replace "section 2(1) of the Resource Management Act 1991" with "**section 3 of the Natural Environment Act 2025**".

In section 61B(c)(vii), replace "Resource Management Act 1991" with "Planning Act **2025**".

Overseas Investment Act 2005 (2005 No 82)—*continued*

In Schedule 1, Part 1, table 1, item 8, replace "land that a district plan or proposed district plan under the Resource Management Act 1991" with "land that a land use plan or proposed land use plan under the Planning Act **2025**".

In Schedule 1, Part 1, table 1, repeal item 9.

In Schedule 5, clause 21, replace "section 11 and Part 10 of the Resource Management Act 1991" with "**section 18 and Schedule 7** of the Planning Act **2025**".

Property Law Act 2007 (2007 No 91)

In section 325(4), replace "Part 10 of the Resource Management Act 1991" with "**Schedule 7** of the Planning Act **2025**".

In section 326, definition of **reasonable access**, replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or the Planning Act **2025**".

In section 330(3), replace "Part 10 of the Resource Management Act 1991" with "**Schedule 7** of the Planning Act **2025**".

Repeal section 336(2).

In section 340(1), replace "section 11 or Part 10 of the Resource Management Act 1991" with "**section 18 or Schedule 7** of the Planning Act **2025**".

In Schedule 2, Part 1, replace clause 4(b)(i) with:

> (i) the **Natural Environment Act 2025**, the Planning Act **2025**, or any consent given, or any notice, order, or requirement made, under those Acts or under the rules of any natural environment plan or land use plan; and

In Schedule 2, Part 1, clause 14(2)(a), replace "Resource Management Act 1991" with "Planning Act **2025**".

Prostitution Reform Act 2003 (2003 No 28)

Replace the cross-heading above section 15 with:

Planning consents

In the heading to section 15, replace "**Resource**" with "**Planning**".

In section 15(1), replace "resource consent under the Resource Management Act 1991" with "planning consent under the Planning Act **2025**".

Replace section 15(2) with:

> (2) Having considered the matters in subsection (1)(a) and (b) as well as the matters it is required to consider under the Planning Act **2025**, the territorial authority may, in accordance with **section 148** of that Act, grant or refuse to grant a planning consent, or, in accordance with **sections 150 and 151** of that Act, impose conditions on any planning consent granted.

In section 15(3),—

Prostitution Reform Act 2003 (2003 No 28)—*continued*

(a) replace "Resource Management Act 1991" with "Planning Act **2025**"; and

(b) replace "district plan or proposed district plan" with "land use plan or proposed land use plan".

Public Safety (Public Protection Orders) Act 2014 (2014 No 68)

In section 114(4), replace "Resource Management Act 1991" with "Planning Act **2025**".

Public Works Act 1981 (1981 No 35)

In section 2, replace the definition of **Environment Court** with:

> **Environment Court** has the meaning given in **section 3** of the Planning Act **2025**

In section 24(6A)(a), replace "section 39(1) of the Resource Management Act 1991" with "**section 295(1)** of the Planning Act **2025**".

In section 24(14), replace "sections 299 and 308 of the Resource Management Act 1991" with "**clauses 77 and 86 of Schedule 9** of the Planning Act **2025**".

In section 27(8), replace "Part 3 of the Resource Management Act 1991" with "**subpart 2 of Part 2 of the Natural Environment Act 2025** or **subpart 2 of Part 2** of the Planning Act **2025**".

Repeal section 36A.

In section 39AAH(1), in the subsection (1AA)(a) that is to be read as if it were one of the subsections replacing section 23(1),—

(a) in subparagraph (i), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** and the Planning Act **2025**"; and

(b) in subparagraph (ii), replace "section 166(1) of the Resource Management Act 1991" with "**clause 3 of Schedule 5** of the Planning Act **2025**"; and

(c) replace subparagraph (iii) with:

> (iii) a notice of a proposed designation for the project has been given under **clause 13 of Schedule 5** of the Planning Act **2025**:

In section 46(3), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** and the Planning Act **2025**".

In section 52(5), replace "district plan" with "land use plan".

In section 59, definition of **notified**, replace paragraphs (a) and (b) with:

> (a) made the subject of a proposed designation by a Minister of the Crown, a local authority, or a core infrastructure operator under **clause 13 of Schedule 5** of the Planning Act **2025**, or under the corresponding provisions of any former enactment; or
>
> (b) designated for a public work or a project or work, in an operative or proposed land use plan under the Planning Act **2025**; or

Public Works Act 1981 (1981 No 35)—*continued*

After section 71(1)(a), insert:

(aa) the date on which a proposed designation was notified under **clause 17 or 20(4) of Schedule 5** of the Planning Act **2025**; or

In section 71(9), replace "Resource Management Act 1991" with "Planning Act **2025**".

Replace section 111A(1)(ba) with:

(ba) a core infrastructure operator within the meaning of **clause 9 of Schedule 5** of the Planning Act **2025** that is a designating authority under that Act; or

In section 118(2), replace "section 2(1) of the Resource Management Act 1991" with "**section 3 of the Natural Environment Act 2025**".

In section 166(e) and (g), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** and the Planning Act **2025**".

In section 166(f), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In section 190(3), replace "on him by the Harbours Act 1950 or by any other Act, but subject to the Resource Management Act 1991" with "by any Act, but subject to the **Natural Environment Act 2025** and the Planning Act **2025**".

In section 191(9), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or the Planning Act **2025**".

In section 218(1), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

Replace section 224(20) with:

(20) For the purposes of any agreement under this section, any party to the agreement that is a designating authority, in their or its own name or on behalf of all parties, may propose any designation under **Schedule 5** of the Planning Act **2025**, and make an application under any statutory provision for consent, authorisation, permission, a licence, a permit, a right, or any other type of approval.

Racing Industry Act 2020 (2020 No 28)

Replace section 32(12) and the heading above it with:

Application of Planning Act 2025

(12) **Section 18 and Schedule 7** of the Planning Act **2025** do not apply to—

(a) the vesting of a surplus venue under this subpart; or

(b) any matter incidental to, or required for the purpose of, the vesting.

Railways Act 2005 (2005 No 37)

In section 77(1), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** and the Planning Act **2025**".

Rating Valuations Act 1998 (1998 No 69)

In section 2, repeal the definition of **district plan**.

Reserves Act 1977 (1977 No 66)

In section 14(2),—

(a) replace "a district plan" with "a land use plan":

(b) replace "district plan under the Resource Management Act 1991" with "land use plan under **Part 3** of the Planning Act **2025**".

In section 15(2), replace "district plan under the Resource Management Act 1991" with "land use plan under **Part 3** of the Planning Act **2025**".

Replace section 15AA(1) to (3) with:

(1) A person may apply to the administering body of a recreation reserve to exchange all or part of the land comprised in the reserve (the recreation reserve land) for other land to be held for the same purposes if—

(a) the application is made jointly with—

(i) an application for a planning consent under **section 111** of the Planning Act **2025**; or

(ii) an application for a natural resource permit under **section 131A of the Natural Environment Act 2025**; or

(iii) a request for a change to a land use plan under **clause 49 of Schedule 3** of the Planning Act **2025**; or

(iv) a request for a change to a natural environment plan under **section 94(2) of the Natural Environment Act 2025**; and

(b) the recreation reserve land is vested in the administering body for the reserve; and

(c) the administering body of the reserve is also the relevant local authority under the **Natural Environment Act 2025** or the Planning Act **2025**.

(2) If an application is made under **subsection (1)(a)(i)**, subsection (4) applies if—

(a) the application to exchange the recreation reserve land has been—

(i) processed in accordance with **section 111** of the Planning Act **2025**; and

(ii) publicly notified under **section 124** of the Planning Act **2025**: and

(b) the planning consent—

Reserves Act 1977 (1977 No 66)—*continued*

(i) has been granted; but

(ii) is subject to the granting of the application to exchange the recreation reserve land; and

(c) the time allowed under the Planning Act **2025** for appeals against the decision to grant the planning consent has expired and any appeals have been determined.

(2A) If an application is made under **subsection (1)(a)(ii)**, subsection (4) applies if—

(a) the application to exchange the recreation reserve land has been—

(i) processed in accordance with **section 131A of the Natural Environment Act 2025**; and

(ii) publicly notified under **section 145 of the Natural Environment Act 2025**: and

(b) the natural resource permit—

(i) has been granted; but

(ii) is subject to the granting of the application to exchange the recreation reserve land; and

(c) the time allowed under the **Natural Environment Act 2025** for appeals against the decision to grant the planning consent has expired and any appeals have been determined.

(3) If an application is made under **subsection (1)(a)(iii)**, subsection (4) applies if—

(a) the application to exchange the recreation reserve land has been processed in accordance with **clause 49A of Schedule 3** of the Planning Act **2025**; and

(b) the plan change—

(i) has been approved by the local authority; but

(ii) is subject to the granting of the application to exchange the recreation reserve land; and

(c) the time allowed under the Planning Act **2025** for appeals against the decision to change the plan has expired and any appeals have been determined.

(3A) If an application is made under **subsection (1)(a)(iv)**, subsection (4) applies if—

(a) the application to exchange the recreation reserve land has been processed in accordance with **clause 49A of Schedule 3** of the Planning Act **2025**; and

(b) the plan change—

Reserves Act 1977 (1977 No 66)—*continued*

(i) has been approved by the local authority; but

(ii) is subject to the granting of the application to exchange the recreation reserve land; and

(c) the time allowed under the **Natural Environment Act 2025** for appeals against the decision to change the plan has expired and any appeals have been determined.

In section 15AA(5)(a), replace "RMA" with "**Natural Environment Act 2025** or the Planning Act **2025**".

Replace section 16(2A)(g) with:

(g) created under **Schedule 7** of the Planning Act **2025**—

In section 16(5)(b), replace "district plan under the Resource Management Act 1991" with "land use plan under the Planning Act **2025**".

In section 23(2)(a), after "Part 10 of the Resource Management Act 1991", insert "or under **Schedule 7** of the Planning Act **2025**".

In section 24(7), replace "resource consent under the Resource Management Act 1991" with "natural resource permit under the **Natural Environment Act 2025** or planning consent under the Planning Act **2025**".

Replace section 24A(3)(a) with:

(a) the operative land use plan in force under the Planning Act **2025** for the region in which the reserve is situated:

In section 48(1), replace "and to the Resource Management Act 1991" with ", the Planning Act **2025**, and the **Natural Environment Act 2025**".

In section 53(1)(i), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or the Planning Act **2025**".

In section 53(1)(j), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** and the Planning Act **2025**".

Replace section 54(2A)(b) with:

(b) is made following the granting of a planning consent under the Planning Act **2025** where the application for the consent was notified in accordance with **section 124(c)** of that Act; or

(c) is made following the granting of a natural resource permit under the **Natural Environment Act 2025** where the application for the consent was notified in accordance with **section 145(c)** of that Act.

In section 55(1)(d) and (2)(f), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** and the Planning Act **2025**".

Replace section 56(3)(b) with:

Reserves Act 1977 (1977 No 66)—*continued*

(b) is made following the granting of any appropriate natural resource permits under the **Natural Environment Act 2025** or planning consents under the Planning Act **2025**.

Replace section 58A(3)(b) with:

(b) is made following the granting of any appropriate natural resource permits under the **Natural Environment Act 2025** or planning consents under the Planning Act **2025**.

River Boards Act 1908 (1908 No 165)

In section 76(d) and (f), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In section 86(1), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

Sale and Supply of Alcohol Act 2012 (2012 No 120)

In section 47A(4), replace "section 9 of the Resource Management Act 1991" with "**section 17** of the Planning Act **2025**" in each place.

In section 100(f), replace "Resource Management Act 1991" with "Planning Act **2025**".

In section 143(1)(b), replace "Resource Management Act 1991" with "Planning Act **2025**".

Search and Surveillance Act 2012 (2012 No 24)

In Schedule 2, repeal the item relating to the Resource Management Act 1991.

In Schedule 2, insert in their appropriate alphabetical order:

Natural Environment Act 2025	276(1)	Constable or enforcement officer may obtain and execute search warrant if issuing officer is satisfied that there are reasonable grounds for believing that in, on, over, or under any place or vehicle there is anything in respect of which an imprisonable offence under **Natural Environment Act 2025** or any regulations made under that Act has been committed or anything that is evidence of such offence or that is intended to be used to commit such offence	All (except that sections 118 and 119 apply to constables only)
Planning Act **2025**	252(1)	Constable or enforcement officer may obtain and execute search warrant if issuing officer is satisfied that there are reasonable grounds for believing that in, on, over, or under any place or vehicle there is anything in respect of which an imprisonable offence under Planning Act **2025** or any regulations	All (except that sections 118 and 119 apply to constables only)

Search and Surveillance Act 2012 (2012 No 24)—*continued*

	made under that Act has been committed or anything that is evidence of such offence or that is intended to be used to commit such offence

Selwyn Plantation Board Empowering Act 1992 (1992 No 4 (L))

In section 3(8), replace "Resource Management Act 1991" with "Planning Act **2025**".

Sentencing Act 2002 (2002 No 9)

In section 4(4), replace "Resource Management Act 1991," with "**Natural Environment Act 2025**, the Planning Act **2025**,".

Sharemilking Agreements Act 1937 (1937 No 37)

In the Schedule, clause 1, in the note, second sentence, after "consents", insert "or permits".

In the Schedule, note above clause 67, replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In the Schedule, note above clause 67, replace "resource consents" with "natural resource permits".

In the Schedule, clause 68(a), replace "resource consent" with "natural resource permit".

Soil Conservation and Rivers Control Act 1941 (1941 No 12)

Replace section 10A with:

10A Relationship to Natural Environment Act 2025

Despite section 10, nothing in this Act derogates from the provisions of sections 176 to 182 of the Harbours Act 1950 or the **Natural Environment Act 2025**.

State-Owned Enterprises Act 1986 (1986 No 124)

In section 23(1)(ba), replace "district plans under the Resource Management Act 1991" with "land use plans under the Planning Act **2025**".

In section 27D(5), replace "Resource Management Act 1991" with "Planning Act **2025**".

In section 29(1), definition of **assets**, paragraph (e), replace "Resource Management Act 1991" with "Planning Act **2025** or permit granted under the **Natural Environment Act 2025**".

Summit Road (Canterbury) Protection Act 2001 (2001 No 3 (L))

In section 4(1), definition of **Environment Court**, replace "section 247 of the Resource Management Act 1991" with "**clause 3 of Schedule 9** of the Planning Act **2025**".

In section 4(1), definition of **subdivision**, replace "section 218 of the Resource Management Act 1991" with "**clause 2 of Schedule 7** of the Planning Act **2025**".

Replace section 8(1) with:

(1) In relation to the protected land, the Authority is deemed to be a nearby local authority under **clauses 5 and 15(3) of Schedule 3** of the Planning Act **2025**.

In section 8(2),—

(a) replace "Resource Management Act 1991" with "**Natural Environment Act 2025** and the Planning Act **2025**"; and

(b) replace "policy statement or plan referred to in that Act" with "plan referred to in those Acts".

In section 12(2)(b), replace "Resource Management Act 1991" with "Planning Act **2025**".

Replace section 15 with:

15 Joint hearings with consent authorities under Natural Environment Act 2025 or Planning Act 2025

Any hearing under section 14 relating to a proposal in respect of which a planning consent is also sought under the Planning Act **2025** or a natural resource permit is sought under the **Natural Environment Act 2025** may be held jointly with a hearing held by 1 or more consent authorities under those Acts to consider the application for the consent or permit.

Replace section 24(2)(b) with:

(b) state any matters that regulations made under the Planning Act **2025** require to be stated in the case of an appeal under **section 154** of that Act; and

Replace section 27 with:

27 Service of notices

A notice must be served in accordance with **section 287** of the Planning Act **2025** as if it were a notice under that Act.

In section 29(1)(a),—

(a) replace "section 314 of the Resource Management Act 1991" with "**section 232** of the Planning Act **2025**"; and

(b) replace "section 322 of the Resource Management Act 1991" with "**section 240** of that Act".

Summit Road (Canterbury) Protection Act 2001 (2001 No 3 (L))—*continued*

In section 29(2), replace "section 315 of the Resource Management Act" with "**section 233** of the Planning Act **2025**".

In section 29(3),—

(a) replace "under section 314 of the Resource Management Act 1991" with "under **section 232** of the Planning Act **2025**"; and

(b) replace "likely to contravene, the Resource Management Act 1991" with "likely to contravene, that Act".

Tax Administration Act 1994 (1994 No 166)

In section 91AAN(4)(d), replace "resource consent" with "natural resource permit or planning consent".

Telecommunications Act 2001 (2001 No 103)

In section 3(2), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or the Planning Act **2025**".

In the cross-heading above section 69XI, replace "*Resource Management Act 1991*" with "*Planning Act 2025*".

Replace the heading to section 69XI with "**Designating authority status under Planning Act 2025**".

In section 69XI(1), replace "requiring authority, as a network utility operator, under the Resource Management Act 1991" with "designating authority, as a core infrastructure operator, under the Planning Act **2025**".

Replace section 69XI(2) with:

(2) **Schedule 5** of the Planning Act **2025** applies with necessary modifications as if the approval had been given under **clause 10 of Schedule 5** of that Act.

In section 69XJ(3), replace "section 177 of the Resource Management Act 1991" with "**clause 6 of Schedule 5** of the Planning Act **2025**".

In section 69XJ(4),—

(a) replace "Part 8 of the Resource Management Act 1991" with "**Schedule 5** of the Planning Act **2025**"; and

(b) replace "that Part" with "that schedule".

In section 117(2), replace "district plan or regional plan under the Resource Management Act 1991" with "natural environment plan under the **Natural Environment Act 2025** or land use plan under the Planning Act **2025**".

Te Ture Whenua Maori Act 1993 (1993 No 4)

In section 4, definition of **subdivision consent**, replace "section 2(1) of the Resource Management Act 1991" with "**section 3** of the Planning Act **2025**".

Te Ture Whenua Maori Act 1993 (1993 No 4)—*continued*

In section 99(3), replace "section 2(1) of the Resource Management Act 1991" with "**section 3** of the Planning Act **2025**".

In section 123(6A), replace "section 2(1) of the Resource Management Act 1991" with "**section 3** of the Planning Act **2025**".

In the heading to section 301, replace "**Resource Management Act 1991**" with "**Planning Act 2025**".

In section 301(2), replace "the Resource Management Act 1991" with "**clause 2 of Schedule 7** of the Planning Act **2025**".

In section 301(3)(a), replace "section 218 of the Resource Management Act 1991" with "**clause 2 of Schedule 7** of the Planning Act **2025**".

In section 301(3)(b), replace "sections 120 and 121 of the Resource Management Act 1991" with "**sections 154 and 155** of the Planning Act **2025**".

In section 301(4), replace "section 230(3) to (5) of the Resource Management Act 1991" with "**clause 40 of Schedule 7** of the Planning Act **2025**".

In section 302(1) and (2), replace "Resource Management Act 1991" with "Planning Act **2025**".

In section 302(2)(b), replace "Part 10 of the Resource Management Act 1991" with "**Schedule 7** of the Planning Act **2025**".

In section 303(1), replace "Resource Management Act 1991" with "Planning Act **2025**".

In section 303(2)(a), replace "Part 10 of the Resource Management Act 1991" with "**Schedule 7** of the Planning Act **2025**".

In section 303(2)(b), replace "sections 229 to 237H of the Resource Management Act 1991" with "**subpart 1 of Part 3 of Schedule 7** of the Planning Act **2025**".

In section 303(3), replace "Resource Management Act 1991" with "Planning Act **2025**".

In section 304(3)(b), replace "sections 229 to 237H of the Resource Management Act 1991" with "**subpart 1 of Part 3 of Schedule 7** of the Planning Act **2025**".

In section 304(4), replace "Resource Management Act 1991" with "Planning Act **2025**".

In section 326D(5), replace "Part 10 of the Resource Management Act 1991" with "**Schedule 7** of the Planning Act **2025**".

Unit Titles Act 2010 (2010 No 22)

In the heading to section 13, replace "**Resource Management Act 1991**" with "**Planning Act 2025**".

In section 13(1), replace "Resource Management Act 1991" with "Planning Act **2025**".

Unit Titles Act 2010 (2010 No 22)—*continued*

In section 13(2), replace "section 11 or Part 10 of the Resource Management Act 1991" with "**section 18 or Schedule 7** of the Planning Act **2025**".

In section 26,—

(a) replace "district plan" with "land use plan"; and

(b) replace "section 223 of the Resource Management Act 1991" with "**clauses 17 and 18 of Schedule 7** of the Planning Act **2025**".

In the heading to section 28, replace "**Resource Management Act 1991**" with "**Planning Act 2025**".

In section 28(1), replace "section 11 or Part 10 of the Resource Management Act 1991" with "**section 18 or Schedule 7** of the Planning Act **2025**".

In section 28(1)(a) and (2), replace "section 224(c)" with "**clause 18 of Schedule 7** of the Planning Act **2025**" in each place.

In section 28(1)(b), replace "section 224(e)" with "**clause 24(2) of Schedule 7** of the Planning Act **2025**".

In section 28(2), replace "Section 11 and Part 10 of the Resource Management Act 1991" with "**Section 18 or Schedule 7** of the Planning Act **2025**".

In section 28(3) and (4), replace "section 224(c) of the Resource Management Act 1991" with "**clause 18 of Schedule 7** of the Planning Act **2025**".

In the heading to section 29, replace "**section 224(c) of Resource Management Act 1991**" with "**clause 18 of Schedule 7 of Planning Act 2025**".

In section 29(1) and (2), replace "section 224(c) of the Resource Management Act 1991" with "**clause 18 of Schedule 7** of the Planning Act **2025**".

In section 29(1)(b)(ii), replace "section 224(c)(i), (ii), and (iii) of the Resource Management Act 1991" with "**clause 25(4)(a)(i), (ii), and (iii) of Schedule 7** of the Planning Act **2025**".

In section 35, replace "district plan" with "land use plan" in each place.

In section 36(3), replace "district plan or the requirements of the Resource Management Act 1991" with "land use plan or the requirements of the Planning Act **2025**".

Urban Development Act 2020 (2020 No 42)

Replace section 5(1)(b) with:

> (b) have regard to the goals set out in **section 11 of the Natural Environment Act 2025**; and
>
> (c) have regard to the goals set out in **section 11** of the Planning Act **2025**.

Repeal section 5(2).

Replace section 7(2)(a) with:

Urban Development Act 2020 (2020 No 42)—*continued*

(a) consenting and designations under the Planning Act **2025** (*see* subpart 2 of Part 3):

In section 9, repeal the following definitions:

(a) **amenity values**:

(b) **combined planning instrument**:

(c) **district plan**:

(d) **limited notification**:

(e) **network utility operator**:

(f) **public notice**:

(g) **regional plan**:

(h) **regional policy statement**:

(i) **requiring authority**:

(j) **resource consent**.

In section 9, insert in its appropriate alphabetical order:

targeted notification,—

(a) in relation to an application for a natural resource permit, is the form of notification described in **section 146(3) and (6) of the Natural Environment Act 2025**; and

(b) in relation to an application for a planning consent, is the form of notification described in **section 125(3) and (6)** of the Planning Act **2025**

In section 9, replace the definition of **dwelling house** with:

dwelling house—

(a) means any building, whether permanent or temporary, that is occupied, in whole or in part, as a residence; and

(b) includes any structure or outdoor living area that is accessory to, and used wholly or principally for the purposes of, the residence; but

(c) does not include the land upon which the residence is sited

In section 9, replace the definition of **planning instrument** with:

planning instrument means a natural environment plan under the **Natural Environment Act 2025** or a regional spatial plan or land use plan under the Planning Act **2025**

In section 9, definition of **coastal marine area**, replace "same meaning as in section 2(1) of the Resource Management Act 1991" with "meaning given in **section 3 of the Natural Environment Act 2025**".

In section 9, definition of **designation**, replace paragraph (a) with:

(a) has the meaning given in **section 3** of the Planning Act **2025**; and

Urban Development Act 2020 (2020 No 42)—*continued*

In section 9, definition of **development contribution**, replace paragraph (a) with:

(a) includes a specified reserve or esplanade reserve (other than in relation to a subdivision consent within the meaning given in **section 107(b)** of the Planning Act **2025**); and

In section 9, definition of **historic heritage**, replace "same meaning as in section 2(1) of the Resource Management Act 1991" with "meaning given in **section 3** of the Planning Act **2025**".

In section 9, definition of **infrastructure**, replace "same meaning as in section 2(1) of the Resource Management Act 1991" with "meaning given in **section 3** of the Planning Act **2025**".

In section 9, definition of **infrastructure operator**, replace "network utility operator" with "core infrastructure operator".

In section 9, definition of **iwi authority**, replace "same meaning as in section 2(1) of the Resource Management Act 1991" with "meaning given in **section 3** of the Planning Act **2025**".

In section 9, definition of **iwi participation legislation**, replace "same meaning as in section 58L of the Resource Management Act 1991" with "meaning given in **section 3** of the Planning Act **2025**".

In section 9, definition of **iwi planning document**, replace paragraph (a) with:

(a) the **Natural Environment Act 2025**; or

(aa) the Planning Act **2025**; or

In section 9, definition of **land**, replace "same meaning as in section 2(1) of the Resource Management Act 1991" with "meaning given in **section 3** of the Planning Act **2025**".

In section 9, definition of **nationally significant infrastructure**, in paragraph (g), replace "Resource Management Act 1991" with "Planning Act **2025**".

In section 9, definition of **participation arrangement**, replace "Resource Management Act 1991" with "**Natural Environment Act 2025**, the Planning Act **2025**,".

In section 9, definition of **participation arrangement**, replace "resource consent" with "permit or consent".

In section 9, definition of **working day**, replace "same meaning as in section 2(1) of the Resource Management Act 1991" with "meaning given in **section 3** of the Planning Act **2025**".

In section 14(1)(b), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** and the Planning Act **2025**".

In section 17(5), definition of **mana whenua**, replace "same meaning as in section 2(1) of the Resource Management Act 1991" with "meaning given in **section 3** of the Planning Act **2025**".

Urban Development Act 2020 (2020 No 42)—*continued*

Replace section 28(b)(ii) with:

(ii) existing national instruments under the **Natural Environment Act 2025**; and

(iii) existing national instruments under the Planning Act **2025**; and

In section 33(4)(f), replace "the requiring authorities of any land or airspace designated for defence purposes under the Resource Management Act 1991," with "the designating authorities of any land or airspace designated for defence purposes under the Planning Act **2025**,".

Replace section 48(1)(b)(ii) and (iii) with:

(ii) natural resource permit and planning consent applications in the project area:

(iii) changes or cancellations of conditions of natural resource permits and planning consents in the project area:

Replace section 48(1)(c) with:

(c) a permit authority may transfer its permitting functions in the project area to Kāinga Ora as if Kāinga Ora were a public authority under **section 232 of the Natural Environment Act 2025**:

(ca) a consent authority may transfer its consenting functions in the project area to Kāinga Ora as if Kāinga Ora were a public authority under **section 193** of the Planning Act **2025**:

In section 51(1)(b), replace "resource consent" with "planning consent applications, natural resource permit".

In section 51(2), replace "accredited (within the meaning of section 2(1) of the Resource Management Act 1991)" with "accredited in accordance with any regulations made under the Planning Act **2025** or the **Natural Environment Act 2025**".

Repeal section 58(a).

After section 58(b), insert:

(c) the following instruments made under the **Natural Environment Act 2025** or the Planning Act **2025**:

(i) a national policy direction:

(ii) national standards.

In section 60(5)(b), after "management", insert ", natural resource, land use, or planning".

In section 63(5)(a), replace "district plan" with "land use plan".

Replace section 64(1) and (2) with:

(1) A development plan may incorporate material by reference,—

Urban Development Act 2020 (2020 No 42)—*continued*

(a) applying the provisions of the **Natural Environment Act 2025** with all necessary modifications, as if—

(i) a reference to a natural environment plan included a development plan:

(ii) a reference to a regional council were a reference to Kāinga Ora:

(iii) a reference to the Minister were a reference to the responsible Minister under this Act:

(b) applying the provisions of the Planning Act **2025** with all necessary modifications, as if—

(i) a reference to a spatial plan or land use plan included a development plan:

(ii) a reference to a territorial authority or regional council were a reference to Kāinga Ora:

(iii) a reference to the Minister were a reference to the responsible Minister under this Act.

(2) Any objectives, policies, methods, or rules of a development plan that override, add to, or suspend any provisions of a natural environment plan made under the **Natural Environment Act 2025** must—

(a) not go beyond the scope provided for natural environment plans made under the **Natural Environment Act 2025**; and

(b) provide for classes of activities to be specified that are consistent with those set out in **sections 32 to 39** of the **Natural Environment Act 2025**; and

(c) be clearly identified in the development plan; and

(d) if relevant, enable the provision of all necessary infrastructure for a specified development project.

(2A) Any objectives, policies, methods, or rules of a development plan that override, add to, or suspend any provisions of a spatial plan or land use plan made under the Planning Act **2025** must—

(a) not go beyond the scope provided for spatial plans or land use plans made under the Planning Act **2025**; and

(b) provide for classes of activities to be specified that are consistent with those set out in **sections 31 to 38** of the Planning Act **2025**; and

(c) be clearly identified in the development plan; and

(d) if relevant, enable the provision of all necessary infrastructure for a specified development project.

In section 65, replace "requiring authority" with "designating authority" in each place.

Urban Development Act 2020 (2020 No 42)—*continued*

In section 66, replace "requiring authority" with "designating authority" in each place.

In section 66(7), replace "network utility operation" with "core infrastructure operation".

In section 66(9), replace "requiring authority's" with "designating authority's".

In section 67(1), replace "requirement for a designation" with "proposed designation".

Replace section 68(1)(b)(i) with:

(i) any relevant regional spatial plans and land use plans made under the Planning Act **2025** and natural environment plans made under the **Natural Environment Act 2025**:

In section 68(1)(b)(vi), replace "resource management" with "resource management, natural resource, land use, or planning".

Replace section 72(8) with:

(8) If the draft development plan provides for the revocation or cancellation of a conservation interest in land that is not owned by Kāinga Ora, Kāinga Ora must obtain the land owner's agreement to the revocation or cancellation, subject to any conditions that the Minister of Conservation may impose on the use of the land.

Replace section 72(9) with:

(9) **Subsection (9A)** applies if a specified development project is within, or includes any part of, the coastal marine area, a specified reserve, or land subject to any conservation interest.

(9A) Before the draft development plan is publicly notified, Kāinga Ora must obtain approval of the Minister of Conservation for any conditions applying to a proposal—

(a) to set apart, classify, or vest an existing specified reserve or a proposed reserve:

(b) that relates to a covenant over land.

In section 72(10)(f), replace "section 229 of the Resource Management Act 1991" with "**clause 39 of Schedule 7** of the Planning Act **2025**".

In section 75(1)(c)(i), replace "section 72(9)(a)" with "**section 72(8) or (9A)**".

In section 75(1)(c)(ii), replace "or (9)" with "or **(9A)**".

Repeal section 83(4).

In section 83(7)(a)(i), replace "notice of requirement" with "proposed designation".

In section 83(7)(a)(ii), replace "notices of requirement" with "proposed designations".

Urban Development Act 2020 (2020 No 42)—*continued*

In section 85(2), replace "notice of requirement" with "proposed designation".

In section 86(a), replace "resource consent applications to the" with "planning consent applications to the relevant".

In section 86(b), replace "district plan" with "land use plan".

In section 86(c), replace "notices of requirement lodged by requiring authorities" with "proposed designations lodged by designating authorities".

In section 87(2), replace "district plan" with "land use plan".

In section 89(3), replace "Mana Whakahono a Rohe (*see* subpart 2 of Part 5 of the Resource Management Act 1991)" with "Mana Whakahono ā Rohe as defined in **section 3 of the Natural Environment Act 2025** and **section 3** of the Planning Act **2025**".

In section 93(2), replace "Part 2 of Schedule 1 of the Resource Management Act 1991" with "**Part 2 of Schedule 3** of the Planning Act **2025**, and **section 94(1) of the Natural Environment Act 2025**, which applies that Part,".

In section 95(b), replace "Resource Management Act 1991" with "**Natural Environment Act 2025**".

In section 96(1), replace "Schedule 1 of the Resource Management Act 1991" with "**Schedule 3** of the Planning Act **2025** or **section 94 of the Natural Environment Act 2025**, which applies that schedule".

Replace section 97(1) with:

(1) In the transitional period for a specified development project, a local authority may transfer to Kāinga Ora any 1 or more of the local authority's functions, powers, or duties as—

(a) a permit authority under the **Natural Environment Act 2025** for natural resource permit applications in the project area:

(b) a consent authority under the Planning Act **2025** for planning consent applications in the project area.

In section 97(2), replace "Section 33 of the Resource Management Act 1991" with "**Section 232 of the Natural Environment Act 2025** or **section 193** of the Planning Act **2025**".

In section 97(4),—

(a) replace "resource consent" with "natural resource permit or planning consent"; and

(b) after "local authority is the", insert "permit authority or the".

Replace the cross-heading above section 98 with:

Land use or natural environment plan changes in transitional period

Urban Development Act 2020 (2020 No 42)—*continued*

In section 98(1), replace "land use plan, natural environment plan, district plan, or regional plan" with "land use plan or natural environment plan".

In section 98(2), delete "resource management,".

In section 99(1), replace "change to a district or regional plan" with "plan change to a land use plan or natural environment plan".

Replace section 99(2) with:

(2) The relevant local authority must notify Kāinga Ora of that fact, in writing, at least 20 working days before the operative date under **clause 45 of Schedule 3** of the Planning Act **2025** (including as that clause is applied for the purposes of the **Natural Environment Act 2025** by **section 94** of that Act).

In section 100(1), replace "clause 17, 18, or 83(1) of Schedule 1 of the Resource Management Act 1991" with "**clause 45 of Schedule 3** of the Planning Act **2025**".

In section 100(7), replace "or the Resource Management Act 1991" with ", the **Natural Environment Act 2025**, or the Planning Act **2025**".

In section 101(1)(c), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or Planning Act **2025**".

Replace the cross-heading above section 102 with:

Decisions on natural resource permits and planning consents in transitional period

In section 102(1)(a) and (b), replace "resource consent" with "natural resource permit or planning consent".

In section 102(4), replace "consent authority under the Resource Management Act 1991" with "permit authority under the **Natural Environment Act 2025** or consent authority under the Planning Act **2025**".

In the heading to section 103, after "**What**", insert "**permit authority or**".

In section 103(1), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or Planning Act **2025**".

In section 103(2), (3), and (4), replace "consent authority" with "permit authority or consent authority" in each place.

In section 103(2), replace "resource consent" with "natural resource permit or planning consent" in each place.

In section 103(2)(a), replace "consent authority's" with "permit authority's or consent authority's".

In section 103(3), replace "grant the consent" with "grant the permit or consent".

In section 103(5), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or Planning Act **2025**".

Urban Development Act 2020 (2020 No 42)—*continued*

In section 104(1), replace "consent authority" with "permit authority or consent authority" in each place.

In section 104(1)(a), replace "resource consent" with "natural resource permit or planning consent" in each place.

Replace section 104(3) with:

(3) When exercising a power under subsection (1) in relation to a planning consent, **sections 137 to 152** of the Planning Act **2025** apply to Kāinga Ora as if it were the consent authority.

(4) When exercising a power under subsection (1) in relation to a natural resource permit, **sections 154 to 170 of the Natural Environment Act 2025** apply to Kāinga Ora as if it were the permit authority.

In section 105(1), replace "consent holder" with "permit holder or consent holder".

Replace section 105(3) with:

(3) An objection must be made by notice in writing no later than 15 working days after the decision is notified to the applicant or the permit holder or consent holder, or within any longer time allowed by Kāinga Ora.

(4) A notice of objection must set out the reasons for the objection.

(5) The hearings commissioner may—

(a) require the person who made the objection, or Kāinga Ora, to provide further information:

(b) commission a report on any matter raised in the objection.

(6) However, the hearings commissioner must not require further information or commission a report unless they consider that the information or report will assist them in making a decision on the objection.

(7) The hearings commissioner may—

(a) dismiss the objection; or

(b) uphold the objection in whole or in part.

(8) Kāinga Ora must, within 15 working days after the hearings commissioner makes their decision on the objection, give the person who made objection, and any other person whom Kāinga Ora considers appropriate, notice in writing of the decision and the reasons for it.

After section 105, insert:

105A Appeal against decision on objection

(1) A person who has made an objection under section 105 may appeal to the Environment Court against a decision on the objection.

(2) A notice of an appeal under this section must—

(a) be in the form prescribed by the chief executive of the Ministry; and

Urban Development Act 2020 (2020 No 42)—*continued*

(b) state the reasons for the appeal; and

(c) be lodged with the Environment Court within 15 working days after the person was notified of the decision under **section 105(8)** or within such further time as the Environment Court allows.

(3) A person lodging an appeal under this section must ensure that a copy of the notice of the appeal is served on Kāinga Ora at the same time as the notice is lodged with the Environment Court.

(4) This section does not apply to any person who has already exercised a right of appeal in respect of the same matter under section 106.

Repeal section 108(1)(a).

In Part 3, replace the subpart 2 heading with:

Subpart 2—Natural resource permitting, planning consenting, and designations for specified development project

In the heading to section 109, replace "**resource consent**" with "**natural resource permit and planning consent**".

In section 109(1)(a), replace "Resource Management Act 1991 for all resource consent applications" with "Planning Act **2025** for all planning consent applications".

Repeal section 109(1)(b)(i).

In section 109(1)(b), replace "." with "; and".

After section 109(1)(b), insert:

(c) is not the permit authority under the **Natural Environment Act 2025**.

In section 109(2)(a), replace "resource consents" with "planning consents".

In section 109(2)(b) and (c), replace "district plan" with "land use plan".

In section 109(2)(c), replace "resource consent" with "planning consent".

In section 109(3), replace "section 38 of the Resource Management Act 1991" with "**section 218** of the Planning Act **2025**".

In section 109(4),—

(a) replace "resource consent" with "planning consent":

(b) replace "sections 332, 334, and 335 of the Resource Management Act 1991" with "**sections 250, 252, and 253** of the Planning Act **2025**".

In section 110, replace "Part 10 of the Resource Management Act 1991" with "**Schedule 7** of the Planning Act **2025**" in each place.

Replace the cross-heading above section 113 with:

Basis of decision-making in relation to natural resource permit and planning consent applications under this Part

Urban Development Act 2020 (2020 No 42)—*continued*

In the heading to section 113, replace "**Resource consents:**" with "**Natural resource permits and planning consents:**".

In section 113(1), replace "resource consent" with "natural resource permit or planning consent".

In section 113(1)(b), replace "sections 104 to 107 of the Resource Management Act 1991" with "**subpart 4 of Part 4** of the Planning Act **2025** and **subpart 4 of Part 4 of the Natural Environment Act 2025**".

Replace section 113(2) with:

(2) The modification referred to in **subsection (1)(b)** is that a reference to a land use plan or natural environment plan is to be read as a reference to a plan as overridden by, added to, or suspended by a development plan.

In section 113(3), replace "resource consent" with "planning consent or natural resource permit" in each place.

In section 113(3)(a), replace "district plan" with "land use plan or natural environment plan".

In section 113(4), replace "district plan" with "land use plan".

Replace the cross-heading above section 114 with:

Application of provisions of Natural Environment Act 2025 and Planning Act 2025

In the heading to section 114, replace "**Resource consents**" with "**Natural resource permits and planning consents**".

In section 114(1), replace "sections 9 to 15 of the Resource Management Act 1991" with "**sections 17 to 21 of the Natural Environment Act 2025** and **sections 17, 18, and 20** of the Planning Act **2025**".

Replace section 114(2) with:

(2) **Sections 29 to 43, 127, and 199 of the Natural Environment Act 2025** and **sections 28 to 42, 107, and 177** of the Planning Act **2025** apply, to the extent that they are relevant, to a specified development project, modified as follows:

(a) a reference to a land use plan or natural environment plan is to be read as a reference to a plan as overridden by, added to, or suspended by a development plan; and

(b) a reference to a consent authority or a permit authority includes a reference to Kāinga Ora.

Repeal section 114(3).

Replace the cross-heading above section 115 with:

Natural resource permit and planning consent processes

Urban Development Act 2020 (2020 No 42)—*continued*

In the heading to section 115, replace "**resource consents**" with "**natural resource permits and planning consents**".

In section 115(1), replace "consent authority for a resource consent" with "permit authority for a natural resource permit or to the consent authority for a planning consent".

Replace section 115(2) with:

(2) An application for a planning consent must be made in the manner prescribed under **section 109** of the Planning Act **2025** (with the necessary modifications) and must include—

(a) information relating to the activity, including information specified by the development plan; and

(b) an assessment of environmental effects that complies, to the extent that is relevant, with **Schedule 6** of that Act.

(2A) An application for a natural resource permit must be made in the manner prescribed under **section 130 of the Natural Environment Act 2025** (with the necessary modifications) and must include—

(a) information relating to the activity, including information specified by the development plan; and

(b) an assessment of environmental effects that complies, to the extent that is relevant, with **Schedule 2** of that Act.

In section 115(3)(b), replace "subsection (2)(b)" with "**subsections (2)(b) and (2A)(b)**".

In section 115(4), replace "consent authority" with "permit authority or consent authority".

Repeal section 115(6).

In section 116(1), replace "consent authority" with "permit authority or consent authority".

Replace section 116(2) with:

(2) **Sections 110, 112, 113, 117, and 118** of the Planning Act **2025** apply to the processing of any planning consent applications in a project area.

Replace section 116(3) with:

(3) **Section 116** of the Planning Act **2025** applies, modified by reading the reference to other consents under the Planning Act **2025** as a reference to other consents under a development plan or under the Planning Act **2025** (*see* **section 116(1)(a)** of that Act).

(4) **Sections 131, 132, 138, and 139 of the Natural Environment Act 2025** apply to the processing of any natural resource permit applications in a project area.

Urban Development Act 2020 (2020 No 42)—*continued*

(5) **Section 137 of the Natural Environment Act 2025** applies, modified by reading the reference to other permits under the **Natural Environment Act 2025** as a reference to other permits under a development plan or under the Natural Environment Act 2025 (*see* **section 137(1)(a)** of that Act).

In section 117, replace "Sections 91A to 91F of the Resource Management Act 1991" with "Regulations made under **section 282** of the Planning Act **2025**".

In section 118(1), replace "section 92 of the Resource Management Act 1991" with "**sections 119 and 120** of the Planning Act **2025**".

In section 118(2), replace "Sections 92A and 92B of the Resource Management Act 1991 apply" with "**Section 121** of the Planning Act **2025** applies".

After section 118(2), insert:

(3) A permit authority may at any time, in accordance with **sections 140 and 141 of the Natural Environment Act 2025**, request further information before hearing an application under this subpart.

(4) **Section 142 of the Natural Environment Act 2025** applies if a request is made under **subsection (3)**.

In section 119(1), replace "consent authority" with "permit authority or consent authority" in each place.

In section 119(1), replace "resource consents" with "natural resource permits or planning consents".

Replace section 119(3) with:

(3) For applications for a natural resource permit other than those required to be notified by rules in a development plan or natural environment plan, the permit authority must determine whether to notify the application, applying **sections 144 to 151 of the Natural Environment Act 2025**, modified by reading—

(a) a reference to a natural environment plan as including a reference to a development plan; and

(b) a reference to a rule as including a reference to a rule in a development plan; and

(c) the time limits required under subsection (4) instead of those provided for in **section 144 of the Natural Environment Act 2025**.

(3A) For applications for a planning consent other than those required to be notified by rules in a development plan or land use plan, the consent authority must determine whether to notify the application, applying **sections 123 to 130** of the Planning Act **2025**, modified by reading—

(a) a reference to a land use plan as including a reference to a development plan; and

(b) a reference to a rule as including a reference to a rule in a development plan; and

Urban Development Act 2020 (2020 No 42)—*continued*

(c) the time limits required under subsection (4) instead of those provided for in **section 123** of the Planning Act **2025**.

In section 119(4)(a), delete "controlled and".

Repeal section 119(5).

In section 119(6), replace "district or regional plan under the Resource Management Act 1991" with "natural environment plan under the **Natural Environment Act 2025** or land use plan under the Planning Act **2025**".

In section 120(1) and (2), replace "consent authority" with "permit authority or consent authority".

In section 120(1), replace "resource consent" with "natural resource permit or planning consent".

In section 120(1)(a), delete "controlled or".

Replace section 120(3) with:

(3) This section applies instead of any time limits set in regulations made under—

(a) the Planning Act **2025**; or

(b) the **Natural Environment Act 2025**.

Replace section 121(1) with:

(1) If an application for a natural resource permit is given public or targeted notification, **sections 152 and 153 of the Natural Environment Act 2025** apply, with the necessary modifications, as to—

(a) who may make a submission:

(b) service of submissions:

(c) time limits for serving submissions.

(1A) If an application for a planning consent is given public or targeted notification, **sections 131 to 136** of the Planning Act **2025** apply, with the necessary modifications, as to—

(a) who may make a submission:

(b) service of submissions:

(c) time limits for serving submissions.

In section 121(2), replace "consent authority" with "permit authority or consent authority".

Repeal section 121(3).

In section 122(1) and (4), replace "consent authority" with "permit authority or consent authority".

In section 122(5),—

(a) replace "resource consents" with "planning consents"; and

Urban Development Act 2020 (2020 No 42)—*continued*

(b) delete "controlled or"; and

(c) replace "district plan" with "land use plan".

In section 122(6), replace "section 41D of the Resource Management Act 1991" with "**section 152(4) of the Natural Environment Act 2025** and **section 133** of the Planning Act **2025**".

Replace section 123 with:

123 Hearings

Section 153 of the Natural Environment Act 2025 and **sections 134 to 136** of the Planning Act **2025** apply to the conduct of a hearing by a consent authority or permit authority.

In the heading to section 124, after "**consent**", insert "**or permit**".

In section 124, replace "resource consent" with "resource consent, natural resource permit, or planning consent".

In section 124(b), replace "regional or district plan" with "natural environment plan or land use plan".

Replace the cross-heading above section 125 with:

Conditions of natural resource permits and planning consents

Replace section 125 with:

125 Conditions and other obligations

(1) **Sections 146 and 149 to 152** of the Planning Act **2025** apply to planning consents granted under this subpart.

(2) **Sections 163 and 166 to 170 of the Natural Environment Act 2025** apply to natural resource permits granted under this subpart.

Replace section 126 with:

126 Form and service of decision

(1) **Section 153** of the Planning Act **2025** applies to decisions made on planning consent applications under this subpart.

(2) **Section 171 of the Natural Environment Act 2025** applies to decisions made on natural resource permits granted under this subpart.

(3) Kāinga Ora must serve a copy of its decision on the relevant local authority.

In the cross-heading above section 127, replace "*resource consents*" with "*planning consents or natural resource permits*".

Replace section 127 with:

Urban Development Act 2020 (2020 No 42)—*continued*

127 Commencement of planning consents and natural resource permits

(1) **Sections 158 to 162** of the Planning Act **2025** apply, as far as relevant, to planning consents granted under this subpart, including an application subject to the grant of an application to exchange reserve land under the Reserves Act 1977.

(2) **Sections 175 to 177 of the Natural Environment Act 2025** apply, as far as relevant, to natural resource permits granted under this subpart.

Replace section 128 with:

128 Rights of objection under this Act

(1) An objection to a decision of Kāinga Ora under section 134(5) must be heard by a hearings commissioner.

(2) An objection to a decision of the IHP under clauses 13 and 19 of Schedule 3 must be heard by the IHP.

(3) An objection must be made by notice in writing no later than 15 working days after the decision is notified to the local authority, designating authority, or submitter (as applicable), or within any longer time allowed by Kāinga Ora.

(4) A notice of objection must set out the reasons for the objection.

(5) When hearing an objection under section 134(5), the hearings commissioner may—

(a) require the person who made the objection, or Kāinga Ora, to provide further information:

(b) commission a report on any matter raised in the objection.

(6) However, the hearings commissioner must not require further information or commission a report unless they consider that the information or report will assist them in making a decision on the objection.

(7) The hearings commissioner, in relation to an objection under section 134(5), and the IHP, in relation to an objection under clauses 13 and 19 of Schedule 3, may—

(a) dismiss the objection; or

(b) uphold the objection in whole or in part.

(8) The hearings commissioner or the IHP (as applicable) must, within 15 working days after making its decision on the objection, give to the objector, and to every person whom the hearings commissioner or the IHP (as applicable) considers appropriate, notice in writing of its decision on the objection and the reasons for it.

Urban Development Act 2020 (2020 No 42)—*continued*

128A Appeal against decision on objection

(1) A person who has made an objection under **section 128** may appeal to the Environment Court against a decision on the objection.

(2) A notice of an appeal under this section must—

(a) be in the form prescribed by the chief executive of the Ministry; and

(b) state the reasons for the appeal; and

(c) be lodged with the Environment Court within 15 working days after the person was notified of the decision under **section 128(8)** or within such further time as the Environment Court allows.

(3) A person lodging an appeal under this section must ensure that a copy of the notice of the appeal is served on Kāinga Ora, and the IHP if the objection relates to clauses 13 or 19 of Schedule 3, at the same time that the notice is lodged with the Environment Court.

(4) This section does not apply to any person who has already exercised a right of appeal in respect of the same matter under section 129.

In the heading to section 129, replace "**resource consents**" with "**planning consents and natural resource permits**".

In section 129(1), replace "consent authority" with "consent authority or permit authority".

In section 129(1)(a), replace "consent holder" with "consent or permit holder".

Repeal section 129(1)(c).

In section 129(2), replace "resource consent" with "planning consent or natural resource permit".

In section 129(3), replace "section 120 of the Resource Management Act 1991" with "**section 154** of the Planning Act **2025** or **section 172 of the Natural Environment Act 2025** (as applicable)".

Replace section 129(4) with:

(4) **Section 155** of the Planning Act **2025** applies to an appeal under this section, except that the reference in **section 155(1)(c)** of that Act to the consent authority must be read as including Kāinga Ora if Kāinga Ora is not the consent authority.

(4A) **Section 173 of the Natural Environment Act 2025** applies to an appeal under this section, except that the reference in **section 173(1)(c)** of that Act to the permit authority must be read as including Kāinga Ora if Kāinga Ora is not the permit authority.

In the heading to section 130, replace "**section 85 of Resource Management Act 1991**" with "**section 105 of the Planning Act 2025 or section 122 of the Natural Environment Act 2025**".

Urban Development Act 2020 (2020 No 42)—*continued*

In section 130,—

(a) replace "section 299 of the Resource Management Act 1991" with "**clause 77 of Schedule 9** of the Planning Act **2025** or **section 242 of the Natural Environment Act 2025**, which applies that schedule"; and

(b) replace "section 85 of that Act" with "**section 105** of the Planning Act **2025** or **section 122 of the Natural Environment Act 2025**".

In the heading to section 131, replace "**requiring authority**" with "**designating authority**".

In section 131(1), replace "network utility operator and a requiring authority under section 167 of the Resource Management Act 1991" with "core infrastructure operator and a designating authority under **clause 10 of Schedule 5** of the Planning Act **2025**".

In section 131(2) and (3), replace "requiring authority" with "designating authority".

In the heading to section 132, replace "**Notices of requirements for**" with "**Proposed**".

In section 132(1), replace "requiring authority" with "designating authority".

Replace section 132(3) with:

(3) **Part 3 of Schedule 5** (but not **clause 15 of Schedule 5**) of the Planning Act **2025** applies with the necessary modifications.

In section 132(4), replace "sections 175, 176, 177, and 181 of the Resource Management Act 1991" with "**clauses 30, 35, and 45 of Schedule 5** of the Planning Act **2025**".

In section 132(5),—

(a) replace "Section 180 of the Resource Management Act 1991" with "**Clause 50 of Schedule 5** of the Planning Act **2025**"; and

(b) delete ", as well as the Minister for the Environment".

In section 132(6), replace "Section 186 of the Resource Management Act 1991" with "**Clause 54 of Schedule 5** of the Planning Act **2025**".

In the heading to section 133, replace "**Part 8 of Resource Management Act 1991**" with "**Schedule 5 of Planning Act 2025**".

In section 133(1), (2), (5), and (6), replace "requiring authority" with "designating authority".

In section 133(1), replace "section 176(1) of the Resource Management Act 1991" with "**clause 4(1), (2), and (3) of Schedule 5** of the Planning Act **2025**".

In section 133(2), replace "section 176(1)(b) of the Resource Management Act 1991" with "**clause 4(1)(c) of Schedule 5** of the Planning Act **2025**".

Replace section 133(3) with:

Urban Development Act 2020 (2020 No 42)—*continued*

(3) In applying **clause 6 of Schedule 5** of the Planning Act **2025**, a designation for which Kāinga Ora is the designating authority must be treated as the earliest designation that applies in the project area.

In section 133(5), replace "Section 171(1) of the Resource Management Act 1991 must be applied as if, for the purpose of applying Part 8 of that Act" with "**Clause 24(1) of Schedule 5** of the Planning Act **2025** must be applied as if, for the purpose of applying **Schedule 5** of that Act".

Repeal section 133(5A).

In section 133(6), replace "Section 178(2) to (6) of the Resource Management Act 1991 (interim effect of requirements for designations)" with "**Clause 5 of Schedule 5** of the Planning Act **2025** (effect of proposed designation)".

In the heading to section 134, replace "**notice of requirement for new designations**" with "**proposed designation**".

In section 134(1), (2), (3)(b), and (5), replace "requiring authority" with "designating authority" in each place.

In section 134(1), (2), (5), and (6), replace "notice of requirement" with "proposed designation".

In section 134(4)(c), replace "notice of a requirement" with "a proposed designation".

Repeal section 135.

In section 136(2),—

(a) replace "notice of requirement" with "proposed designation":

(b) replace "section 168 of the Resource Management Act 1991" with "**clause 13 of Schedule 5** of the Planning Act **2025**".

In section 136(3), replace "notice of requirement" with "proposed designation".

Replace section 136(4) with:

(4) **Part 3 of Schedule 5** (but not **clause 30 of Schedule 5**) of the Planning Act **2025** applies, with the necessary modifications, to a proposed designation or designation, as the case may be.

Replace section 136(5) with:

(5) The modifications to the Planning Act **2025** provided in section 132(3) to (6) apply to a proposed designation or designation, as the case requires.

In section 136(7), replace "district plan, as required by section 175 of the Resource Management Act 1991" with "land use plan, as required by **clause 30 of Schedule 5** of the Planning Act **2025**".

In section 136(8)(b) and (9), replace "district plan" with "land use plan".

In section 136(9), replace "Schedule 1 of the Resource Management Act 1991" with "**Schedule 3** of the Planning Act **2025**".

Urban Development Act 2020 (2020 No 42)—*continued*

In section 144(3)(c), replace "district plan" with "land use plan".

In section 161(3)(d)(ii), replace "resource consent" with "natural resource permit or planning consent".

In section 169(3)(b), replace "network utility operators" with "core infrastructure operators".

In section 220(b)(i), replace "network utility operator" with "core infrastructure operator".

In section 223(1)(a) and (2), replace "resource consent" with "planning consent" in each place.

In section 223(1)(a), replace "Resource Management Act 1991" with "Planning Act **2025**".

In section 224(1)(a), replace "resource consent" with "planning consent".

In section 232(1)(a), replace "resource consent is granted" with "planning consent is granted".

In section 232(1)(a)(i), replace "section 224(c) of the Resource Management Act 1991" with "**clause 18 of Schedule 7** of the Planning Act **2025**".

In section 232(1)(a)(ii), replace "resource consent under the Resource Management Act 1991" with "planning consent under the Planning Act **2025**".

In section 233(1)(a) and (c), replace "resource consent" with "planning consent" in each place.

In section 235(4)(a), replace "resource consent" with "natural resource permit or planning consent".

In section 235(4)(d), replace "section 224(c) of the Resource Management Act 1991" with "**clause 18 of Schedule 7** of the Planning Act **2025**".

In section 242(2)(a), replace "consent holder, or requiring authority" with "consent or permit holder, or designating authority".

In section 244, replace "resource consent" with "planning consent" in each place.

In section 244(1)(c), (d)(iii), and (3), replace "requiring authority" with "designating authority" in each place.

In section 244(1)(d)(iii), replace "requirement for a designation" with "proposed designation".

In section 244(1)(g)(ii), replace "section 128(1)(a) or (c) of the Resource Management Act 1991" with "**section 168(1)(a) or (d)** of the Planning Act **2025**".

In section 244(1)(g)(iii), replace "section 128(2) of the Resource Management Act 1991" with "**section 168(2)** of the Planning Act **2025**".

In section 244(1)(h), replace "section 43A(8) of the Resource Management Act 1991" with "**section 60(5)** of the Planning Act **2025**".

Urban Development Act 2020 (2020 No 42)—*continued*

In section 244(1)(j)(i), replace "section 36 of the Resource Management Act 1991 (*see* section 36(1)(g) of that Act)" with "**section 191** of the Planning Act **2025** (*see* **section 191(1)(d)** of that Act)".

In section 265(4)(a), replace "resource consent" with "planning consent or natural resource permit".

In section 265(4)(d), replace "section 224(c) of the Resource Management Act 1991" with "**clause 18 of Schedule 7** of the Planning Act **2025**".

In Schedule 2, clause 2, definition of **assets**, paragraph (b), replace "resource consents" with "planning consents".

In Schedule 2, clause 2, definition of **transferee**, paragraph (c), replace "network utility operator" with "core infrastructure operator".

In Schedule 2, clause 8(1)(d), replace "district plan" with "land use plan".

In Schedule 2, clause 10(2)(b), replace "section 10, 10A, 10B, or 20A(2) of the Resource Management Act 1991" with "**sections 20, 22, or 23** of the Planning Act **2025** or **section 25 of the Natural Environment Act 2025**".

In Schedule 2, clause 10(3), replace "Schedule 1 of the Resource Management Act 1991" with "**Schedule 3** of the Planning Act **2025** or **section 94 of the Natural Environment Act 2025**, which applies that schedule".

In Schedule 2, clause 10(3)(a) and (5), replace "resource management objectives" with "natural resource, land use, or planning objectives" in each place.

In Schedule 2, clause 10(3)(b), replace "district plans" with "land use plans".

In Schedule 3, replace clause 1(2) with:

(2) At least 1 member of an IHP must be given authority to conduct a hearing under regulations made under the Planning Act **2025** or the **Natural Environment Act 2025**.

In Schedule 3, clause 6(1)(b), replace "section 39B of the Resource Management Act 1991 or" with "the Planning Act **2025** or the **Natural Environment Act 2025**, or".

In Schedule 3, clause 10(b), replace "requiring authority" with "designating authority".

Waitakere Ranges Heritage Area Act 2008 (2008 No 1 (L))

In section 4(2), replace "Resource Management Act 1991, have the same meaning as in that Act" with "**Natural Environment Act 2025** and the Planning Act **2025**, have the same meanings as in those Acts".

In the cross-heading above section 9, replace "*Resource Management Act 1991,* ***Natural Environment Act 2025***," with "***Natural Environment Act 2025***".

Repeal sections 9, 10 and 11.

In **section 9A**, insert as subsection (2):

Waitakere Ranges Heritage Area Act 2008 (2008 No 1 (L))—*continued*

(2) **Subsection (1)** does not apply to **section 13(1)(a)(ii), 13A(1)(a)(ii), or 15(2)(b)**.

In section 12(3)(a), delete "information required under clause 22 of Schedule 1 of the Resource Management Act 1991 or".

In section 12(4), delete "under section 65(4) or 73(2) of the Resource Management Act 1991 or".

In section 12(4)(a), replace "regional plan, district plan, land use plan, or natural environment plan" with "land use plan or natural environment plan".

Replace sections 13 to 15 with:

13 Planning consents

(1) When considering an application for a planning consent for a discretionary activity in the heritage area, a consent authority—

(a) must have particular regard to—

(i) the purpose of this Act and the relevant objectives; and

(ii) the relevant provisions of the national policy direction and objectives and policies in any national standard made under the Planning Act **2025**; and

(b) must consider the objectives having regard to any relevant policies in the land use plan.

(2) The requirements in **subsection (1)(a)(i)** are in addition to the requirements in the Planning Act **2025**.

(3) When considering an application for planning consent for a restricted discretionary activity in the heritage area, a consent authority must consider the purpose of this Act and the relevant objectives as if they were matters specified in the plan or proposed plan over which the Council has restricted the exercise of its discretion.

13A Natural resource permits

(1) When considering an application for a natural resource permit for a discretionary activity in the heritage area, a permit authority—

(a) must have particular regard to—

(i) the purpose of this Act and the relevant objectives; and

(ii) the relevant provisions of the national policy direction and objectives and policies in any national standard made under the **Natural Environment Act 2025**; and

(b) must consider the objectives having regard to any relevant policies in the natural environment plan.

Waitakere Ranges Heritage Area Act 2008 (2008 No 1 (L))—*continued*

(2) The requirements in **subsection(1)(a)(i)** are in addition to the requirements in the **Natural Environment Act 2025**.

(3) When considering an application for a natural resource permit for a controlled activity or a restricted discretionary activity in the heritage area, a permit authority must consider the purpose of this Act and the relevant objectives as if they were matters specified in the plan or proposed plan over which the Council has reserved its control or has restricted the exercise of its discretion.

14 Conditions on permits and consents

(1) If a permit authority grants a natural resource permit for an activity in the heritage area, it may impose conditions on the permit under **section 168 or 169 of the Natural Environment Act 2025** that relate to 1 or more of the heritage features or the objectives.

(2) If a consent authority grants a planning consent for an activity in the heritage area, it may impose conditions on the consent under **sections 150 and 151** of the Planning Act **2025** that relate to 1 or more of the heritage features or the objectives.

15 Designations

(1) **Subsection (2)** applies to a person if the person is making a decision or recommendation that relates to the heritage area or a part of it for a designation under **clauses 24, 26, 28, 29, 44, 45, 47, and 48 of Schedule 5** of the Planning Act **2025**.

(2) The person, when making the decision or recommendation, must have particular regard to—

(a) the purpose of this Act and the objectives; and

(b) the relevant provisions of the national policy direction and objectives and policies in any national standard made under the Planning Act **2025**.

(3) The requirements in **subsection (2)(a)** are in addition to the requirements in the Planning Act **2025**.

Repeal section 16.

In section **16A(3)(b), (c), and (d)**, replace "**sections 9B, 9C, 11A, or 12**" with "**sections 9B to 15**" in each place.

Repeal section 18.

Repeal section 28.

Replace section 35(b) with:

(b) any statutory acknowledgement included in any enactment and listed in **Schedule 6 of the Natural Environment Act 2025** or **Schedule 12** of the Planning Act **2025**:

Waitakere Ranges Heritage Area Act 2008 (2008 No 1 (L))—*continued*

Repeal section 36.

Waste Minimisation Act 2008 (2008 No 89)

In section 5(1), replace the definition of **environment** with:

> **environment** includes—
>
> (a) ecosystems and their constituent parts, including people and communities; and
>
> (b) all natural and physical resources; and
>
> (c) amenity values; and
>
> (d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in **paragraphs (a) to (c)** or which are affected by those matters

In section 5(1), insert in its appropriate alphabetical order:

> **natural and physical resources** has the meaning given in **section 3 of the Natural Environment Act 2025**

Water Services Act 2021 (2021 No 36)

Replace section 3(1)(b) with:

> (b) providing a source water risk management framework that, together with the **Natural Environment Act 2025**, and national instruments and regulations made under that Act, enables risks to source water to be properly identified, managed, and monitored; and

In section 5, repeal the definition of **National Policy Statement for Freshwater Management**.

In section 5, definition of **water**, replace "section 2(1) of the Resource Management Act 1991" with "**section 3 of the Natural Environment Act 2025**".

In section 41, replace "Resource Management Act 1991, regulations made under that Act, and the National Policy Statement for Freshwater Management" with "**Natural Environment Act 2025** and national instruments and regulations made under that Act".

Replace section 43(2)(d) with:

> (d) have regard to any values identified by local authorities under the national instruments made under the **Natural Environment Act 2025** that relate to a freshwater body that the supplier uses as a source of a drinking water supply.

In the heading to section 65, replace "**requirements of Part 3 of Resource Management Act 1991**" with "**certain requirements of Natural Environment Act 2025 or Planning Act 2025**".

Water Services Act 2021 (2021 No 36)—*continued*

In section 65(1), replace "Part 3 of the Resource Management Act 1991" with "**subpart 2 of Part 2 of the Natural Environment Act 2025** or **subpart 2 of Part 2** of the Planning Act **2025**".

In section 65(2)(a), after "consent authority", insert "or permit authority".

In section 65(4), replace "resource consent" with "natural resource permit or planning consent".

In section 65(4), after "consent authority", insert "or permit authority" in each place.

In section 66(1), replace "Part 3 of the Resource Management Act 1991" with "**subpart 2 of Part 2 of the Natural Environment Act 2025** or **subpart 2 of Part 2** of the Planning Act **2025**".

In section 67, replace "Part 3 of the Resource Management Act 1991" with "**subpart 2 of Part 2 of the Natural Environment Act 2025** or **subpart 2 of Part 2** of the Planning Act **2025**".

In section 97C, insert in their appropriate alphabetical order:

> **natural resource permit** has the same meaning as in **section 127** of the **Natural Environment Act 2025**
>
> **planning consent** has the same meaning as in **section 107** of the Planning Act **2025**

In section 106(1), replace "sections 9, 12, 13, 14, and 15 of the Resource Management Act 1991" with "**sections 17 to 21 of the Natural Environment Act 2025** or **section 17** of the Planning Act **2025**".

In section 106(1)(a), after "consent authority", insert "or permit authority".

In section 138(2A)(b), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or the Planning Act **2025**".

In section 138(2A)(c), after "consent authority", insert "or permit authority (as relevant)".

In section 138(2A)(c)(i), replace "resource consent" with "natural resource permit or planning consent".

In section 138(2A)(c)(ii), replace "limited notification of an application for a resource consent" with "targeted notification of an application for a natural resource permit or planning consent".

Repeal section 138B.

In section 139A(3A)(b), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or the Planning Act **2025**".

In section 139A(3A)(c), after "consent authority", insert "or permit authority (as relevant)".

In section 139A(3A)(c)(i), replace "resource consent" with "natural resource permit or planning consent".

Water Services Act 2021 (2021 No 36)—*continued*

In section 139A(3A)(c)(ii), replace "limited notification of an application for a resource consent" with "targeted notification of an application for a natural resource permit or planning consent".

Repeal section 139B.

In section 139C(2)(a) and (d)(i), replace "resource consent" with "natural resource permit or planning consent".

In section 139C(2)(c), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** or Planning Act **2025**".

In section 139C(2)(d), after "consent authority", insert "or permit authority (as relevant)".

Replace section 139C(2)(d)(ii) with:

(ii) targeted notification of an application for a natural resource permit or planning consent.

Repeal section 139D.

In section 141(a)(ii), replace "resource consent" with "natural resource permit under the **Natural Environment Act 2025** or planning consent under the Planning Act **2025**".

In section 147(1)(b), replace "resource consent" with "natural resource permit under the **Natural Environment Act 2025** or planning consent under the Planning Act **2025**".

Water Services Authority—Taumata Arowai Act 2020 (2020 No 52)

In section 4, repeal the definition of **National Policy Statement for Freshwater Management**.

In section 4, definition of **water**, paragraph (a), replace "section 2(1) of the Resource Management Act 1991" with "**section 3 of the Natural Environment Act 2025**".

Replace section 5(f)(ii)(A) with:

(A) take into account any relevant national instruments and natural environment plans issued under the **Natural Environment Act 2025**; and

Replace section 18(2)(e)(i)(A) and (B) with:

(A) any relevant national instruments made under **Part 2 of the Natural Environment Act 2025**; and

(B) any natural environment plans prepared under the **Natural Environment Act 2025**:

Wellington Regional Council (Water Board Functions) Act 2005 (2005 No 1 (L))

In section 3, replace the definition of **renewable energy** with:

Wellington Regional Council (Water Board Functions) Act 2005 (2005 No 1 (L)) *—continued*

renewable energy means energy produced from solar, wind, hydro, geothermal, biomass, tidal, wave, and ocean current sources

Wellington Town Belt Act 2016 (2016 No 1 (L))

In section 28(7), replace "Section 11 and Part 10 of the Resource Management Act 1991" with "**section 18 and Schedule 7** of the Planning Act **2025**".

Whakarewarewa and Roto-a-Tamaheke Vesting Act 2009 (2009 No 50)

Repeal section 9(1).

In section 9(2)(c), replace "section 2(1) of the Resource Management Act 1991" with "**section 3 of the Natural Environment Act 2025**".

In section 25(3), replace "section 11 and Part 10 of the Resource Management Act 1991" with "**section 18 and Schedule 7** of the Planning Act **2025**".

Whakatane Paper Mills, Limited, Water-supply Empowering Act 1936 (1936 No 7 (P))

In section 24A(b), replace "Resource Management Act 1991" with "**Natural Environment Act 2025** and the Planning Act **2025**".

Part 5
Amendments to secondary legislation that commence on day after this Act receives Royal assent

Biosecurity (National PA Pest Management Plan) Order 2022 (SL 2022/208)

After clause 26(d), insert:

(e) regulating earthworks under its natural environment plan under the **Natural Environment Act 2025** or its land use plan under the Planning Act **2025**.

Fisheries (Aquaculture Compensation Methodology) Regulations 2012 (SR 2012/335)

In regulation 3, definition of **party**, after paragraph (b), insert:

(c) in relation to an aquaculture area decision, the negotiator appointed by the Minister in accordance with **section 186ZEA(1)** of the Act

In regulation 3, definition of **proposed aquaculture activities**, after "coastal permit", insert ", or aquaculture activities provided for in an aquaculture area,".

In Schedule 1, clause 2(2), after "permit application", insert "or by reference to the aquaculture area rules".

In Schedule 1, after clause 2(2), insert:

Fisheries (Aquaculture Compensation Methodology) Regulations 2012 (SR 2012/335)—*continued*

(3) If the aquaculture area rules are used to determine the species, the arbitrator may estimate the area of aquaculture activity in an aquaculture area based on aquaculture area rules.

In Schedule 1, clause 3(1), item cl of the formula, after "the Act", insert "or in the aquaculture area decision made by the chief executive under **section 186JB** of the Act".

In Schedule 2, clause 1(2), after "site", insert "or aquaculture area".

Fisheries (Commercial Fishing) Regulations 2001 (SR 2001/253)

In Schedule 2, Part 4, clause 18A(1)(a) and (b), after "aquaculture decision", insert "or aquaculture area decision".

In Schedule 2, Part 4, clause 18A(1)(c), after "aquaculture decisions", insert "or aquaculture area decisions".

Fisheries (Kaimoana Customary Fishing) Regulations 1998 (SR 1998/434)

In regulation 16(2), after paragraph (a), insert:

(aa) may be treated as a planning document recognised by an iwi authority for the purposes of the **Natural Environment Act 2025**, if it meets the requirements of that Act:

(ab) may be treated as a planning document recognised by an iwi authority for the purposes of the Planning Act **2025**, if it meets the requirements of that Act:

Fisheries (South Island Customary Fishing) Regulations 1999 (SR 1999/342)

In regulation 16(2), after paragraph (a), insert:

(aa) may be treated as a planning document recognised by an iwi authority for the purposes of the **Natural Environment Act 2025**, if it meets the requirements of that Act:

(ab) may be treated as a planning document recognised by an iwi authority for the purposes of the Planning Act **2025**, if it meets the requirements of that Act:

Local Government (Natural Hazard Information in Land Information Memoranda) Regulations 2025 (SL 2025/68)

In regulation 3, insert in their appropriate alphabetical order:

land use plan—

(a) has the meaning given in **section 3** of the Planning Act **2025**; and

(b) includes a proposed land use plan that has been notified under that Act

Local Government (Natural Hazard Information in Land Information Memoranda) Regulations 2025 (SL 2025/68)—*continued*

regional spatial—

(a) has the meaning given in **section 3** of the Planning Act **2025**; and

(b) includes a draft regional spatial plan that has been notified under that Act

Replace regulation 8(1)(a)(i) with:

(i) the natural hazard information provided under regulation 12 under a heading that identifies the information as being sourced from the territorial authority's district plan, land use plan, or relevant regional spatial plan (if applicable); and

In the heading to regulation 12, after "**district plan**", insert "**, land use plan, or relevant regional spatial plan**".

In regulation 12(1), after "district plan", insert ", land use plan, or relevant regional spatial plan" in each place.

Resource Management (Infringement Offences) Regulations 1999 (SR 1999/359)

In Schedule 1, in the heading to column 3, replace "**(individual)**" with "**(natural person)**".

In Schedule 1, in the heading to column 4, replace "**(company)**" with "**(other person)**".

In Schedules 2 and 3, delete "Payments by cheque should be crossed "Not Transferable".".

Water Services (Wastewater Environmental Performance Standards) Regulations 2025 (SL 2025/258)

In regulation 4, replace the definition of **drinking water supply protection area** with:

drinking water supply protection area means an area that is designated for the purpose of protecting a drinking water supply by—

(a) a regional plan, proposed regional plan, or proposed natural environment plan under the **Natural Environment Act 2025**; or

(b) a district plan, proposed district plan, or proposed land use plan under the Planning Act **2025**

In regulation 4, definition of **site of cultural significance**, in paragraph (c), after "regional policy statement,", insert "regional spatial plan under the Planning Act **2025**,".

In regulation 6(3), replace the definition of **relevant document** with:

Water Services (Wastewater Environmental Performance Standards) Regulations 2025 (SL 2025/258)—*continued*

relevant document means—

(a) a regional policy statement, proposed regional policy statement, regional plan, proposed regional plan, or proposed natural environment plan under the **Natural Environment Act 2025**; or

(b) a district plan, proposed district plan, or proposed land use plan under the Planning Act **2025**; or

(c) a regional spatial plan or proposed regional spatial plan under the Planning Act **2025**

In regulation 7(3), replace the definition of **relevant document** with:

relevant document means—

(a) a regional policy statement, proposed regional policy statement, regional plan, proposed regional plan, or proposed natural environment plan under the **Natural Environment Act 2025**; or

(b) a district plan, proposed district plan, or proposed land use plan under the Planning Act **2025**; or

(c) a regional spatial plan or proposed regional spatial plan under the Planning Act **2025**

Schedule 12
Statutory acknowledgements

~~ss 425, 428~~ s 3

Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008

Ahuriri Hapū Claims Settlement Act 2021

Heretaunga Tamatea Claims Settlement Act 2018

Hineuru Claims Settlement Act 2016

Iwi and Hapū of Te Rohe o Te Wairoa Claims Settlement Act 2018

Maniapoto Claims Settlement Act 2022

Maraeroa A and B Blocks Claims Settlement Act 2012

Maungaharuru-Tangitū Hapū Claims Settlement Act 2014

Moriori Claims Settlement Act 2021

Ngaa Rauru Kiitahi Claims Settlement Act 2005

Ngāi Tahu Claims Settlement Act 1998

Ngāi Tai ki Tāmaki Claims Settlement Act 2018

Ngai Tāmanuhiri Claims Settlement Act 2012

NgāiTakoto Claims Settlement Act 2015

Ngāruahine Claims Settlement Act 2016

Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014

Ngāti Apa (North Island) Claims Settlement Act 2010

Ngāti Awa Claims Settlement Act 2005

Ngāti Hauā Claims Settlement Act 2014

Ngāti Hāua Claims Settlement Act 2026

Ngāti Hei Claims Settlement Act 2026

Ngāti Hinerangi Claims Settlement Act 2021

Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022

Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014

Ngāti Koroki Kahukura Claims Settlement Act 2014

Ngāti Kuri Claims Settlement Act 2015

Ngāti Mākino Claims Settlement Act 2012

Ngāti Manawa Claims Settlement Act 2012

Ngāti Manuhiri Claims Settlement Act 2012

Ngāti Maru (Taranaki) Claims Settlement Act 2022

Ngāti Mutunga Claims Settlement Act 2006
Ngāti Pāhauwera Treaty Claims Settlement Act 2012
Ngāti Pāoa Claims Settlement Act 2025
Ngati Porou Claims Settlement Act 2012
Ngāti Pūkenga Claims Settlement Act 2017
Ngāti Rāhiri Tumutumu Claims Settlement Act 2026
Ngāti Rangi Claims Settlement Act 2019
Ngāti Rangiteaorere Claims Settlement Act 2014
Ngāti Rangitihi Claims Settlement Act 2022
Ngāti Rangiwewehi Claims Settlement Act 2014
Ngati Ruanui Claims Settlement Act 2003
Ngati Tama Claims Settlement Act 2003
Ngāti Tamaoho Claims Settlement Act 2018
Ngāti Tara Tokanui Claims Settlement Act 2026
Ngati Toa Rangatira Claims Settlement Act 2014
Ngāti Tuwharetoa (Bay of Plenty) Claims Settlement Act 2005
Ngāti Tūwharetoa Claims Settlement Act 2018
Ngāti Whare Claims Settlement Act 2012
Ngāti Whātua o Kaipara Claims Settlement Act 2013
Ngāti Whātua Ōrākei Claims Settlement Act 2012
Ngatikahu ki Whangaroa Claims Settlement Act 2017
Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009
Pouakani Claims Settlement Act 2000
Rangitāne o Manawatu Claims Settlement Act 2016
Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017
Raukawa Claims Settlement Act 2014
Rongowhakaata Claims Settlement Act 2012
Tapuika Claims Settlement Act 2014
Taranaki Iwi Claims Settlement Act 2016
Te Arawa Lakes Settlement Act 2006
Te Atiawa Claims Settlement Act 2016
Te Aupouri Claims Settlement Act 2015
Te Kawerau ā Maki Claims Settlement Act 2015
Te Korowai o Wainuiārua Claims Settlement Act 2025

Te Rarawa Claims Settlement Act 2015

Te Roroa Claims Settlement Act 2008

Te Uri o Hau Claims Settlement Act 2002

Waitaha Claims Settlement Act 2013

Whakatōhea Claims Settlement Act 2024

Legislative history

9 December 2025	Introduction (Bill 235–1)
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