

Natural Environment Bill

Government Bill

Explanatory note

General policy statement

The Natural Environment Bill will replace the Resource Management Act 1991 (**RMA**), working in tandem with the Planning Bill. Once passed, the Bills will be known as the Natural Environment Act and the Planning Act.

The Natural Environment Bill and the Planning Bill provide distinct, but consistent, approaches for environmental management and land use planning, respectively. The Natural Environment Bill establishes a framework for the use, protection, and enhancement of the natural environment. The Planning Bill establishes a framework for planning and regulating the use, development, and enjoyment of land.

The development of the new planning and environmental management system created by these Bills was guided by the following objectives:

- to make it easier to get things done by—
 - unlocking development capacity for housing and business growth:
 - enabling delivery of high-quality infrastructure for the future, including doubling renewable energy:
 - enabling primary sector growth and development (including aquaculture, forestry, pastoral, horticulture, and mining).

The intention is that these objectives will be done while also—

- safeguarding the natural environment and human health:
- adapting to the effects of climate change and reducing the risks from natural hazards:
- improving regulatory quality in the planning system:
- upholding Treaty of Waitangi settlements and other arrangements.

The Bills address multiple problems with the current planning and environmental management system. Together, they are expected to help to—

- reduce the number of consents needed by narrowing the type of effects that are regulated;
- make it easier to build homes and infrastructure by enabling the establishment of a clear set of rules under each Bill to guide councils and decision makers;
- increase consistency between council plans across the country through greater standardisation;
- reduce the number of council plans by providing for 1 plan per region that implements national instruments and includes spatial, natural environment and land-use plans in 1 place;
- safeguard the natural environment and human health by introducing an environmental limits framework covering air, water, land, soils, and indigenous biodiversity, and setting out a regime to manage resource use within these limits;
- make better use of data and technology to enable faster, more consistent planning decisions and make it easier to monitor performance and outcomes.

Omnibus Bill

This Bill is an omnibus Bill, as it amends more than 1 Act. It is introduced under Standing Order 267(1)(a) as the amendments deal with an interrelated topic that can be regarded as implementing a single broad policy—to establish a new framework for the use, protection, and enhancement of the natural environment.

Proposals

System architecture

Alongside the Planning Bill, this Bill creates a system that will operate like a funnel, starting with clear goals that narrow what can be considered at the top and each level of the system. The system architecture in the Bill comprises—

- a set of goals that tightly define the scope of the system;
- a set of national instruments, comprising:
 - national policy direction (**NPD**) that particularises the goals;
 - national standards that provide further detailed direction for implementing the NPD and clearer, more standardised direction for decision making and plans;
- a single combined plan for each region made up of 3 integrated components:
 - a regional spatial plan that implements the national instruments to support urban development and infrastructure provision within environmental limits; and
 - a natural environment plan under this Bill that implements spatial plans by applying standardised overlays, rules, and methodologies; and

- and a land use plan under the Planning Bill that implements spatial plans by applying standardised zones, rules, and methodologies; and
- permits under this Bill and consent under the Planning Bill.

Each instrument must implement the one above it. (The land use plans and the natural environment plans operate at the same level of the funnel under each Bill.)

Community engagement is intended to primarily occur during spatial and natural environment plan development rather than at the permitting level (as per the RMA).

This system architecture is intended to make the system simpler and more efficient, reducing relitigation of matters that have already been decided higher up in the system. The levels of the system are outlined in more detail below.

Purpose, goals, and principles

Purpose

The purpose of the Bill is to establish a framework for the use, protection, and enhancement of the natural environment.

Goals

The goals of the Bill define the outcomes the environmental management system is trying to achieve. They will be particularised through the NPD, which directs how the goals must be achieved. Goals cannot be relitigated at lower levels of the system. All persons exercising or performing functions, duties, or powers under this Bill must seek to achieve the goals in accordance with the funnel provision. The goals of the Bill are to—

- enable the use and development of natural resources within environmental limits:
- safeguard the life-supporting capacity of air, water, soil, and ecosystems:
- protect human health from harm caused by the discharge of contaminants:
- achieve no net loss in indigenous biodiversity:
- manage the effects of natural hazards associated with the use and protection of natural resources through proportionate, risk-based planning:
- provide for Māori interests through—
 - Māori participation in the development of national instruments, spatial planning, and natural environment plans; and
 - 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
 - enabling the development and protection of identified Māori land.

The policy intention is that there is no inherent hierarchy within the goals.

Procedural principles

The Bill sets out procedural principles to guide how decisions are made across the system. These procedural principles are intended to ensure that decisions are made in a clear, timely, proportionate, and evidence-based manner. The procedural principles also require that, when performing a function or exercising a power under the Bill, people act in an enabling manner that is consistent with other specified provisions.

Functions and powers of central and local government*Minister*

Central government has a broader and more active role in shaping and overseeing the new system. The Minister is responsible for—

- recommending, making, and approving national instruments, including developing nationally standardised overlays, provisions, and methodologies, and monitoring their implementation and effect:
- setting through national standards, limits to protect human health for fresh-water coastal water, land and soil, and air and methodologies for regional councils to follow when setting ecosystem health limits through natural environment plans:
- recommending issue of, and monitoring the implementation of, water conservation orders:
- monitoring:
- system performance and the effect and implementation of this Bill.

The Minister has the power to specify minimum levels for ecosystem health limits.

The Minister also has powers to intervene, including to—

- direct regional councils and territorial authorities to prepare a plan, plan change, or variation to a proposed plan to address an issue.

The Minister may also exercise some powers set out in the Planning Bill as if they applied in relation to this Bill, including to—

- investigate and make recommendations on the performance or exercise by a local authority of any of its functions, duties, or powers under this Bill:
- appoint 1 or more persons to exercise or perform all or any functions, duties, or powers in place of a local authority:
- direct a local authority to achieve an outcome specified by the Minister.

The Minister has powers to recommend the making of regulations on a range of matters where these are contemplated in the Bill, such as processes and procedures related to—

- fees and charges, including cost recovery:
- infringement offences and infringement fees:
- water permits and discharge permits:

- rules to be included in any natural environment plan or proposed natural environment plan:
- prescribing harmful substances or hazardous waste:
- criteria for the exercise of hearings:
- compliance and monitoring:
- prescribing long-lived infrastructure:
- freshwater farm plans and requirements for stock exclusion from water bodies:
- permit processing:
- emergency response and recovery:
- prescribing harmful substances or hazardous waste:
- anything this Bill says may or must be provided for by regulations.

Minister of Conservation

The Minister of Conservation will have the responsibilities, duties and powers that a regional council would have under the Bill in respect of coastal marine areas of specified offshore islands.

Minister responsible for aquaculture

The Minister responsible for aquaculture will have powers to recommend the making of regulations on several matters, including—

- amending provisions in operative plans relating to aquaculture activities in the coastal marine area:
- establishing rules for allocation of specified aquaculture-related authorisations:
- amending natural environment plans in relation to aquaculture activities and allocation processes.

In some cases, the Minister responsible for aquaculture may also direct regional councils to process and hear together applications for coastal permits to occupy space for aquaculture activities in the common marine and coastal area.

Ministry for the Environment

The chief executive of the Ministry for the Environment must produce a system performance report every 3 years. They may also undertake a strategic review of any aspect of the system under the Bill at the Minister's request or at the request of any entity performing or exercising functions, duties, or powers under the Bill, or on their own initiative.

Regional councils

Under the Bill, regional councils will have a general responsibility to enable and regulate the use, protection, and enhancement of the natural environment within their regions. These responsibilities must be in line with any direction provided via higher

order instruments, such as national instruments or the spatial plan. In undertaking their responsibilities, regional councils must regulate and manage—

- the quality and quantity of water and geothermal resources:
- the discharge of contaminants to land, air, or water:
- indigenous biodiversity:
- the coastal marine area, including coastal occupation:
- natural hazard risks as they relate to natural resources:
- soil conservation:
- the bed of any water body:
- the use of land where required for regulating the use of, and effects on, natural resources:
- the allocation of natural resources.

The functions of regional councils under the Bill are to—

- jointly make and maintain a spatial plan for the region with territorial authorities:
- set ecological health limits:
- make, maintain, and monitor the implementation and effectiveness of the natural environment plan for their region:
- regional councils will be the permit authority for their regions, will regulate and manage effects, and will undertake compliance monitoring and enforcement:
- regional councils are also responsible for keeping and maintaining certain records for each iwi and hapū within their regions.

Environmental Protection Authority

The Environmental Protection Authority (**EPA**) may perform compliance and enforcement functions when necessary or desirable to promote the purpose of this Bill. In some cases, the responsible Minister may delegate functions, duties, or powers to the EPA, such as deciding whether to intervene in the enforcement actions of a regional council.

Effects

The Bill introduces a more targeted and proportionate approach to managing effects by narrowing the scope of effects that are subject to assessment and regulation. Under the Bill, activities that will have a less than minor effect will not be considered, unless they contribute to a cumulative effect. The new system will also allow effects to be avoided, minimised or remedied where practicable, and offset and compensated for where appropriate. National instruments will be enabled to set out how effects should be managed in certain situations. Together a narrower scope of, and higher threshold

for, effects managed is intended to reduce the number of permits required by the system and enable a more permissive environment.

National instruments

National instruments will set out detailed objectives, policies, and standardised approaches for addressing national and regional priorities. National instruments will comprise the NPD and national standards.

Under the Bills, national instruments will be set by central government and implemented by local government through spatial plans and natural environment plans. Each Bill will have 1 corresponding NPD, which is intended to be a short, targeted document made up of objectives, policies, and directives that provide direction on the goals (such as environmental protection, economic growth, housing, and infrastructure), including how to manage conflicts between these matters. The NPD will be implemented through standardised direction (such as standard zones, overlays, rules, and methodologies) set out in national standards. This is intended to create greater consistency across the system by providing standard approaches to planning and environmental management.

Environmental limits

The Bill requires environmental limits to be set for air, freshwater, coastal water, land, and soil, and indigenous biodiversity. These limits are to protect both human health and the life-supporting capacity of the natural environment. There are two exceptions: no human health limit is to be set for indigenous biodiversity, and an ecosystem health limit is not compulsory for air quality.

The responsible Minister will set limits to protect human health, informed by Ministry of Health guidelines, through national standards. Regional councils will set ecological health limits in their natural environment plans following methods prescribed in national standards. The Bill enables the Minister to specify minimum levels for ecosystem health limits. If regional councils want to set less stringent limits for ecosystem health than a specified minimum level, then they must produce a justification report.

Allocation

Regional councils will be responsible for allocating natural resources through their natural environment plans. Natural resources can be allocated through permitted activities and permits granted in the order in which they are lodged with a council, as well as new allocation methods such as auctions, tenders, and comparative consenting. These new allocation methods cannot be used until they are introduced through national instruments. This is intended to make resource allocation more efficient, especially when resources are in short supply.

Natural resources that can be allocated include—

- the taking of water (including freshwater, geothermal, and coastal):
- heat or energy from water or the material surrounding geothermal water:

- discharges to air or water:
- occupation of space in the common marine and coastal area:
- natural materials such as sand, shingle, and shell in the beds of rivers and lakes owned by the Crown and the common marine and coastal area.

Combined regional plans

In the new system, there must be a combined plan for each region at all times. A combined regional plan consists of the regional spatial plan, a land use plan for each district in the region under the Planning Bill, and the natural environment plan for the region under this Bill.

Natural environment plan-making

Under the Bill, regional councils will be required to prepare and maintain a natural environment plan as part of the combined regional plan. The purpose of natural environment plans is to enable and regulate the use, protection, and enhancement of natural resources within a region, and to assist regional councils in carrying out their functions and responsibilities. The plan-making process is designed to ensure consistency with national instruments and the regional spatial plan while providing for local input.

Councils will have 2 options when choosing content for their plans. They may select from nationally standardised provisions to efficiently assemble the plan's content such as overlays and rules. They may also create bespoke provisions, which must be supported by a justification report explaining why a departure from the standardised approach is necessary. The parts of plans that contain bespoke provisions are subject to merits submissions and appeals. In contrast, nationally standardised provisions would not require submissions on the substance of those provisions, and a simpler evaluation report would be required.

These processes are intended to speed up plan-making processes when using standardised content, while providing for local variation when justified.

Regulatory relief

This Bill refers to the Planning Bill for provisions relating to regulatory relief. The Planning Bill will introduce a regulatory relief framework that requires councils to consider the impact of specified planning controls on landowners when they are developing plans. Access to regulatory relief in this Bill is limited to planning controls that—

- have a significant impact on the reasonable use of land; and
- relate to land-based indigenous biodiversity, significant natural areas, or sites of significance to Māori.

Permitting

Under the Bill, resource consents will be replaced by permits. Activity classification will be simplified into 4 categories: permitted, restricted discretionary, discretionary,

and prohibited activities. Each activity category will be subject to clear and distinct information and assessment requirements. Regional councils will be permit authorities whose permission is required to use a natural resource or undertake an activity for which a permit is required under the Bill. The new system will also only allow people who are materially affected to participate in the permitting process by raising the threshold for identifying someone as an affected person to more than minor. Applications will only be publicly notified when adverse effects are more significant and all affected persons cannot be identified, or the applicant requests it. This is intended to enable faster, cheaper, and more certain permitting while reducing the overall number of permits required by the system.

Planning Tribunal and the Environment Court

Planning Tribunal

The Planning Bill establishes a new Planning Tribunal, intended to provide for a faster, and more cost-effective, way of resolving certain, lower-level, disputes between system users and councils. This Bill enables people to access the Planning Tribunal for certain decisions made under the Bill. The Planning Tribunal is aimed at providing an additional accountability mechanism to help ensure that the new system delivers the desired shifts in planning practice. The Planning Tribunal will be established as a division of the Environment Court, with its own chairperson and pool of adjudicators.

Under this Bill, the key functions of the Planning Tribunal will include reviewing administrative decisions made in the processing of permits, for example, requests for further information, notification decisions, interpreting permit conditions, and being able to strike out permit conditions that are deemed to be out of scope of the system.

The Planning Tribunal will have streamlined processes to support the prompt resolution of matters. It will be able to confirm, modify, or quash the decision or aspect of decision being reviewed, or send matters back to a local authority for reconsideration. It will be empowered to regulate its own procedures. There will be a presumption that matters will be decided on the papers unless a hearing is considered necessary.

The Planning Tribunal will not have a role in hearing appeals on plans, designations and notified permits where there are third-party submitters, nor deal with enforcement matters. These will remain with the Environment Court due to the complexity and stakes involved of these appeals.

Environment Court

The Environment Court will continue to hear appeals on proposed plan and plan changes (although these are limited to points of law in relation to standardised provisions), appeals to notified permits or applications for reviews or changes of permit conditions where there are submitters on the applications. The Environment Court will also hear appeals on designations, and merits appeals on bespoke provisions in natural environment plans, as well as appeals on decisions of the Planning Tribunal on points of law and the issue of abatement notices. The Environment Court may also

issue enforcement orders. The ability for the Environment Court to consider direct referrals and nationally significant proposals will be removed from the system.

Māori interests and the Treaty of Waitangi

The Bill contains a goal to provide for Māori interests through Māori participation in the development of the NPD and plans, the identification and protection of sites of significance, enabling the development and protection of identified Māori land. Policies for this goal will be set through the NPD, which The Bill includes a descriptive Treaty clause that sets out how the Crown's responsibilities under the Treaty of Waitangi are provided for in the Bill through listed provisions. These include requirements to notify and consult iwi authorities during the development of national instruments and plans that councils will have to implement when developing plans.

The Bill includes provisions that address how Treaty settlement redress, Ngā hapū o Ngāti Porou arrangements, and Marine and Coastal Area Act 2011 rights interact with the new system, as follows:

- provisions that provide for statutory acknowledgement redress in the new system; and
- a provision that commits the Crown to work with post-settlement governance entities, and Ngā Hapū o Ngāti Porou, to seek agreement on how their Treaty settlement redress or arrangement will operate in the new system with the same or equivalent effect to the greatest extent possible; and
- before any agreement is reached, a provision that requires those exercising or performing powers, functions, or duties to give an effect that is the same, or equivalent, to the greatest extent possible as the effect the redress or arrangement has in relation to the RMA; and
- provisions that ensure that the rights available under the Marine and Coastal Area (Takutai Moana) Act 2011 are maintained in the system.

The Bill contains a clause clarifying (for the avoidance of doubt) that the Bill does not create or transfer any proprietary right or interest or extinguish or determine any customary right or interest that may exist in freshwater or geothermal resources.

These provisions are intended to provide more certainty for all users of the system about how Māori interests and the Treaty of Waitangi are provided for.

Compliance monitoring and enforcement

The Bill retains and strengthens core compliance and enforcement components of the RMA. These are intended to prevent adverse effects and remedy harm that occurs, support information gathering to inform decision-making, enable a range of accountability mechanisms, and enable effective administration of compliance and enforcement and cost recovery.

Regional councils will be responsible for monitoring compliance with standards, rules, and permits and are enabled set charges to fund these responsibilities. They must respond proportionately, consistently, and reasonably to non-compliance using

the powers and enforcement tools available to them under the Bill. Responding to non-compliance must be done in a way that gives effect to the purpose, goals, and procedural principles of the Bill. Regional councils must prepare and publish a compliance and enforcement strategy in accordance with the requirements set out in this Bill.

If necessary or desirable to promote the purpose of the Bill, the EPA may also perform some enforcement functions, including—

- taking any enforcement action where the local authority is not taking an enforcement action for the same incident:
- assisting the local authority with an enforcement action in relation to an incident and any subsequent action:
- intervening in, and taking over, a local authority's enforcement action:
- taking enforcement action against a regional council.

System monitoring and performance

Regional councils, the Minister, and the chief executive of the Ministry for the Environment all have system monitoring responsibilities under this Bill. Monitoring is expected to support continuous improvement in plan-making and implementation and will inform future plan reviews. The monitoring processes in the new system are designed to support the system performance and stewardship functions.

Regional councils

Regional councils are responsible for monitoring the whole or any part of the region as far as is appropriate to effectively carry out their functions and responsibilities under the Bill. This is intended to ensure that natural environment plans are implemented as intended, and that plan outcomes are tracked over time. Regional councils' monitoring must include—

- the efficiency and effectiveness of limits, rules, or other methods in the regional plan:
- the performing or exercise of any functions and responsibilities under its plan or delegated or transferred by the regional council:
- the efficiency and effectiveness of processes used by the council:
- the exercise of permits in its region:
- the exercise of protected customary rights in the region, including any controls imposed on the exercise of that right under the Marine and Coastal Area (Taketaitai Moana) Act 2011:
- the implementation and effectiveness of any water conservation orders in the region.

Regional councils also have a duty to compile and publish a review of the results of monitoring undertaken no less than every 5 years.

Minister

The Minister is responsible for monitoring—

- the performance of the system, including monitoring the functions, duties, and powers performed or exercised by any person under this Bill:
- the implementation and effect of this Bill, regulations under it, the NPD, and national instruments:
- the relationship between the functions, powers, and duties of central government and local government:
- any significant land use matter as the Minister sees fit.

The Minister may investigate and make recommendations on councils' actions under this Bill. Where a council fails to perform or exercise any of their functions, duties, or powers under the Bill, the Minister may appoint 1 or more persons to perform do so instead.

Ministry for the Environment

The chief executive must prepare and maintain a system performance framework under this Bill. The purpose of the framework is to maintain regular strategic oversight of the system by—

- improving understanding of whether and to what extent legislative and system outcomes are achieved:
- enabling continuous evidence-based improvements to the operation and implementation of the system:
- supporting continuous improvement in the way in which the legislation is implemented:
- establishing a process to identify and respond to emerging system-wide issues, including national direction outcomes.

In consultation with the Minister, the chief executive must set out key performance indicators for the framework. The chief executive may collect data from any entity that performs or exercises functions, duties, or powers under the Bill.

The chief executive must produce a system performance report every 3 years. This must provide advice on interventions within and outside the control of regional councils to manage environmental limits in an efficient and effective way, and whether additional government intervention is recommended. The chief executive must provide this report to the Minister as soon as practicable and make it publicly available.

Departmental disclosure statement

The Ministry for the Environment is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2025&no=234>

Regulatory impact statement

The Ministry for the Environment produced a regulatory impact statement to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact statement can be found at—

- <https://environment.govt.nz/assets/publications/MfE-RIS-Replacing-the-RMA.pdf>
- <https://www.regulation.govt.nz/our-work/regulatory-impact-statements/>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. It provides that the Bill comes into force on the day that it receives Royal assent with the exception of the provisions specified in *clause 2(1)*, which come into force on the specified transition date (as defined in *clause 4(5) of Schedule 1 of the Planning Bill*).

Part 1

Preliminary provisions

Clause 3 defines terms used throughout the Bill.

Clause 4 states that the purpose of the Bill is to establish a framework for the use, protection, and enhancement of the natural environment.

Clause 5 and Schedule 1 provide for transitional, savings, and related provisions.

Under *clause 6*, the Bill binds the Crown. This clause also outlines instances when the Crown is not subject to the Bill.

Clauses 8 to 10 provide for the Crown's responsibilities in relation to the Treaty of Waitangi/te Tiriti o Waitangi (the **Treaty**) and for the treatment of existing Treaty redress or arrangements.

Part 2

Foundations

Subpart 1—Core provisions

Clause 11 sets out the goals that all persons exercising or performing functions, duties, or powers under this Bill must seek to achieve.

Clauses 12 to 15 set out the following:

- the hierarchy of key instruments:

- procedural principles for exercising or performing functions, duties, or powers under this Bill;
- the effects of an activity that are outside the scope of the Bill;
- requirements relating to consideration of adverse effects of an activity.

Subpart 2—Duties and restrictions

Clause 16 defines references to rules for the purpose of *subpart 2*.

Clauses 17 to 24 set out restrictions relating to—

- the use of land, the coastal marine area, and beds of rivers and lake; and
- water; and
- discharges of contaminants and other harmful substances.

Clause 25 provides for a person to lawfully carry out certain existing activities that would otherwise contravene a rule in a proposed plan.

Clause 26 sets out a duty to avoid, minimise, and remedy adverse effects arising from an activity.

Clause 27 provides that certain legal requirements are not affected by this Bill.

Subpart 3—Key instruments

Clause 28 summarises the purpose of each of the following key instruments:

- national policy direction;
- national standards;
- regional spatial plans;
- natural environment plans;
- regional combined plans.

Clauses 29 to 31 define key instrument terms and their application.

Clauses 32 to 39 provide for the classification of an activity as—

- a permitted activity; or
- a restricted discretionary activity; or
- a discretionary activity; or
- a prohibited activity.

Clauses 40 to 44 set out the relationship between national rules and rules in a land use plan or proposed plan that has legal effect, natural resource permits, water conservation orders, and bylaws.

Subpart 4—Environmental limits

Clause 45 defines terms used throughout this subpart, including environmental limit.

Clauses 46 to 50 go into further detail on what environmental limits, human health limits, and ecosystem health limits are, their purpose, and why they are required.

Clauses 51 to 57 provide for how environmental limits, human health limits, and ecosystem health limits must be set.

Clause 58 and 59 require national standards to set management units or methodologies in relation to a domain or an attribute associated with an environmental limit.

Clauses 60 to 65 set out requirements for action plans and caps on resource use

Clause 66 requires regional councils to avoid breaching an environmental limits.

Clause 67 sets out requirements for managing a breach of an environmental limit.

Subpart 5—National instruments

Clauses 68 to 76—

- outline the role and application of national instruments:
- cover procedural matters when making and approving a national instrument, incorporating material by reference into a national instrument, and withdrawing a proposed national instrument:
- require regional councils to implement a national instrument:
- specify that national instruments may direct plan provisions in land use plans and may provide for transitional matters.

Clauses 77 to 81 set out—

- the requirement for a national policy direction:
- the purpose of a national policy direction:
- the required content of a national policy direction:
- the function of a national policy direction in respect of goals in this bill and the Planning Bill.

Clauses 82 to 87 set out—

- the requirement for a national standards:
- the purpose of national standards:
- what national standards can do:
- a requirement for the Minister to use all reasonable endeavours to ensure that national standards enable use of natural resources to occur only within environmental limits.

Clause 88 provides restrictions on national rules that control fishing.

Clause 89 requires national standards that are national rules to be clearly identified as such. The Minister for the Environment (the **Minister**) may amend national standards without the full process as specified in *clause 90*.

Part 3

Combined plan and other matters

Clause 91 provides that the combined plan requirements set out in clauses 63 and 64 of the Planning Bill apply to this Bill (*clause 1*).

Subpart 1—National environment plans

Clauses 92 to 97 set out the core requirements for making natural environment plans, including their purpose, standardised and bespoke provisions, and core obligations when preparing and deciding natural environment plans. Each region must have 1 natural environment plan. Schedule 3 of the Planning Bill applies with modifications.

Clauses 98 to 108 provide for certain types of provisions used in natural environment plans and for the different types of rules that can be included.

Clause 109 sets out when a method in a land use plan may provide an incentive to a land owner to undertake an activity.

Clauses 110 to 114 set out the requirements for evaluation reports and justification reports required under *Schedule 3*.

Clause 115 and Part 4 of Schedule 3 set out obligations relating to regulatory relief.

Clause 116 requires regional councils to review provisions in a natural environment plan at least once every 10 years.

Clause 117 to 122 provide for other matters relating to natural environment plans.

Subpart 2—Coastal matters, water conservation orders, and freshwater farm plans

Clause 123 and Schedule 3 set out provisions relating to coastal matters.

Clause 124 and Schedule 4 set out provisions relating to water conservation orders.

Clause 125 and Schedule 5 set out provisions relating to freshwater farm plans.

Part 4

Natural resource permits

Clause 126 provides for how to apply the Planning Bill to provisions of this Part.

Subpart 1—Types of permit

Clauses 127 and 1282 define terms related to permits and wildlife approval, including a coastal permit, a discharge permit, a land use permit, and a water permit.

Subpart 2—Applying for natural resource permit

Clauses 129 to 137 provide for general requirements when applying for a natural resource permit.

Clauses 138 and 139 set out permit processing time limits and excluded time periods.

Clauses 140 to 143 provide for when a permit authority may request further information for an application and a report relating to an application.

Subpart 3—Notification, submissions, and hearings

Clauses 144 to 149 set out the process for a permit authority to provide either public notification or targeted notification of an application for a natural resource permit.

Clauses 150 and 151 define protected customary rights group and affected customary marine title group.

Clauses 152 provides for who can make a submission on applications depending on how they were notified, as well as other procedural matters.

Clause 153 applies provisions of the Planning Bill in relation to the conduct of hearings in relation to natural resource permit application.

Subpart 4—Consideration of application and decision

Clauses 154 to 167 set out the matters that apply when a permit authority considers a natural resource permit application.

Subpart 5—Conditions and other requirements for decisions

Clauses 168 to 171 set out natural resource permit conditions and *clauses 172 and 173* provide for appeals to the Environment Court.

Subpart 6—Nature of permits, commencement, duration and review

A natural resource permit is neither real nor personal property (*clause 174*).

Clauses 175 to 177 set out when a natural resource permit commences. *Clause 175* applies commencement provisions in the Planning Bill to this Bill.

Clauses 178 to 185 provide for the duration, lapse, and cancellation of natural resource permits. *Clause 181* applies duration provisions in the Planning Bill to this Bill.

Clauses 186 to 192 provide for a permit authority to review permit applications.

Clauses 193 to 197 provide for the transfer and surrender of relevant permits.

Clause 198 provides special provisions relating to coastal permits for dumping and incineration.

Clauses 199 to 202 set out processes that relate to activities that do not require a planning consent.

Clause 203 provides that further provisions relating to reclamation are set out in Part 5 of Schedule 6 of the Planning Bill.

Subpart 7—Allocation

This subpart provides for when a market-based allocation process (*clauses 204 to 207*) or a comparative consenting process (*clauses 208 to 214*) may be applied to a natural resource permit application.

Part 5

Key roles

Subpart 1—Functions and powers of central and local government

Clauses 215 to 218 set out the Minister's functions and powers under this Bill and the Planning Bill.

Clause 219 empowers any Minister of the Crown to delegate any of that Minister's functions, powers, or duties under this Bill to the chief executive of that Minister's department. For exceptions, *see clause 219(1)(a) to (i)*.

The Minister of Conservation has the powers and responsibilities of a regional council or territorial authority in regards to specified islands (*clause 220*).

Subpart 2—Functions, powers, and responsibilities of regional councils

Clauses 221 to 224 sets out regional councils' responsibilities and functions, including in relation to natural resources.

Clauses 225 to 228 set out regional councils' statutory acknowledgment and record keeping obligations.

Under *clauses 229 and 230*, a local authority may fix administrative charges.

Subpart 3—Transfer and delegation of powers

Clause 231 defines public authority and unitary authority for the purposes of this subpart.

Clauses 232 to 239 provide for a regional council to transfer or delegate any of its functions, powers, or responsibilities and to enter into a joint management agreement.

Subpart 4—System performance

Clause 240 applies provisions in the Planning Bill in relation to monitoring the performance of the system under this Bill.

Subpart 5—Environment Court and Planning Tribunal

Clause 241 and Schedule 10 of the Planning Bill set out provisions that apply to the Planning Tribunal, its establishment, and its proceedings.

Clause 242 and Schedule 9 of the Planning Bill set out provisions that apply to the Environment Court and its proceedings.

Part 6

Enforcement and other matters

Subpart 1—Enforcement

A person has a duty to give certain information to an enforcement officer under *clause 243*.

Clause 244 provides for a local authority to authorise certain persons to carry out the functions and powers of an enforcement officer under this Bill.

Clauses 245 to 252 set out the enforcement functions of the Environmental Protection Authority (EPA).

Clause 253 requires all proceedings under this Part to be heard by an Environment Judge sitting alone or by the Environment Court, with some exceptions (*see clause 253(2) to (4)*).

Clauses 254 to 257 provide for declarations, *clauses 258 to 265* for enforcement orders, *clauses 266 to 271* for abatement notices, and *clause 272* for water shortage directions.

Clause 273 imposes restrictions on certain applications for enforcement orders and abatement notices.

Clauses 274 to 277 provide for an enforcement officer's powers of entry and search.

Clauses 278 to 296 cover—

- offences (*clause 278*);
- limitation periods for offences and pecuniary penalties (*clause 279*);
- penalties, defences, and matters relating to fines (*clauses 280 to 287*);
- infringement offences (*clauses 288 to 296*).

Clause 297 provides for further enforcement matters set out in *Schedule 8 of the Planning Bill*.

Clause 298 requires local authorities to prepare a compliance and enforcement strategy.

Clauses 299 requires local authorities or the EPA to publish information about their functions, duties, and powers and *clause 300* imposes a duty on the chief executive to ensure the Ministry issues enforcement guidance to assist local authorities and the EPA.

Subpart 2—Emergency works

Clauses 301 to 306 provide for undertaking emergency works.

Subpart 3—Regulations

Clauses 307 to 315 empower the making of regulations, including regulations that relate to the allocation of the use of natural resources and regulations that prescribe a natural resource levy.

Subpart 4—Miscellaneous

Clauses 316 to 337 provide for miscellaneous matters including waivers and extending time limits (*clauses 319 to 320*), continuing the Crown's existing rights to resources (*clause 326*) unlawful reclamations (*clauses 329 and 330*), and levy collec-

tion and spending (*clauses 333 to 335*), amendments to other legislation (*clause 336*), and hearings and protection of sensitive information (*clause 337*).

Schedules

There are 8 schedules, providing for matters relevant to the Bill as follows:

- *Schedule 1* applies the transitional, savings, and related provisions set out in *Schedule 1 of the Planning Bill*:
- *Schedule 2* describes the information that is required to support natural resource permit applications:
- *Schedule 3* sets out provisions relating to coastal matters:
- *Schedule 4* sets out provisions relating to water conservation orders:
- *Schedule 5* sets out provisions relating to freshwater farm plans:
- *Schedule 6* sets out a list of the Acts that include a statutory acknowledgement as part of the redress provided in Treaty of Waitangi settlements:
- *Schedule 7* sets out the amendments to other legislation required as a result of the changes proposed by this Bill.

Hon Chris Bishop

Natural Environment Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Natural Environment Act **2025**.

2 Commencement

- (1) This Act comes into force on Royal assent except as provided under **subsection (2)**. 5
- (2) The following provisions come into force on the specified transition date:
 - (a) **subpart 2 of Part 2** (duties and restrictions):
 - (b) **section 60** (tools for managing resources to which environmental limits apply): 10
 - (c) **section 120** (regional councils to comply with and enforce natural environment plans):
 - (d) **subpart 2 of Part 3** (coastal matters, waiter conservation orders, freshwater farm plans):
 - (e) **Part 4** (natural resource permits): 15
 - (f) the following provisions of **Part 5**: relating to key roles:
 - (i) section 215(c) (functions of Minister); and
 - (ii) sections 221, 222 (but not subsection (1)(a) and (b)(i)), 223, 224, and 226 (regional councils); and
 - (iii) **sections 241 and 242** (Planning Tribunal and Environment Court): 20
 - (g) **subpart 1 of Part 6** (enforcement):
 - (h) **sections 301 to 304** (emergency works):
 - (i) **sections 316, 322, 323, 328 to 330, and 332 to 335** (miscellaneous matters): 25
 - (j) **Schedules 2, 4, 5, and 7** (information for permit applications, water conservation orders, freshwater farm plans, amendments to other legislation):
 - (k) **Schedule 3 except for clauses 4 to 6** (coastal matters).

- (3) In this section, **specified transition date**, has the meaning given in **clause 4(5) of Schedule 1 of the Planning Act 2025**.

Part 1

Preliminary provisions

3	Interpretation	5
	In this Act, unless the context otherwise requires,—	
	abatement notice means a notice served under section 266	
	agent or agent of the ship , in relation to a ship, means—	
	(a) any agent in New Zealand of the owner of the ship; or	
	(b) any agent of the ship	10
	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	
	aquaculture activities —	
	(a) means any activity described in section 18 done 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	15
	(b) includes the taking of harvestable spat if the taking involves the occupation of a coastal marine area; but	20
	(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	25
	(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 area means an area—	30
	(a) described and defined in a <i>Gazette</i> notice under section 44(3) or (6) of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004, including any amendments made to the area under section 44N of that Act; or	
	(b) that is deemed to be a <i>Gazetted</i> aquaculture area under section 44M of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004, including any amendments made to that area under section 44N of that Act	35

aquaculture decision has the meaning given in section 186C of the Fisheries Act 1996

aquaculture settlement area has the meaning given in section 4 of the Maori Commercial Aquaculture Claims Settlement Act 2004

aquatic life has the meaning given in section 2(1) of the Fisheries Act 1996 5

bed,—

- (a) in relation to a river, means the space of land that the waters of the river cover at its fullest flow without overtopping its banks; and
- (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 highest level without exceeding its margin; and 10
- (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 15

bespoke plan provision—

- (a) means a plan provision that is not a standardised plan provision; and
- (b) includes a plan provision authorised by a national instrument in accordance with **section 72(1)(b)** 20

best practicable option, in relation to discharge of a contaminant, means the best method for preventing or minimising the adverse effects on natural resources having regard, among other things, to—

- (a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and 25
- (b) the financial implications, and the effects on natural resources, 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

biophysical means relating to biotic or abiotic physical features 30

certificate of compliance means a certificate granted by a permit authority under **section 200**

change request means a request under **clause 49 of Schedule 3 of the Planning Act 2025** by a person (other than the regional council) for a change to a natural environment plan 35

chief executive means the chief executive of the department

coastal marine area means the foreshore, seabed, and coastal water, and the air space 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 in 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

coastal water means seawater within the outer limits of the territorial sea, including—

- (a) seawater with a substantial component of freshwater; and
- (b) seawater within estuaries, fiords, inlets, harbours, or embayments

commercial fishing has the meaning given in section 2(1) of the Fisheries Act 1996

common marine and coastal area has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

comparative permitting process means the permitting process that includes a comparison of the merits of competing applications described in **sections 208 to 214**

conditions, in relation a national environment plan or a permit, includes terms, standards, restrictions, and prohibitions

contaminant includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms), energy (excluding noise), and heat that by itself or in combination with the same, similar, or other substances, energy, or heat,—

- (a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of the water; or
- (b) when discharged onto or into land, or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged

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

determination, in relation to aquaculture activities, has the meaning given in section 2(1) of the Fisheries Act 1996

discretionary activity means an activity to which **section 10(4)** applies

discharge includes emit, deposit, and allow to escape

district, in relation to a territorial authority, means the district of the territorial authority as defined in accordance with the Local Government Act 2002 but does not include any area in the coastal marine area 5

dumping means,—

- (a) in relation to waste or other matter, its deliberate disposal; and
- (b) in relation to a ship, an aircraft, or an offshore installation, its deliberate disposal or abandonment, but does not include the disposal of waste or other matter incidental to, or derived from, the normal operations of a ship, aircraft, or offshore installation if— 10
 - (i) those operations are prescribed as the normal operations of a ship, aircraft, or offshore installation; or 15
 - (ii) the purpose of those operations does not include the disposal, or the treatment or transportation for disposal, of that waste or other matter

ecosystem health limit means an environmental limit to protect the life supporting capacity of the natural environment 20

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 25
 - (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 30

enforceable undertaking means an undertaking accepted by a local authority or the EPA under **clause 23 of Schedule 8 of the Planning Act 2025** as applied by **section 297** of this Act

environmental limit means— 35

- (a) a limit set for protecting human health (**human health limit**); or
- (b) a limit set to protect the life supporting capacity of the natural environment (**ecosystem health limit**); or

- (c) unless the context otherwise requires, includes any interim limit that is included in a natural environment plan under **section 65**

Environmental Protection Authority or **EPA** means the Environmental Protection Authority established by section 7 of the Environmental Protection Authority Act 2011

5

esplanade reserve has the meaning given in **clause 1 of Schedule 7 of the Planning Act 2025**

esplanade strip has the meaning given in **clause 1 of Schedule 7 of the Planning Act 2025**

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

10

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

15

existing use certificate means a certificate issued under **section 137**

fish has the meaning given in **section 2(1) of the Fisheries Act 1996**

fisheries resources has the meaning given in **section 2(1) of the Fisheries Act 1996**

20

fishing has the meaning given in **section 2(1) of the Fisheries Act 1996**

foreshore means any land covered and uncovered by the flow and ebb of the tide at mean spring tides and, in relation to any such land that forms part of the bed of a river, does not include any area that is not part of the coastal marine area

25

geothermal energy means energy derived or derivable from, and produced within, the earth by natural heat phenomena, and includes geothermal water

geothermal water means water heated within the earth by natural phenomena to a temperature of 30 degrees Celsius or more; and includes all steam, water, and water vapour, and every mixture of all or any of them that has been heated by natural phenomena

30

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

human health limit means an environmental limit for the purpose of protecting human health

35

incineration, in relation to waste or other matter, means its deliberate combustion for the purpose of its thermal destruction

infrastructure design solution means an infrastructure design solution made under section 139C of the Water Services Act 2021

40

interim enforcement order means an order made under **section 264**

internal waters has the meaning given in section 4 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977

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): 5
- (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): 10
- (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— 15
 - (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 20
 - (ii) is owned by—
 - (A) the persons who beneficially owned that land immediately before it ceased to be 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): 25
- (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 30
 - (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 35
 - (ii) by the exercise of rights under a Treaty settlement:
- (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

independent hearings panel or **panel**, in relation to a proposed natural environment plan or private plan change, means the independent hearings panel assigned to that proposed plan or plan change under **clause 21 of Schedule 3 of the Planning Act 2025** as applied by **section 94** of this Act 5

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— 10

(a) means legislation that provides a role for iwi or hapū in processes under this Act, the Resource Management Act 1991, or the **Planning Act 2025**, including—

(i) a Treaty settlement Act; and

(ii) Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019; but 15

(b) does not include this Act, the **Planning Act 2025**, or secondary legislation made under either

kaitiakitanga means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources 20

lake means a body of fresh water that is entirely, or nearly, surrounded by land **land**—

(a) includes land covered by water and the airspace above the land; but

(b) in a national rule, rule in a natural environment plan, or rule in a proposed plan, does not include the bed of a lake or river 25

legal effect, in relation to a rule in a proposed natural plan, means legal effect in accordance with **clause 58 of Schedule 3 of the Planning Act 2025**

local authority—

(a) means a regional council or territorial authority; and

(b) includes a unitary authority 30

long-lived infrastructure means—

(a) pipelines that distribute or transmit natural or manufactured gas:

(b) a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001:

(c) facilities for the generation of electricity: 35

(d) any part of the electricity network:

(e) structures, facilities, or infrastructure for transport by any means (for example, cycleways, walkways, roads, rail, bridges, or ports):

- (f) facilities for the loading or unloading of cargo or passengers transported by any means:
- (g) any infrastructure that regulations made under **section 307** prescribe as long-lived infrastructure

mahinga mātaītai means the areas from which food resources are gathered 5

mana whenua means customary authority exercised by an iwi or hapū in an identified area

management unit means a defined geographic area within which an environmental limit applies

Maritime New Zealand means the authority continued by section 429 of the Maritime Transport Act 1994 10

market-based allocation process means a process that—

- (a) involves competing offers, such as an auction, tender, or other process for determining how to allocate a right to apply for a natural resource permit; and 15
- (b) manages demand for a natural resource through a competitive pricing process; and
- (c) provides a successful participant with an exclusive right to apply for a permit, or an authorisation for the purpose of any preferential rights held by iwi, to undertake a natural resource use activity 20

master in relation to any ship, has the meaning given in section 2(1) of the Maritime Transport Act 1994

method, in relation to a key instrument, has the meaning given in **section 29(4)**

mineral has the meaning given in section 2(1) of the Crown Minerals Act 1991 25

mining has the meaning given in section 2(1) of the Crown Minerals Act 1991

mouth, for the purpose of defining the landward boundary of the coastal marine area, means the mouth of the river,—

- (a) either—
 - (i) as agreed and set by the Minister of Conservation, the regional council, and the appropriate territorial authority in the period between consultation on, and notification of, the proposed plan or plan change; or 30
 - (ii) as declared by the Environment Court under **section 254** upon application by the Minister of Conservation, the regional council, or the territorial authority before the plan or plan change becomes operative; and 35

- (b) once agreed and set or declared, must not be changed, varied, or altered unless the Minister of Conservation, the regional council, and the appropriate territorial authority agree

natural instrument means a national policy direction or a national standard

natural rule means a rule in a national standard that does not require inclusion in a natural environment plan to take effect 5

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 environment includes,— 10

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

natural environment plan or plan— 15

- (a) means a natural environment plan prepared by a regional council in accordance with **Schedule 3 of the Planning Act 2025** that is operative; and
- (b) includes any provision of a natural environment plan that is operative, even if other provisions of a relevant proposed plan or private plan change are not yet operative 20

natural hazard—

- (a) means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment; and 25
- (b) includes the effects of climate change on any of those occurrences

natural resources includes—

- (a) all of the following: 30
 - (i) air; and
 - (ii) water, including freshwater, coastal water, and geothermal water; and
 - (iii) land (to the extent that it is not provided for or managed under the **Planning Act 2025**); and 35
 - (iv) soil; and
 - (v) minerals; and
 - (vi) plants and animals; and

- (vii) indigenous biodiversity; and
- (b) ecosystems and their constituent parts
- natural resource permit** has the meaning given in **section 127**
- natural resource use activity** means an activity that involves the allocation of natural resources described in **section 223** 5
- noise** includes vibration
- occupier** means the inhabitant occupier of any property
- occupy**, in relation to the coastal marine area, means the activity of occupying any part of the coastal marine area—
- (a) where the occupation is reasonably necessary for another activity; and 10
- (b) where the occupation is to the exclusion of any persons or class of persons not expressly allowed to occupy that part of the coastal marine area under a rule in a natural environment plan or by a natural resource permit; and
- (c) where a lease or licence to occupy that part of the coastal marine area would be necessary to give effect to the exclusion of other persons, whether in a physical or legal sense, but for a rule in the plan or the holding of a natural resource permit under this Act 15
- offshore installation** has the same meaning as in section 222(1) of the Maritime Transport Act 1994 20
- oil transfer site** has the same meaning as in section 281 of the Maritime Transport Act 1994
- objective**, in relation to a key instrument, has the meaning given in **section 29(1)**
- operative**, in relation to a natural environment plan or provision in a natural environment plan, means the plan or provision— 25
- (a) has become operative in terms of **clause 45 of Schedule 3 of the Planning Act 2025** or is treated as operative in accordance with **clause 61** of that schedule; and
- (b) has not ceased to be operative 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 35
- (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 same meaning as in section 222(2) of the Maritime Transport Act 1994

permit authority means the regional council or territorial authority whose permission is required to carry out an activity for which a permit is required under this Act

5

permitted activity means an activity to which **section 33(2)** applies

permitted activity rule means a national rule or rule in a natural environment plan that sets conditions for carrying out a permitted activity

person includes the Crown, a corporation sole, and also a body of persons, whether corporate or unincorporate

10

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 natural environment plan proposed by a regional council:
 (b) a change request adopted by a regional council under **clause 50(1)(a) of Schedule 3 of the Planning Act 2025**

15

planning consent means a planning consent under the **Planning Act 2025**

plan provision means a provision of a natural environment plan or proposed natural environment plan

policy, in relation to a key instrument, has the meaning given in **section 29(2)**

20

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

25

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 regional council has decided (under **clause 51(1)(b) of Schedule 3 of the Planning Act 2025**) to process as a private plan change, if it has been notified for submissions but has not become operative

30

prohibited activity means an activity to which **section 34** applies

proposed natural environment plan or proposed plan—

35

- (a) means any of the following instruments, if the instrument has been notified for submissions but have not become operative:
 (i) a natural environment plan proposed by a regional council:

- (ii) a change to an operative natural environment plan proposed by a regional council:
 - (iii) a change request adopted by a regional council under **clause 51(1)(a) of Schedule 3 of the Planning Act 2025**; 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 of the Planning Act 2025**; but
 - (c) excludes a private plan change
- prospecting** has the meaning given in section 2(1) of the Crown Minerals Act 1991
- 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
- protected customary rights group** has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011
- protected customary rights order** has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011
- qualifying resident**, in relation to a region, 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 region:
 - (b) a person that provides infrastructure within the region:
 - (c) a natural person whose main place of residence is within the region:
 - (d) a person, other than a natural person, that has an office, or operates, in the district
- 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 spatial plan made for a region under the **Planning Act 2025**
- regulations** means regulations made under this Act
- remove any sand, shingle, shell, or other natural material** means to take any of that material in such quantities or in such circumstances that, but for a national rule or the rule in a natural environment plan or the holding of a nat-

ural resources permit, it would be necessary to hold a licence or profit à prendre

renewable energy activity—

- (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 5
- (b) a supporting and subsidiary activity in relation to an activity described in **paragraph (a)**

residential unit—

- (a) means a building or part of a building that is used for a residential activity exclusively by 1 household; and 10
- (b) includes sleeping, cooking, bathing, and toilet facilities

restricted discretionary activity means an activity to which **section 33(3)** applies

river— 15

- (a) means a body of freshwater that is continuously or intermittently flowing; and
- (b) includes a stream and modified watercourse; but
- (c) does not include an artificial watercourse, including an irrigation canal, a water supply race, a canal for the supply of water for electric power generation, a farm drainage canal, or any other artificial watercourse 20

rule has the meaning given in **section 31**

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— 25
 - (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,— 30
 - (i) a rule that restricts the release of noise, odours, or harmful substances; or
 - (ii) a rule that relates to anchoring, navigation, or vessels

seaweed has the meaning given in section 2(1) of the Fisheries Act 1996

ship has the meaning given in section 2(1) of the Maritime Transport Act 1994 35

significant non-compliance, in relation to non-compliance with an abatement order, enforcement order, infringement notice, or 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 human health or natural resources or people that is serious enough to warrant attention and further action from regulatory bodies and relevant authorities

special tribunal means a special tribunal appointed under **clause 5 of Schedule 4** to hear an application for a water conservation order 5

specified topic means any of the following topics:

- (a) a significant natural area:
- (b) a site of significance to Māori:
- (c) terrestrial indigenous biodiversity

standardised plan provision means a plan provision described in **section 95** 10
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 6**

statutory area means the area subject to a statutory acknowledgement, as 15
defined in the relevant legislation listed in the **Schedule 6**

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 20

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 natural resource permit, means notification given in accordance with **section 146(3) or (5)**

territorial authority has the meaning given in section 5(1) of the Local Government Act 2002 25

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 30
word Treaty as defined in section 2 of the Treaty of Waitangi Act 1975

tikanga Māori means Māori customary values and practices

Treaty settlement means—

- (a) a Treaty settlement Act; or
- (b) a Treaty settlement deed 35

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: 5
 - (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: 10
 - (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— 15
 - (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 20
- (c) does not include an agreement in principle or any document that is preliminary to a signed and ratified deed 25

use, in relation to a use of land, means— 25

- (a) to alter, demolish, erect, extend, place, reconstruct, remove, or use a structure or part of a structure in, on, under, or over land:
- (b) to drill, excavate, tunnel, or disturb land in a similar way:
- (c) to damage, destroy, or disturb the habitats of plants or animals in, on, or under land: 30
- (d) to deposit a substance in, on, or under land:
- (e) to enter onto or pass across the surface of water in a lake or river
- (f) any other use of land

variation means an amendment to a proposed natural environment plan by a regional council under **clause 42 of Schedule 3 of the Planning Act 2025** 35

wāhi tapu has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014

waste or other matter means materials and substances of any kind, form, or description

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: 5

- (a) an infrastructure design solution:
- (b) a stormwater environmental performance standard:
- (c) a wastewater environmental performance standard

water—

- (a) means water in all its physical forms whether flowing or not and whether over or under the ground: 10
- (b) includes fresh water, coastal water, and geothermal water:
- (c) does not include water in any form while in any pipe, tank, or cistern

water body means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area 15

water conservation order has the meaning given in **clause 2 of Schedule 4**

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 20
- (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. 25

4 Purpose

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

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. 30

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 that—
 - (a) is a use of land within the meaning of **section 17**; and 35

- (b) the Minister of Defence certifies is necessary for reasons of national security.
- (3) **Section 17 of the Planning Act 2025** 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— 5
- (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. 10
- (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 may be served or issued against an instrument of the Crown, in accordance with this Act, only if— 15
- (a) it 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— 20
- (a) it 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. 25
- (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 (8)**; and
- (b) the notice is served against the Crown organisation in its own name. 30
- (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 35
- (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). 5
- (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— 10
 - (a) serving or issuing an abatement notice against it; and
 - (b) making an enforcement order against it; and
 - (c) serving an infringement notice on it; and
 - (d) enforcing an abatement notice, enforcement order, or infringement notice in relation to it. 15
- (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
 - (b) have an enforcement order made against it; or
 - (c) be served with an infringement notice; or 20
 - (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: 25
 - (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)**. 30
- (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,— 35

Māori interests goal

- (a) **section 11** provides for Māori interests through—
- (i) Māori participation in the development of national instruments, spatial planning, and land use plans; and
 - (ii) the identification and protection of sites of significance to Māori (including, wāhi tapu, water bodies, or sites in or on the coastal marine area); and 5
 - (iii) enabling the development and protection of identified Māori land:

Process for making national instrument

- (b) **section 70** requires the Minister to consult with iwi authorities before publicly notifying a proposed national instrument: 10

Natural environment plans

- (c) in relation to natural environment plans,—
- (i) **clause 97(4)(b)** requires regional councils to have regard to any statutory acknowledgement, and relevant planning document recognised by an iwi authority, when preparing and deciding a natural environment plan; and 15
 - (ii) **clause 3 of Schedule 3 of the Planning Act 2025** requires regional councils to prepare and change their natural environment plans in accordance with any applicable iwi participation legislation, any agreement under that legislation, and any existing or initiated Mana Whakahono ā Rohe; and 20
 - (ii) **clauses 5(1) and 14 of Schedule 3 of the Planning Act 2025** require regional councils to do the following before notifying a proposed natural environment plan for submissions: 25
 - (A) consult tangata whenua (through iwi authorities) and relevant customary marine title groups:
 - (B) provide those groups with a draft of the proposed plan; and
 - (C) have regard to any advice they provide.

9 Crown to seek to enter agreements to uphold Treaty settlement redress or arrangements 30

- (1) To assist in the transition from the Resource Management Act 1991 to this Act and the **Planning 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 **Planning Act 2025**. 35
- (2) The Crown will, 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 **Planning 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 agreement reached (which may include entering into a deed to amend the relevant Treaty settlement deed). 5
- (3) This section is repealed on and from the 2nd anniversary of the commencement of this Act. 10
- (4) However, the repeal of this section does not, after the date referred to in **subsection (3)**, prevent the Crown from—
- (a) continuing discussions or entering 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 15
- (c) progressing any legislation necessary to give effect to any such agreement after the repeal of this section.
- (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 20
- 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:
- (b) redress in a signed deed of settlement: 25
- (c) 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 is reached under **section 9**. 30
- (2) In relation to any particular Treaty settlement redress or arrangement, 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, or equivalent, as the effect that the redress or arrangement has in relation to the Resource Management Act 1991. 35
- (3) This section does not apply in relation to statutory acknowledgements.

Part 2 Foundations

Subpart 1—Core provisions

11 Goals

All persons exercising or performing functions, duties, or powers under this Act must seek to achieve the following goals subject to **sections 12 and 69**: 5

- (a) to enable the use and development of natural resources within environmental limits: 10
- (b) to safeguard the life-supporting capacity of air, water, soil, and ecosystems: 10
- (c) to protect human health from harm caused by the discharge of contaminants: 10
- (d) to achieve no net loss in indigenous biodiversity: 10
- (e) to manage the effects of natural hazard associated with the use or protection of natural resources through proportionate and risk-based planning: 15
- (f) to provide for Māori interests through—
 - (i) Māori participation in the development of national instruments, spatial planning, and natural environment plans; and
 - (ii) the identification and protection of sites of significance to Māori (including, wāhi tapu, water bodies, or sites in or on the coastal marine area); and 20
 - (iii) enabling the development and protection of identified Māori land.

12 Relationship between key instruments in decision making

- (1) The hierarchy of the key instruments of this Act is as follows, listed in order from top to bottom: 25
 - (a) national policy direction:
 - (b) national standards:
 - (c) regional spatial plans:
 - (d) natural environment plans.
- (2) Each key instrument (other than the national policy direction)— 30
 - (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 power, function, or duty under this Act in relation to a matter— 35

- (a) must consider the relevant provisions of the key instrument that directly affect the matter (for example, a spatial plan in the case of a natural environment plan or a natural environment plan in the case of a permit); 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 5
- (c) must not consider a goal directly unless and to the extent 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 10
 - (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. 15
- (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 20
 - (b) is still required to comply with **subsection (3)(c)**.
- (5) **Subsections (3) and (4)** do not apply to the making of national policy direction.
- (6) This section is subject to any provision of this Act that expressly provides otherwise. 25
- (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

- A person exercising or performing functions, powers or duties under this Act must take all practicable steps to— 30
- (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:
 - (c) act proportionately to the scale and significance of the matter:
 - (d) ensure they have enough information to understand the implications of their decision (if any), after considering— 35
 - (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 an enabling manner (for example, by being solutions-focussed) that is consistent with the principles in **paragraphs (a) to (d)** and **section 12**:
 - (f) avoid unnecessary repetition in key instruments.
- 14 Considering effects of activities** 5
- A person exercising or performing a function, duty, or power under this Act who is considering the effects of an activity on a person, people, or a natural resource,—
- (a) must give particular consideration to effects such as the following, as far as each is applicable: 10
 - (i) the positive effect of enabling activities under this Act:
 - (ii) the effects on natural resources including air, water (freshwater, geothermal and coastal), land and soils, and indigenous biodiversity:
 - (iii) the effects of natural hazards associated with the use or protection of natural resources: 15
 - (b) must not consider effects regulated under the **Planning Act 2025**:
 - (c) may consider any other effect of the activity, subject to **paragraph (b)**.
- 15 Considering adverse effects of activities**
- (1) A person exercising or performing functions, powers, or duties under this Act who is considering the effects of an activity— 20
- (a) must consider how—
 - (i) adverse effects are to be avoided, minimised, or remedied, where practicable; or
 - (ii) adverse effects are to be offset or compensated, where appropriate. 25
 - (b) must not consider a less than minor adverse effect unless the cumulative effect of 2 or more such effects create effects that are greater than less than minor.
- (2) A national instrument may specify— 30
- (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 35
 - (d) where specific effects are managed under this Act and under the **Planning Act 2025**.

- (3) If no national instrument is in force to guide or direct the use of offsetting and compensation, the management of adverse effects must not be undertaken except in the context of determining an application for a permit.
 - (4) 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. 5
 - (5) In this section, a **less than minor adverse effect** means an adverse effect that is acceptable and reasonable in the receiving environment with any change being slight or barely noticeable.
- Compare: 1991 No 69 s 104(1)(ab)

Subpart 2—Duties and restrictions 10

16 Overview of references to rules

- (1) 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): 15
 - (b) a rule in a plan means a rule in a natural environment plan that is operative (*see* the definitions of natural environment plan and operative in **section 3**):
 - (c) a rule in a proposed plan that has legal effect means a rule in a proposed natural environment plan that has legal effect in accordance with **clause 58 of Schedule 3 of the Planning Act 2025** (*see* the definitions of proposed natural environment plan and legal effect in **section 3**). 20
- (2) This section is only a guide.

Restrictions

17 Restrictions on land use 25

- (1) A person must not 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 unless—
 - (a) the use is expressly allowed by a permit; or
 - (b) the use is expressly allowed by a water services standard; or
 - (c) the use is allowed by **section 25**. 30
 - (2) This section does not apply to the use of the coastal marine area.
- Compare: 1991 No 69 s 9(1), (2), (6)

18 Restrictions on use of coastal marine area

- (1) A person must not do any of the following activities in the coastal marine area unless the activity is expressly allowed by an instrument specified in **subsection (2)** or a permit: 35

-
- (a) reclaim or drain any part of the foreshore or seabed:
 - (b) erect, reconstruct, place, alter, extend, remove, or demolish any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed:
 - (c) disturb any foreshore or seabed (including by excavating, drilling, or tunnelling) in a manner that has or is likely to have an adverse effect on the foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal): 5
 - (d) deposit in, on, or under any foreshore or seabed any substance in a manner that has or is likely to have an adverse effect on the foreshore or seabed: 10
 - (e) destroy, damage, or disturb any foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) in a manner that has or is likely to have an adverse effect on plants or animals or their habitat:
 - (f) introduce or plant any exotic or introduced plant in, on, or under the foreshore or seabed. 15
- (2) The instruments referred to in **subsection (1)** are—
- (a) a national rule; or
 - (b) a rule in a plan and any rule in a proposed plan that has legal effect; or
 - (c) a water services standard. 20
- (3) A person must not do any of the following activities in the coastal marine area unless the activity is expressly allowed by an instrument specified in **subsection (5)** or a permit:
- (a) occupy any part of the common marine and coastal area:
 - (b) remove any sand, shingle, shell, or other natural material from that area. 25
- (4) A person must not do any of the following activities in a manner that contravenes an instrument specified in **subsection (5)** unless the activity is expressly allowed by a permit or allowed by **section 25**:
- (a) an activity in, on, under, or over any coastal marine area:
 - (b) an activity that relates to any natural resource contained within any coastal marine area. 30
- (5) The instruments referred to in **subsections (3) and (4)** are—
- (a) a national rule; or
 - (b) a rule in a plan; or
 - (c) a rule in a proposed plan that has legal effect; or 35
 - (d) a water services standard.
- (6) **Subsection (4)** does not limit **subsection (1)**.

- (7) This section applies to overflying by aircraft only to the extent to which noise emission controls for airports within the coastal marine area are prescribed by a national rule or a rule in a plan.
- (8) 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 coastal permit. 5

Compare: 1991 No 69 s 12(1)–(7)

19 Restrictions on use of beds of rivers and lakes

- (1) A person must not do any of the following activities in relation to the bed of a river or lake unless the activity is expressly allowed by an instrument specified in **subsection (2)** or a permit: 10
- (a) use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed:
 - (b) excavate, drill, tunnel, or otherwise disturb the bed: 15
 - (c) introduce or plant any plant or any part of any plant (whether exotic or indigenous) in, on, or under the bed:
 - (d) deposit any substance in, on, or under the bed:
 - (e) reclaim or drain the bed.
- (2) The instruments referred to in **subsection (1)** are— 20
- (a) a national rule; or
 - (b) a rule in a plan and any rule in a proposed plan that has legal effect; or
 - (c) a water services standard.
- (3) A person must not do any of the following activities in a manner that contravenes an instrument specified in **subsection (4)** unless the activity is expressly allowed by a permit or allowed by **section 25**: 25
- (a) enter onto or pass across the bed of a river or lake:
 - (b) damage, destroy, disturb, or remove a plant or a part of a plant, whether exotic or indigenous, in, on, or under the bed of a lake or river:
 - (c) damage, destroy, disturb, or remove the habitats of exotic or indigenous plants or parts of plants in, on, or under the bed of a lake or river: 30
 - (d) damage, destroy, disturb, or remove the habitats of animals in, on, or under the bed of a lake or river.
- (4) The instruments referred to in **subsection (3)** are— 35
- (a) a national rule; or
 - (b) a rule in a plan; or
 - (c) a rule in a proposed plan that has legal effect; or
 - (d) a water services standard.

- (5) This section does not apply to any use of land in the coastal marine area.
- (6) Nothing in this section limits **section 17**.

Compare: 1991 No 69 s 13

20 Restrictions relating to water

- (1) A person must not take, use, dam, or divert, or take or use any heat or energy from open coastal water, or wastewater in a manner that contravenes an instrument specified in **subsection (2)** unless the activity is expressly allowed by a permit or allowed by **section 25**. 5
- (2) The instruments referred to in **subsection (1)** are— 10
 - (a) a national rule; or
 - (b) a rule in a plan; or
 - (c) a rule in a proposed plan that has legal effect; or
 - (d) a water services standard.
- (3) A person must not take, use, dam, or divert any of the following unless the taking, using, damming, or diverting is allowed under **subsection (4)**: 15
 - (a) water other than open coastal water:
 - (b) heat or energy from water other than open coastal water:
 - (c) heat or energy from the material surrounding geothermal water.
- (4) A person is not prohibited by **subsection (3)** from taking, using, damming, or diverting any water, heat, or energy— 20
 - (a) if the taking, using, damming, or diverting is expressly allowed by—
 - (i) a national rule; or
 - (ii) a rule in a plan and any rule in a proposed plan that has legal effect; or
 - (iii) a water services standard; or 25
 - (iv) a permit; or
 - (b) in the case of fresh water, if both of the following apply:
 - (i) the water, heat, or energy is required to be taken or used for an individual's reasonable domestic needs or the reasonable needs of a person's animals for drinking water: 30
 - (ii) the taking or use does not, or is not likely to, have an adverse effect on any natural resource; or
 - (c) in the case of geothermal water, if both of the following apply:
 - (i) the water, heat, or energy is taken or used in accordance with tika-nga Maori for the communal benefit of the tangata whenua of the area: 35

- (ii) the taking or use does not have an adverse effect on any natural resources; or
- (d) in the case of coastal water (other than open coastal water), if both of the following apply:
 - (i) the water, heat, or energy is required for an individual's reasonable domestic or recreational needs: 5
 - (ii) the taking, use, or diversion does not, or is not likely to, have an adverse effect on any natural resources; or
- (e) if the water is required to be taken or used for emergency or training purposes in accordance with section 48 of the Fire and Emergency New Zealand Act 2017. 10

Compare: 1991 No 69 s 14

21 Discharges

- (1) A person must not do any of the following discharge activities unless the discharge is expressly allowed by an instrument specified in **subsection (2)** or a permit: 15
 - (a) discharge a contaminant or water into water:
 - (b) discharge a contaminant into or onto land in circumstances which may result in that contaminant or any other contaminant being emitted as a result of natural processes from that contaminant entering water: 20
 - (c) discharge a contaminant from any industrial or trade premises into air:
 - (d) discharge a contaminant from any industrial or trade premises onto or into land.
- (2) The instruments referred to in **subsection (1)** are— 25
 - (a) a national rule; or
 - (b) regulations; or
 - (c) a rule in a plan and any rule in a proposed plan that has legal effect; or
 - (d) a water services standard.
- (3) A person must not discharge a contaminant into the air, or into or onto land, from a place or any other source, whether moveable or not, in a manner that contravenes a national rule or a water services standard unless the discharge— 30
 - (a) is expressly allowed by regulations; or
 - (b) is expressly allowed by a permit; or
 - (c) is allowed by **section 25**.
- (4) A person must not discharge a contaminant into the air, or into or onto land, from a place or any other source, whether moveable or not, in a manner that contravenes a rule in a plan or a rule in a proposed plan that has legal effect unless the discharge— 35

- (a) is expressly allowed by a national rule, regulations, or a water services standard; or
 - (b) is expressly allowed by a permit; or
 - (c) is allowed by **section 25**.
- (5) This section does not apply to any activity to which **section 22 or 23** applies. 5
Compare: 1991 No 69 s 15
- 22 Restrictions on dumping and incineration of waste or other matter in coastal marine area**
- (1) A person must not do any of the following activities in the coastal marine area unless the activity is expressly allowed by a permit: 10
 - (a) dump any waste or other matter from any ship, aircraft, or offshore installation:
 - (b) incinerate any waste or other matter in any marine incineration facility.
- (2) A person must not dump any ship, aircraft, or offshore installation, in the coastal marine area unless expressly allowed by a permit. 15
- (3) Nothing in this section permits the dumping of radioactive waste or radioactive matter or any discharge of a harmful substance that would contravene **section 24**.
Compare: 1991 No 69 s 15A
- 23 Discharge of harmful substances from ships or offshore installations** 20
- (1) A person must not, in the coastal marine area, discharge a harmful substance or contaminant from a ship or offshore installation into water, onto or into land, or into air unless—
 - (a) the discharge is permitted or controlled by regulations, a rule in a plan, a rule in a proposed plan that has legal effect, or a permit; or 25
 - (b) after reasonable mixing, the harmful substance or contaminant discharged (either by itself or in combination with any other discharge) is not likely to give rise to all or any of the following effects in the receiving waters:
 - (i) the production of any conspicuous oil or grease films, scums, or foams, or floatable or suspended materials: 30
 - (ii) any conspicuous change of colour or visual clarity:
 - (iii) any emission of objectionable odour:
 - (iv) any significant adverse effects on aquatic life; or
 - (c) the harmful substance or contaminant, when discharged into air, is not likely to be noxious, dangerous, offensive, or objectionable to such an extent that it has or is likely to have a significant adverse effect on natural resources or people. 35

- (2) A person must not, in the coastal marine area, discharge water into water from any ship or offshore installation unless—
- (a) the discharge is permitted or controlled by regulations, a rule in a plan, a rule in a proposed plan that has legal effect, or a permit; or
 - (b) after reasonable mixing, the water discharged is not likely to give rise to any significant adverse effects on aquatic life. 5
- (3) If regulations permit or control a discharge to which **subsection (1) or (2)** applies, no rule can be included in a natural environment plan or proposed natural environment plan, and no may be permit granted relating to that discharge, unless the regulations provide otherwise. 10
- (4) A person must not discharge a harmful substance or contaminant in reliance upon **subsection (1)(b) or (c) or (2)(b)** if regulations, a rule in a plan, a rule in a proposed plan that has legal effect, or a permit applies to that discharge.
- (5) Regulations under **section 307** or a rule in a plan may prohibit a discharge that would otherwise be authorised in accordance with **subsection (1)(b) or (c) or (2)(b)**. 15
- (6) A discharge authorised under **subsection (1) or (2)**, or by regulations, a rule in a plan, a rule in a proposed plan that has legal effect, or a permit may, despite section 7 of the Biosecurity Act 1993, be prohibited or controlled by that Act to exclude, eradicate, or effectively manage pests or unwanted organisms. 20

Compare: 1991 No 69 s 15B

24 Prohibitions relating to radioactive waste or other radioactive matter and other waste in coastal marine area

- (1) A person must not, in the coastal marine area,— 25
- (a) dump from any ship, aircraft, or offshore installation any radioactive waste or other radioactive matter; or
 - (b) store any radioactive waste or other radioactive matter or toxic or hazardous waste on or in any land or water.
- (2) **Subsection (1)** applies despite any provision to the contrary in this Act. 30
- (3) In this section,—
- radioactive waste or other radioactive matter** has the same meaning as in section 257 of the Maritime Transport Act 1994
- toxic or hazardous waste** means any waste or other matter prescribed as toxic or hazardous waste by regulations. 35

Compare: 1991 No 69 s 15C

*Existing activities***25 Certain existing activities allowed**

- (1) A person may, without a permit, carry out an activity in a manner that contravenes a rule in a proposed plan that has legal effect until that rule becomes operative if,— 5
- (a) before the rule had legal effect, the activity—
 - (i) was a permitted activity or otherwise could have been lawfully carried out without a permit; and
 - (ii) was lawfully established; and
 - (b) the effects of the activity are the same as, or similar in character, intensity, and scale to, the effects that existed before the rule had legal effect; 10
 - (c) the activity has not been discontinued for a continuous period of more than 6 months (or a longer period specified in the rule) since the rule had legal effect. 15
- (2) A person may, without a permit, carry out an activity in a manner that contravenes a national rule or rule in a plan if,—
- (a) before the national rule commenced or the rule in a plan became operative, the activity—
 - (i) was a permitted activity, or was allowed to continue under **subsection (1)**, or otherwise could have been lawfully carried out without a permit; and 20
 - (ii) was lawfully established; and
 - (b) the effects of the activity are the same or similar in character, intensity, and scale to the effects that existed before the national rule commenced or rule in a plan became operative; and 25
 - (c) the person carrying out the activity has applied for a permit within 6 months after the date the national rule commenced or the rule in a plan became operative and the application has not been decided or any appeals have not been determined. 30

Compare: 1991 No 69 s 20A, 43B(9)

*General duty***26 Duty to avoid, minimise, or remedy adverse effects**

- (1) A person has a duty to avoid, minimise, or remedy any adverse effect on natural resources or people arising from an activity carried out by or on behalf of the person. 35
- (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 plan, a rule in a proposed plan that has legal effect, or a permit; or
 - (ii) **section 25**; 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. 5
- (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 natural resources or people; or 10
 - (b) require a person to do something that, in the opinion of the Environment Court or an enforcement officer, is necessary in order to avoid, minimise, or remedy any actual or likely adverse effect on natural resources or people caused by, or on behalf of, that person. 15
- (4) **Subsection (3)** is subject to **section 263(3)** (which specifies when the Environment Court must not make an enforcement order).

Compare: 1991 No 69 s 17

Other legal requirements not affected 20

27 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. 25
- (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 not limit or affect a right of action that a person may have independently of the provisions of this Act.
- (5) To avoid doubt, a reference to the provisions of this Act in this section includes any provisions of the **Planning Act 2025** that are applied by this Act for the purposes of this Act. 30

Compare: 1991 No 69 s 23

Subpart 3—Key instruments

28 Purposes of key instruments 35

- (1) The following overview sets out the purpose of each key instrument as provided by the relevant section of this Act and the **Planning Act 2025**:

Overview of purposes of key instruments

The purpose of **national policy directions** (as provided by **section 78**) 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 Planning Act 2025**.

The purpose of **national standards** (as provided by **section 83**) is to do 1 or more of the following:

- (a) implement national policy direction;
- (b) provide procedural or 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 of the Planning Act 2025**) 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 the **Planning Act 2025** and this Act; and
- (c) implement national instruments made under the **Planning Act 2025** and this Act 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 **natural environment plans** (as provided by **section 92**) is to—

- (a) enable and regulate the use, protection, and enhancement of natural resources within a region; and
- (b) assist regional councils in carrying out their functions and responsibilities under this Act.

The purpose of **regional combined plans** (as provided by **section 63 of the Planning Act 2025**) 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.

*Provisions of key instruments***29 Objectives, policies, rules, and methods**

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- (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.
- (4) The key instruments that may contain **rules** are national standards and natural environment plans.

Compare: 1991 No 69 ss 75(1), (2), (5), 76(4)

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30 Application of objectives, policies, rules, and methods

An objective, policy, rule, or method of a key instrument may—

- (a) may apply throughout all or part of—
 - (i) a region, in the case of a natural environment plan; or
 - (ii) New Zealand, in the case of a national instrument:
- (b) apply all of the time or for specified periods.

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Compare: 1991 No 69 s 76(4)

31 Meaning of rule

- (1) A **rule** means a provision of a key instrument that does any of the following:
 - (a) classifies activity as a permitted, restricted discretionary, discretionary, or prohibited activity: 15
 - (b) specifies conditions for carrying out a permitted activity (**permitted activity rules**):
 - (c) specifies conditions for carrying out a restricted discretionary or discretionary activity: 20
 - (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 natural resource permit:
 - (f) specifies whether an application for a natural resource permit for an activity must be notified or precluded from being notified for public or targeted submissions. 25
- (2) A provision of a natural environment plan that does either of the following is also a rule:
 - (a) allocates a natural resource activity in accordance with **section 99**: 30
 - (b) sets requirements relating to a market-based allocation process or comparative permitting process in accordance with **section 100**.

Classification of activities

32 Principles for classifying activities

When exercising or performing a function, power, or duty under this Act, a person must be guided by the following principles: 35

-
- (a) an activity should be classified as a **permitted activity** if—
 - (i) either—
 - (A) the activity is acceptable, anticipated, or achieves the desired level of use, development, or protection of the natural environment; or 5
 - (B) any adverse effects of the activity on the natural environment are well understood and can be managed; and
 - (ii) there is sufficient allocation for any anticipated cumulative effect without breaching an environmental limit:
 - (b) an activity should be classified as a **restricted discretionary activity** if— 10
 - (i) the activity is acceptable, anticipated, or achieves the desired level of use, development, or protection of the natural environment, but 1 or more the activity's effects require specific assessment; and
 - (ii) effects of the activity on the natural environment can be appropriately managed through national standards or permit conditions: 15
 - (iii) any risk of breaching an environmental limit can be appropriately managed through national standards or permit conditions:
 - (c) an activity should be classified as **discretionary activity** if—
 - (i) the nature and type of activity requires an assessment of all the effects of the activity on natural resources; or 20
 - (ii) the adverse effects of the activity are unknown or uncertain; or
 - (iii) the activity is inconsistent with the regional spatial plan; or
 - (iv) the activity is not anticipated and may be inappropriate:
 - (d) an activity should be classified as a **prohibited activity** if it will have an unacceptably high level of adverse effects on the natural environment that cannot be managed by permit conditions. 25
- 33 Consequences of permitted, restricted discretionary, or restricted discretionary activity classification**
- (1) This section applies to an activity is classified in— 30
 - (a) a national rule:
 - (b) regulations:
 - (c) a wastewater standard:
 - (d) a rule in a natural environment plan:
 - (e) a rule in a proposed natural environment plan that has legal effect. 35
 - (2) If the activity is classified as a permitted activity,—
 - (a) the activity does not require a natural resource permit; but

- (b) the activity must comply with any requirements—
 - (i) in a permitted activity rule; and
 - (ii) in each instrument listed in **subsection (1)**.
- (3) If the activity is classified as a restricted discretionary activity,—
 - (a) the activity requires a natural resource permit; and 5
 - (b) the regional council's power to grant the permit and impose conditions, or to decline the permit, is restricted to the matters over which discretion is reserved and specified in a natural environment plan, proposed natural environment plan, or national rule; and
 - (c) the activity must comply with any conditions in the permit. 10
- (4) If the activity is classified as a discretionary activity,—
 - (a) the activity requires a natural resource permit; and
 - (b) a regional council may grant the permit with or without conditions or decline the permit; and
 - (c) the activity must comply with any conditions in the permit. 15

Compare: 1991 No 69 s 87A

34 Consequence of prohibited activity classification

If an activity is classified in a national rule or a rule in a plan as a prohibited activity,—

- (a) no application for permit may be made for the activity; and 20
- (b) a regional council must not grant a permit for the activity.

Compare: 1991 No 69 s 87A(6)

35 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: 25
 - (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. 30

Compare: 1991 No 69 s 87B(2)–(4)

36 Activities that must be treated as discretionary activities

An application for a natural resource permit for an activity must be treated as an application for a discretionary activity if—

- (a) **subpart 2** requires a natural resource permit for the activity and there is no plan or proposed plan, or no relevant rule in a plan or proposed plan; or 35

- (b) a plan requires a natural resource permit for the activity but does not classify the activity; or
- (c) 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)

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37 Rules relating to restricted discretionary activities

- (1) If a national rule or rule in a plan classifies an activity as a restricted discretionary activity, the rule must specify the matter or matters over which discretion is reserved.

- (2) A national rule or rule in a plan that specifies a condition for a restricted discretionary activity must relate to a matter described in **section 169**.

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Compare: 1991 No 69 ss 77A(1)(c), 77B(3), (4)

38 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 169**.

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Compare: 1991 No 69 ss 77A(1)(c)

Permitted activity rules

39 Permitted activity rules

- (1) A permitted activity rule must—

- (a) require an activity to be registered; or

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- (b) relate to a matter described in **section 169**.

- (2) A permitted activity rule referred to in **subsection (1)(a)** must provide that an activity is a permitted activity only if—

- (a) the activity is registered with the territorial authority (*see section 202*); and

25

- (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:

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- (iii) pays a fee fixed in accordance with **section 229**:

- (iv) complies with any other requirement relating to a matter described in **section 169**.

- (3) A permitted activity rule referred to in **subsection (1)(a)** may specify requirements for the information that must be included in the notice required by **section 202**.

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- (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

40 How instruments are more restrictive or enabling than national rule 5

- (1) This section applies for the purpose of sections 41 to 44.
- (2) An instrument is more **restrictive** than a national rule if the instrument does 1 or more of the following:
- (a) classify an activity more restrictively than the national rule;
 - (b) impose conditions on an activity that the national rule does not impose 10 or authorise;
 - (c) prohibit or restrict 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.
- (4) In this section, an **instrument** means a rule in a plan, a rule in a proposed plan 15 that has legal effect, a natural resource permit, a bylaw, or a water conservation order.

Compare: 1991 No 69 s 43B(2), (4)

41 Relationship between national 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 20 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. 25

Compare: 1991 No 69 s 43B(1), (3)

42 Relationship between national rule and natural resource permit

- (1) A natural resource permit that is more restrictive than a national rule prevails over the rule prevails if the rule expressly allows a permit to be more restrictive than it. 30
- (2) A natural resource permit that is more enabling than a national rule prevails over the rule if the rule expressly allows a permit to be more enabling than it.
- (3) A natural resource permit granted under a rule in a plan or proposed plan before the date on which a national rule is published—
- (a) prevails over the national rule; but 35

- (b) does not prevail if, and to the extent that, the national rule requires a review of the conditions of the permit in accordance with **section 186(1)(c)**.

Compare: 1991 No 69 s 43B

43 Relationship between national rules and water conservation orders 5

- (1) A water conservation order prevails over a national rule applying to water if it is more restrictive than the rule.
- (2) A national rule applying to water prevails over a water conservation order if it is more restrictive than the order.

Compare: 1991 No 69 s 43C

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44 Relationship between national rules and bylaws

- (1) A bylaw prevails over a national rule if it 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 enactment.

Compare: 1991 No 69 s 43E

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Subpart 4—Environmental limits

45 Defined terms

In this subpart, unless the context otherwise requires,—

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action plan means a plan containing measures to manage compliance with an environmental limit, including—

- (a) regulatory measures (such as those described in **section 63(1)**); and
- (b) non-regulatory measures (such as work plans and partnership arrangements with tangata whenua and community groups)

25

air means the composition of the shallow layer of gases, vapours, and particulates surrounding the earth, that is, the lower atmosphere (troposphere) in which people live

attribute means a measurable biophysical characteristic that can be used to assess the extent to which a particular value (for example, human health or ecosystem health) is provided for

30

best obtainable information has the meaning given in **section 59**

coastal water means all coastal ecosystems within and up to the outer limits of the territorial sea, including—

- (a) coastal ecosystems with a substantial freshwater component; and
- (b) coastal ecosystems in estuaries, fjords, inlets, harbours, or embayments

35

domain means a domain of the natural environment

ecosystem includes—

- (a) biological life—the abundance and diversity of biota, including microbes, fungi, invertebrates, plants, fish, birds, and mammals; and
- (b) physical and chemical habitat—the abiotic components, including the physical form, structure, and quality of habitat, in relation to its suitability to support life; and 5
- (c) ecological processes—the interactions among and between biota and their physical and chemical environment

freshwater means all freshwater ecosystems except coastal water and geothermal water 10

indigenous biodiversity—

- (a) means the variety of indigenous living organisms and the ecological complexes of which they are a part; and
- (b) includes diversity within species, diversity between species, and the diversity of ecosystems 15

land and soil means either or both of the following:

- (a) the surface of earth that is not covered by water (**land**):
- (b) the layered material at the earth's surface, that has resulted from chemical and biological processes and physical organisation of minerals and organic matter (**soil**) 20

life-supporting capacity of the natural environment means the ability of ecosystems of the natural environment—

- (a) to support and sustain a diverse range of indigenous life over time; and
- (b) to be resilient

methodology means a method, process, or set of requirements that must be complied with 25

resilience means the capacity of an ecosystem to withstand or recover from pressure and disturbances while retaining its essential qualities and functions

state attribute means an identified biophysical state of the natural environment 30

stress attribute means an identified biophysical stress on the natural environment.

What are environmental limits and why they are required

46 Purpose of environmental limits

The purpose of an environmental limit is to— 35

- (a) protect human health (**human health limits**); or

- (b) protect the life-supporting capacity of the natural environment (**ecosystem health limits**).

47 Who sets environmental limits

- (1) Human health limits must be set by the responsible Minister in national standards. 5
- (2) Ecosystem health limits must be set by the regional council in its natural environment plan.

48 How environmental limits are expressed

An environmental limit must be expressed as—

- (a) a biophysical state for a management unit; or 10
- (b) the amount of harm or stress to the natural environment permitted in a management unit.

Compare: 2023 No 46 s 111

49 Where human health limits must be set

- (1) The Minister must set human health limits for attributes within each of the following domains: 15
 - (a) freshwater:
 - (b) coastal water:
 - (c) land and soil:
 - (d) air. 20
- (2) The Minister may set human health limits for an attribute across 2 or more domains if the attribute is relevant to managing human health across those domains.

50 Where ecosystem health limits must be set

- (1) A regional council must set ecosystem health limits for attributes in each of the following domains: 25
 - (a) freshwater:
 - (b) coastal water:
 - (c) land and soil:
 - (d) indigenous biodiversity. 30
- (2) A regional council may set ecosystem health limits for attributes across 2 or more domains if the attribute is relevant to managing ecosystem health across those domains.
- (3) An ecosystem health limit for the domain of air may be set by a regional council only if directed by national standards. 35

*How environmental limits must be set***51 How ecosystem health limits must be set in plans**

- (1) A regional council must set ecosystem health limits in its natural environment plans.
- (2) When setting an ecosystem health limit, a regional council— 5
 - (a) must follow the methodology specified in national standards for setting the limit; and
 - (b) if there is no methodology specified, may determine and follow its own methodology for setting the limit.
- (3) A regional council must follow the process set out in **Schedule 3 of the Planning Act 2025** to include ecosystem health limits in a proposed natural environment plan or plan change unless and to the extent that national standards provide otherwise. 10
- (4) If a regional council proposes or an independent hearings panel recommends an ecosystem health limit that is less stringent than the minimum acceptable level specified in national standards made under **section 54(3)(b)** for that ecosystem health limit, the council or panel must prepare a justification report. 15

52 Criteria for decisions relating to environmental limits*Decisions to which this section applies*

- (1) This section applies to the Minister before deciding to— 20
 - (a) set a human health limit:
 - (b) select an attribute for a human health limit or an ecosystem health limit:
 - (c) set a management unit for a domain or an attribute:
 - (d) specify a methodology for setting a management unit:
 - (e) specify a methodology for setting an ecosystem health limit: 25
 - (f) specify a methodology for selecting an attribute of an ecosystem health limit.
- (2) This section applies to a regional council before deciding to—
 - (a) set an ecosystem health limit:
 - (b) select an attribute for an ecosystem health limit if that attribute is not already set in national standards: 30
 - (c) set a management unit for a domain or attribute if that management unit is not already set in national standards.

Decision-making criteria

- (3) A decision maker must prioritise the most urgent and important matters and, for that purpose, must— 35
 - (a) consider—

- (i) the extent, scale, and impacts of any environmental degradation; and
 - (ii) the trend, direction, and pace of the degradation; and
 - (iii) the difficulty in reversing the degradation if action is delayed; and
- (b) decide the most appropriate response in light of that consideration. 5
- (4) A decision maker must ensure that the notification draft and the final draft are based on the best obtainable information.
- (5) Despite **subsection (4)**, a lack of full scientific certainty is no reason to delay making a decision needed to prevent significant or irreversible harm to the natural environment. 10
- (6) A decision maker must ensure that the information that informed the notification draft (including the evidence and methods used) is publicly available at the time of notification.
- (7) In this section, **notification draft** means a proposed national direction as notified under **section 70** or a plan as notified under **Schedule 3 of the Planning Act 2025**. 15

53 Developing human health limits

- (1) Before setting a human health limit in a national standard, the Minister must be satisfied that—
 - (a) the proposed limit will protect human health to an acceptable standard; and 20
 - (b) the proposed limit will, as a minimum, prevent significant or irreversible harm to people and communities.
- (2) When specifying the standard to which human health must be protected, the Minister must consider— 25
 - (a) all the goals and any national policy direction in accordance with **section 12(4)**; and
 - (b) the relevant health guidelines published or advised by the Ministry of Health or the Minister of Health; and
 - (c) the existing capacity of the natural environment to withstand or recover from pressure and disturbances in accordance with **section 57(a) to (d)**; and 30
 - (d) the impact of the proposed limit in accordance with **section 56**.
- (3) However, a lack of scientific certainty is no reason to delay making the national standard or not to make the standard. 35

Compare: s 111 NBEA

54 Specifying methodologies for setting ecosystem health limits

- (1) The Minister must make national standards that specify a methodology that regional councils must follow when setting an ecosystem health limit.
- (2) Before making the national standards, the Minister must, in addition to the requirements of **section 52**— 5
 - (a) consider the existing capacity of the natural environment to withstand or recover from pressure and disturbances in accordance **section 57**; and
 - (b) consider the impact of the proposed methodology in accordance with **section 56**; and
 - (c) be satisfied that the methodology supports the purpose of the ecosystem health limits (to protect the life-supporting capacity of the national environment). 10
- (3) National standards— 15
 - (a) may specify whether an ecosystem health limit must be expressed only as a state attribute or a stress attribute; and
 - (b) may specify minimum acceptable levels for ecosystem health limits; but
 - (c) must not determine an ecosystem health limit itself.
- (4) However, a lack of scientific certainty is no reason to delay making the national standards or not to make the standards.

55 Developing ecosystem health limits 20

- (1) Before determining an ecosystem health limit, a regional council must, in addition to the requirements of **section 52**,— 25
 - (a) consider the existing capacity of the natural environment to withstand or recover from pressure and disturbances in accordance with **section 57**; and
 - (b) consider the impact of the proposed limit in accordance with **section 56**; and
 - (c) be satisfied that the proposed limit achieves the purpose of ecosystem health limits.
- (2) However, a lack of scientific certainty is no reason to delay making the standard or not to make the standard. 30

56 Assessing impact of proposed environmental limit or methodology

A consideration of the impact of a proposed environmental limit or methodology requires an assessment of—

- (a) the positive, adverse, actual, potential, and cumulative effects of the proposed limit or methodology on either of the following (as applicable): 35
 - (i) on the life-supporting capacity of the natural environment:
 - (ii) human health:

- (b) the needs or aspirations of communities for the economy, society, and the natural environment:
 - (c) the magnitude and spatial extent of—
 - (i) any over-allocation of national resources; and
 - (ii) any natural resources likely to be available for allocation as a result of the proposed limit or methodology: 5
 - (d) the implications of the proposed limit for the current and future use of natural resources and the benefits associated with that use:
 - (e) the efficacy and cost of available methods to manage effects within the proposed limit: 10
 - (f) alternative ways of providing for natural resource use that are consistent with protecting or enhancing the natural environment, including any alternative locations for natural resource use if the proposed limit allows for environmental degradation.
- 57 Assessing existing capacity of natural environment 15**
- A consideration of the existing capacity of the natural environment to withstand or recover from pressure and disturbances requires an assessment of—
- (a) the state of the relevant attribute as at the date of the commencement of this section:
 - (b) the history of any previous relevant environmental limits and the level of protection they provided: 20
 - (c) the existing state of the natural environment (including ecosystems and their constituent parts), any trends showing a change in the state of the environment over time, and the natural and human causes of those states and trends: 25
 - (d) any prediction of the likely future change in the natural environment that may reasonably occur—
 - (i) over the medium and long term; and
 - (ii) from natural and human causes:
 - (e) the resilience of the natural environment to— 30
 - (i) pressures and disturbances (for example from the use of natural resources, climate change, severe weather, floods, droughts, or other perturbations); and
 - (ii) any potential for regime shifts or irreversible degradation:
 - (f) important species, habitats, and ecosystems, especially those that are rare, threatened, or endangered. 35

*Management units and related methodologies***58 National standards must set management units or methodologies**

- (1) National standards must, in relation to a domain or an attribute associated with an environmental limit,—
 - (a) set management units; or 5
 - (b) prescribe methodologies by which regional councils must identify and set management units.
- (2) Every environmental limit must be associated with a management unit.
- (3) National standards that set human health limits may prescribe methodologies for regional councils to identify where the human health limits apply. 10
- (4) The size and location of the management unit must—
 - (a) be appropriate to achieve the purpose of the environmental limit; and
 - (b) be determined by reference to scientific knowledge and evidence.
- (5) To avoid doubt, **subsection (4)(b)** is in addition to **section 59**.

59 Best obtainable information 15

- (1) In this subpart, the **best obtainable information** means information that the decision maker is satisfied—
 - (a) is as robust, transparent, and accessible as reasonably possible; and
 - (b) is obtained from information that is available or can be reasonably obtained at the time; and 20
 - (c) is obtained in a manner that is proportionate to the effects of the decision.
- (2) When considering whether information is the best obtainable information, the decision maker must be guided by any criteria prescribed in regulations but is subject to **section 52(5)**. 25

*Action plans and caps on resource use***60 Tools for managing resources to which limits apply**

- (1) A regional council must manage every natural resource that is subject to an environmental limit.
- (2) The tools for managing a natural resource that is subject to an environmental limit are as follows, and must be used by a regional council in accordance with this section and any requirements in national standards: 30
 - (a) a cap on resource use:
 - (b) an action plan:
 - (c) both **paragraphs (a) and (b)**. 35

-
- (3) A regional council must give first preference to only using a cap on resource use unless—
- (a) the council considers, in accordance with any criteria prescribed in regulations, that it is not effective or feasible to do so; or
 - (b) national standards direct otherwise. 5
- (4) Without limiting **subsection (3)(a)**, a regional council may consider that a cap on resource use is not feasible because the resource is affected by a range of different causes.
- 61 National standards may require action plan, cap on resource use, or both**
- For the purpose of ensuring compliance with an environmental limit or remedying a breach of an environmental limit, national standards— 10
- (a) may require a regional council to manage a natural resource use by preparing and implementing an action plan, a cap on resource use, or both; and
 - (b) may specify— 15
 - (i) the process for setting a cap on resource use; and
 - (ii) how and when a cap on resource use must be set; and
 - (c) may specify—
 - (i) minimum requirements for the content of the action plan; and
 - (ii) the process for developing the action plan; and 20
 - (iii) how and when the action plan must be implemented and monitored.
- 62 Cap on resource use**
- (1) A cap on resource use—
- (a) describes the maximum amount of resource use that can occur without breaching an environmental limit; and 25
 - (b) informs the maximum quantum of resource use that a regional council may allocate through plan rules and permits; and
 - (c) may be expressed in terms of—
 - (i) a land use (such as the extent of an activity): 30
 - (ii) an input (such as an amount of fertilizer that may be applied):
 - (iii) an output (such as the volume or rate of contaminant discharge, for example, an annual nitrogen discharge cap); and
 - (d) may apply to all or part of a management unit.
- (2) A regional council must publish caps set on resource use on its internet site. 35

63 General content of action plans

- (1) An action plan may set out matters relating to—
 - (a) decision-making on applications for natural resource permits; and
 - (b) the review of conditions of permits; and
 - (c) the preparation of rules in a natural environment plan; and 5
 - (d) caps on resource use.
- (2) An action plan must—
 - (a) set out any other matters required by national standards; and
 - (b) be consistent with national standards.
- (3) A regional council may include in its action plan any other intervention it considers would assist in achieving the purpose of the action plan, including interventions by other authorities, entities, or persons under other legislation. 10
- (4) When a natural environmental plan or any of its provisions becomes operative and relates to the subject matter of an action plan, the regional council must consider whether to update the action plan in order to reflect the natural environmental plan or provisions that have become operative. 15

64 Considerations before action plans can include controls on land use or inputs

- (1) This section applies if a regional council prepares an action plan for one of the following purposes: 20
 - (a) to avoid breaching an environmental limit:
 - (b) to remedy a breach of an environmental limit.
- (2) An action plan must not include controls on land use or inputs unless the regional council is satisfied that the following measures will not be sufficient to achieve the purpose of the action plan: 25
 - (a) national standards:
 - (b) existing rules in a natural environment plan:
 - (c) freshwater farm plans:
 - (d) non-regulatory measures.
- (3) In this section, **controls on land use or inputs** means rules in a natural environment plan that restrict or determine how land is used and what it can be used for (for example the type of forestry planting, construction or use of urban or built areas, or fertiliser application rates). 30

65 Requirements for action plans to remedy breach of environmental limits

If the purpose of an action plan prepared by a regional council is to remedy a breach of an environmental limit,— 35

- (a) the council must set a date by which compliance with the limit must be achieved (the **target date**); and
- (b) if the target date is more than 10 years after the commencement of the action plan,—
 - (i) the plan must contain a series of interim limits at intervals of no more than 5 years; and 5
 - (ii) each interim limit must state actions and outcomes to be achieved within a specified time frame; and
- (c) the target date and, if applicable, each interim limit and specified time frame must be credible, achievable, and avoid unnecessary delay. 10

Breach of environmental limits

66 Avoiding breach of environmental limit

- (1) A regional council must avoid breaching an environmental limit.
- (2) A regional council must evaluate the likelihood of a limit being breached if—
 - (a) there is sufficient evidence that the limit is likely to be breached in the medium to long term future; or 15
 - (b) there are activities authorised under this Act or other legislation that—
 - (i) are carried out within a management unit; and
 - (ii) are likely to give rise to a breach of the limit.
- (3) If a regional council is satisfied that a breach of an environmental limit is likely to occur, the council must— 20
 - (a) take action to avoid the breach by preparing an action plan or changing its natural environment plan; and
 - (b) take any other action the council considers necessary to avoid breaching the environmental limit, including— 25
 - (i) making or changing a cap on resource use:
 - (ii) preparing or changing a rule in a natural environment plan:
 - (iii) reviewing the conditions (specified in the plan) that apply to natural resource permits and making any necessary adjustments:
 - (iv) establishing a safety margin within environmental limits (to account for uncertainties, natural variability, errors, or unexpected events): 30
 - (v) widening that safety margin:
 - (vi) changing the way that natural resources are allocated.
- (4) In this section, **sufficient evidence** includes— 35
 - (a) evidence of trends in the state of the natural environment over time; or
 - (b) forecasts informed by modelling or evaluation.

67 Breach of environmental limits

- (1) A breach of an environmental limit must be managed in accordance with the requirements of this subpart.
- (2) A regional council must publicly notify, in accordance with any requirements in national standards made under this subpart,— 5
 - (a) any breach of an environmental limit; and
 - (b) the cause and extent of the breach.
- (3) If an environmental limit is breached or is likely to be breached, a regional council must— 10
 - (a) prepare an action plan detailing how the council will manage natural resource use to remedy the breach; and
 - (b) review any relevant cap on resource use; and
 - (c) take any other action the council considers necessary to remedy the breach, including— 15
 - (i) setting a cap on resource use, if it has not been set; or
 - (ii) preparing or changing a rule in a natural environment plan; or
 - (iii) reviewing the conditions of a permit and making any necessary adjustments; or
 - (iv) changing the way that natural resources are allocated.
- (4) To avoid doubt, a regional council must comply with **subsection (2)** regardless of whether a breach of an environmental limit or an over-allocation is a result of the use of an infrastructure pathway established by national standards made under **section 86**. 20

Subpart 5—National instruments*National instruments* 25**68 Role and application of national instruments**

- (1) The role of national instruments is to provide centralised direction to the natural resource system— 30
 - (a) on matters relating to natural resource 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 natural resource system.
- (2) National instruments may apply to all of New Zealand or to any specified district, region, or part of New Zealand. 35

69 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: 5
 - (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 70**. 10
- (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. 15
- (6) The Minister must also consider—
 - (a) how the proposed national instrument will be monitored and reviewed; and 20
 - (b) any other matter the Minister considers relevant.

70 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 25
 - (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: 30
 - (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 77 or 83**; and 35
 - (iii) how the proposal achieves the goals; and
 - (iv) any report prepared under **section 80**; 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. 5
- (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— 10
 - (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— 15
 - (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 20
 - (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. 25

Compare: 46A

71 Regional council must implement national instrument

- (1) A regional council must—
 - (a) comply with the directions of a national instrument; and 30
 - (b) implement its provisions in the manner specified the instrument.
- (2) A national instrument may direct—
 - (a) how natural resources are managed:
 - (b) how regional councils make decisions:
 - (c) how regional councils undertake processes and methodologies: 35
 - (d) the conditions that must be used for different activities:
 - (e) the structure and form of natural environment plans:

- (f) the content of and types of plan provisions. (*see* **section 72**).
- (3) A national instrument may—
- (a) direct that specific provisions be included in natural environment plans:
 - (b) direct regional councils to choose from a number of specific provisions to be included in plans either completely or in part. 5
- (4) If a provision in a national instrument necessitates a change to a plan, a regional council must use a relevant process to amend its plan unless the national instrument specifies otherwise.
- (5) A national instrument may direct a regional council to amend its plan without using a relevant process only if— 10
- (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 restrictions in that national instrument or another national instrument.
- (6) A regional council must— 15
- (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. 20
- (7) In this section, **relevant process** means a process in **Schedule 3 of the Planning Act 2025**.
Compare: 2023 No 46 s 133
- 72 National instrument may direct plan provisions in natural environment plans** 25
- (1) A national instrument may contain direction relating to the inclusion of plan provisions in a natural environment plan or proposed plan. A direction—
- (a) may require or authorise a regional council to include a plan provision contained in the national instrument itself; or
 - (b) may authorise a regional council to include a plan provision prepared by the regional council. 30
- (2) For the purpose of **subsection (1)(a)**, a national instrument may—
- (a) contain a plan provision—
 - (i) that the regional council must include in its natural environment plan; and 35
 - (ii) in relation to which the regional council has no discretion to determine its spatial application; or

-
- (b) contain a plan provision in relation to which the regional council 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: 5
 - (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 regional council may include a plan provision required or authorised under this section. 10
 - (4) *See* **section 95** (which provides that a regional council must not amend a standardised provision).
 - 73 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 74**. 15
 - (2) The Minister must give public notice of the withdrawal and include reasons for the withdrawal.
 - Compare: 51A
 - 74 Approval of national instrument** 20
 - (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 70**, the Minister must—
 - (a) first, must consider the report and any recommendations made under **section 70**; and 25
 - (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. 30
 - (3) Before recommending a national instrument that makes an amendment under **section 85** be approved, the Minister must consider whether it is more appropriate to comply with **section 70** to make the amendment. 35
 - (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 regional council 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 85, 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:

75 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 (1)(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).

76 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***77 National policy direction**

There must always be a national policy direction.

78 Purpose of national policy direction

- (1) The purpose of a national policy direction is to do 1 or both of the following: 5
 - (a) to particularise the goals and direct how they must be achieved; or
 - (b) to help resolve conflicts between the goals in **section 11** of this Act and those in **section 11 of the Planning Act 2025**.
- (2) The purpose in **subsection (1)(a)** is the primary purpose of national policy direction. 10
- (3) A national policy direction for the purpose in **subsection (1)(b)** may be made under either Act.
- (4) The Minister must be satisfied that any proposed national policy direction is for a purpose specified in **subsection (1)**.

79 Content of national policy direction

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- (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— 20
 - (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. 25
- (3) National policy direction may provide for how the direction must or may be implemented.

Compare: 45A

80 National policy direction may restrict how goals may be achieved

- (1) A national policy direction may— 30
 - (a) require that compliance with its objectives, policies, or 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 a direction under this section, the Minister must be satisfied that— 35

- (a) the direction does not unreasonably restrict the ability of local authorities to undertake their functions and responsibilities to manage natural resources; and
- (b) the restrictions imposed by the direction in respect of a goal does not unreasonably restrict the achievement of other goals; and 5
- (c) the direction will not result in severe and irreversible adverse effects to people and the natural environment.
- (3) If the Minister makes a direction under this section, the Minister must include, as a part of the process established under **section 70**, a report stating why they consider the requirements of **subsection (2)** are met. 10

81 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 Planning Act 2025**—
 - (a) the Minister may consider any or all of the goals of either Act; and 15
 - (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 people and natural environment. 20
- (2) In this section, **long term impact** means an impact spanning 2 or more human generations.

National standards

82 National standards

There must always be national standards. 25

83 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: 30
 - (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) In this section, **regulatory consistency** means consistency in the regulation of the same activity across different districts.

84 What national standards can do 35

- (1) National standards 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 natural resource permit for an activity:
 - (d) require as a condition of a permit, compliance with requirements specified in the standards or in a plan or proposed plan: 5
 - (e) restrict the making of a rule or the granting of a permit to matters specified in the standards:
 - (f) specify whether an application for a permit for an activity must be notified or precluded from being notified for public or targeted submissions: 10
 - (g) may state how environmental limits must be applied, achieved, or implemented; and
 - (h) provide for any exceptions that apply to infrastructure; and
 - (i) specify in relation to a rule made before the commencement of the national standards,— 15
 - (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 natural environment plans, including directions relating to— 20
 - (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: 25
 - (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: 30
 - (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. 35

- (5) National standards may empower regional councils to charge for monitoring any specified permitted activities in the standard.

Compare: 1991 No 69 ss 43A, 45A, 58C

85 Minister must ensure national standards enables resource use only within environmental limits

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- (1) When preparing national standards that enable the use of natural resources, the Minister must use all reasonable endeavours to ensure that the standards enable the use of those natural resources to occur only within environmental limits.

- (2) The Minister must assess the proposed national standards to identify any reasonably foreseeable adverse risks of environmental limits being breached.

10

- (3) The Minister ensure that any risks identified are addressed in the proposed national standards to avoid breaching an environmental limit, including—

- (a) if there is a possibility that the limit will be breached, by requiring a rule in a plan or a condition of a permit that is more restrictive than the standard; and

15

- (b) directing regional councils to undertake forecasting or monitoring; and

- (c) providing a means by which an activity class may be changed to avoid breaching the limit.

- (4) The Minister must—

- (a) undertake monitoring and evaluation of national standards or enable it to be undertaken; and

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- (b) review existing national standards in light of performance monitoring and to account for new environmental limits.

86 National standards relating to significant infrastructure that breach environmental limits

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- (1) National standards may establish a consenting pathway for significant infrastructure activities that breach or are likely to breach environmental limits.

- (2) Before making national standards establishing a consenting pathway under this section, the Minister must be satisfied that—

- (a) the pathway is available only to categories of infrastructure activity with significant public benefits; and

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- (b) the pathway is available to a user only after they have taken all practicable steps to carry out the activity without breaching environmental limits; and

- (c) users of the pathway will be required to—

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- (i) minimise any breach of environmental limits as much as reasonably possible; and

- (ii) manage the environmental effects of the entire activity (not just the effects related to a breach of an environmental limit).
- (3) National standards may specify detailed requirements relating to the matters in **subsection (2)**.
- (4) When developing national standards under this section, the Minister must consider— 5
 - (a) the wider implications for natural resource use; and
 - (b) the likely opportunity costs associated with allowing the pathway to be used instead of requiring compliance with environmental limits; and
 - (c) the criteria and considerations in **subpart 4** that applied to the making 10 of those environmental limits.
- (5) National standards may be made under this section despite **85**.
- 87 National standards or regulations may set operational details for market-based allocation process**
- National standards or regulations may— 15
 - (a) require or permit the use of a market-based allocation process to determine the allocation of a right to apply for a permit for a natural resource use activity; and
 - (b) impose any operational requirements relating to such matters as—
 - (i) the use of a market-based allocation process; and 20
 - (ii) the processes, including auction and tender processes, to be followed; and
 - (iii) eligibility criteria.
- Compare: 2023 No 46 s 158
- 88 Restrictions on national rules that control fishing** 25
- (1) A national rule that controls fishing—
 - (a) must not classify fishing as a restricted discretionary or a discretionary activity;
 - (b) may classify fishing as a prohibited activity in an area;
 - (c) may classify fishing as a permitted activity in an area only if it is an 30 exception to a rule made under **paragraph (b)** that applies to the area.
- (2) A national rule that controls fishing does not apply to customary non-commercial fishing provided for in the legislation described in **section 114** (rules that control fishing do not apply to Māori customary non-commercial fishing rights in specified legislation). 35

89 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 natural environment plan.

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Compare: 1991 No 69 ss 76, 77, 77A, 77D

90 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: 10
 - (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: 15
 - (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. 20
- (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)

Part 3

25

Combined plan and other matters

- 91 Requirements for combined plan in Planning Act 2025 apply**
Section 63 of the Planning Act 2025 applies.

Subpart 1—National environment plans

Core requirements for plan making

30

92 Purpose of natural environment plan

The purpose of the preparation, implementation, and administration of a natural environment plan is to—

- (a) enable and regulate the use, protection, and enhancement of natural resources within a region; and

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- (b) assist regional councils in carrying out their functions and responsibilities under this Act.

Compare: 1991 No 69 s 63

93 Each region must have 1 natural environment plan

There must at all times be 1 natural environment plan for each region. 5

Compare: 1991 No 69 s 64(1)

94 Schedule 3 of Planning Act 2025 applies

- (1) A regional council must prepare or change the natural environment plan for its region in accordance with **Parts 1 and 2 of Schedule 3 of the Planning Act 2025**. 10
 - (2) Any person (other than a regional council) may request a change to a natural environment plan in accordance with **clause 49 of Schedule 3 of the Planning Act 2025**.
 - (3) **Part 3 of Schedule 3 of the Planning Act 2025** sets out when rules in a proposed natural environment plan have legal effect. 15
 - (4) **Schedule 4 of the Planning Act 2025** 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 natural environment plan is being prepared or change. 20
- Compare: 1991 No 69 ss 64(4), 65(2), (4)

95 Natural environment plan must include standardised plan provisions as directed by national instrument

- (1) A regional council—
 - (a) must include a standardised plan provision in its natural environment plan or a proposed natural environment plan if a national instrument directs it to include that provision; and 25
 - (b) may include a standardised plan provision in its plan or a proposed plan if a national instrument directs 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. 30
- (2) In particular, a regional council may do any of the following only if authorised by a national instrument:
 - (a) determine the spatial application of the standardised plan provision:
 - (b) select which standardised plan provision, out of 2 or more alternatives set out in the national instrument, it will include in its plan: 35
 - (c) determine any content specified by the national instrument from within parameters set out in that instrument:
 - (d) choose not to include a standardised plan provision.

- (3) A regional council must not amend a standardised plan provision.
- 96 Plan may include bespoke plan provisions if authorised by national instrument**
- (1) A regional council may include a bespoke plan provision in a natural environment plan or proposed natural environment plan, but only if— 5
- (a) a national instrument authorises the regional council to prepare a bespoke plan provision (*see* **section 72(1)(b)**); or
 - (b) the national instruments do not preclude the regional council from including a bespoke plan provision.
- (2) A regional council must comply with any substantive or procedural requirements in a national instrument relating to a standardised plan provision (*see* **section 72(3)**). 10
- 97 Core obligations when preparing and deciding natural environment plan**
- (1) This section sets out the core obligations that apply when—
- (a) a regional council 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 plan or proposed plan (*see* **sections 72 and 95**); and 15
 - (b) a regional council is preparing or deciding a bespoke plan provision (*see* **section 96**). 20
- (2) A regional council must make its decisions in accordance with its responsibilities and functions under **sections 221 to 223** so that the resulting natural environment plan—
- (a) implements— 25
 - (i) the national policy direction; and
 - (ii) any national standard; and
 - (iii) any relevant provision in a regional spatial plan; and
 - (iv) subject to **paragraphs (i) to (iii)**, any agreed action in an action plan; and
 - (b) ensures that environmental limits are complied with; and 30
 - (c) is not inconsistent with a water conservation order.
- (3) However, **subsection (2)(a)(iii)** does not apply in relation to a provision in a regional spatial plan to the extent that the regional council is satisfied that—
- (a) the provision is out of date as a result of new information that supersedes the information used to determine the content of the provision in the regional spatial plan; or 35

- (b) there has been a significant change in circumstances or in the natural environment since that provision was decided (for example, a major environmental or economic event).
- (4) The regional council must—
- (a) have particular regard to— 5
- (i) the evaluation report required by **clause 10 of Schedule 3 of the Planning Act 2025**; and
- (ii) any justification report required by **clause 11 of Schedule 3 of the Planning Act 2025**; and
- (iii) any further evaluation report or further justification report required by **clause 26 or 27 of Schedule 3 of the Planning Act 2025**; and 10
- (iv) any relevant provision in an action plan; and
- (b) have regard to—
- (i) any statutory acknowledgement that applies to the area to which the proposed natural environment plan or private plan change applies; and 15
- (ii) any relevant planning document recognised by an iwi authority and lodged with the regional council; and
- (c) have regard to any of following to the extent that it has a bearing on activities in the region and is within the regional council's responsibilities: 20
- (i) the Crown's interest in the coastal marine area:
- (ii) the extent to which the natural environment plan needs to be consistent with any natural environment plan or proposed natural environment plan of an adjacent regional council: 25
- (iii) the extent to which the natural environment plan needs to be consistent with any regulations made under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012:
- (iv) any 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 Māori customary fishing); and 30
- (v) any adaptation plan prepared under the Climate Change Response Act 2002; and 35
- (d) in relation to any planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011,—

- (i) recognise and provide for the matters in that document, to the extent that they relate to the relevant customary marine title area; and
 - (ii) 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. 5
 - (5) The regional council must comply with—
 - (a) any direction of the Minister under **section 217**; and
 - (b) any requirements in this subpart; and
 - (c) any regulations. 10
- Compare: 1991 No 69 ss 66, 67(3), (4)

Types of provisions in natural environment plans

98 Types of provisions in natural environment plan

- (1) A natural environment plan—
 - (a) must include objectives, rules, and policies; and 15
 - (b) must include a relief framework if required by **section 111**; and
 - (c) may include methods.
 - (2) A natural environment plan may incorporate material by reference in the prescribed manner.
 - (3) If a rule in a natural environment plan is inconsistent with a regulation under this Act, the regulation prevails. 20
- Compare: 1991 No 69, ss 67(1), 68(1), (2)

Further matters relating to rules

99 Rules may allocate natural resource activity

- (1) A rule in a plan may allocate a natural resource use activity. 25
- (2) A rule that allocates a natural resource use activity—
 - (a) must not allocate the amount of a natural resource that is already allocated by an existing permit, while that permit is valid; and
 - (b) may allocate a natural resource in anticipation of the expiry of an existing permit and, in doing so, may— 30
 - (i) allocate all of the resource used for an activity to the same type of activity; or
 - (ii) allocate some of the resource to the same type of activity and the rest to any other type of activity or no type of activity; and
 - (c) may allocate the resource among competing types of activities; and 35

- (d) must not allocate water, heat, or energy from water in a way that affects the activities authorised by **section 20(4)(b) to (e)**; and
- (e) may allocate natural resource use as a fixed amount or as a proportion of the available resource.

Compare: 1991 No 69 s 30(4); 2023 No 46 ss 195, 196

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100 Rules relating to market-based allocation process or comparative permitting process

- (1) If required or authorised by a national standard, a rule in a plan may—
 - (a) require the use of a market-based allocation process to determine the allocation of a right to apply for that resource permit: 10
 - (b) require a person to hold a right to apply before lodging an application for a permit under a rule:
 - (c) enable a consent authority to receive a permit application that is subject to market-based allocation process outside of the time period notified in accordance with **section 210**. 15
- (2) If required or authorised by a national instrument, a rule in a plan may—
 - (a) require a permit application for a natural resource use activity be determined through the comparative permitting process:
 - (b) enable a consent authority to receive a permit application that is subject to the comparative consenting process outside of the time period notified in accordance with **section 210**. 20
- (3) A consent authority that receives an application under a rule described in **sub-section (1)(c) or (2)(b)** must hold the application without processing it until the next required time period determined under **section 210**. 25

Compare: 2023 No 46 ss 194, 195, 197

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101 Plan must not permit activity that has certain effects on protected customary rights

- (1) A natural environment use plan or a proposed natural environment 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. 30
- (2) This section applies despite anything to the contrary in a national instrument.

Compare: 1991 No 69 s 85A

102 Process if plan or proposed plan does not comply with section 101

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- (1) If a protected customary rights group considers that a rule in a natural environment plan or proposed natural environment plan does not comply with **section 101**, the group may—

- (a) request a change to the rule in the plan in accordance with **clause 49 of Schedule 3 of the Planning Act 2025**; or
 - (b) make a submission on the proposed plan in accordance with **Part 1 of Schedule 3 of the Planning Act 2025**; or
 - (c) apply to the Environment Court in accordance with **clause 49(3) of Schedule 9 of the Planning Act 2025** for a change to the rule in the plan or proposed plan. 5
- (2) In determining whether a rule in a plan or proposed plan complies with **section 101**, the regional council or the Environment Court (as the case requires) must consider the following matters: 10
- (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 15
 - (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. 20

Compare: 1991 No 69 s 85B

103 Activities with effects on relationship of customary marine title group with customary marine title area

- (1) A natural environment plan or proposed natural environment 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 the relationship of a customary marine title group with their customary marine title area. 25
- (2) However, a plan or proposed plan may classify an activity described in **subsection (1)** as a permitted activity if the plan or proposed plan— 30
 - (a) includes a permitted activity rule that requires the activity to be registered with the regional council before it is carried out; and
 - (b) clearly identifies the activity as an activity subject to this section.
- (3) This section applies despite anything to the contrary in a national instrument.

Adaptive management and incentives 35

104 Plan may require adaptive management approach

- (1) A natural environment plan may include provisions that require an adaptive management approach to be used in relation to any activity.

- (2) Provisions in a plan that require an adaptive management approach—
 - (a) must meet the requirements of **section 167(2)(a) to (c)**; and
 - (b) may include provisions described in **section 167(2)(d) to (f)**.
- (3) In determining whether to recommend and when deciding provisions that require an adaptive management approach, the independent hearings panel or the regional council (as the case requires) must comply with **section 167(3) and (4)** as if references in that section to a consent authority were references to the panel or the regional council. 5

Compare: 2023 No 46 s 179

105 Methods relating to incentives 10

A method in a natural environment plan may provide an incentive to a land owner to undertake an activity if—

- (a) the incentive meets any criteria set out in regulations; and
- (b) the regional council considers that the activity will help achieve the objectives and policies of the plan. 15

Evaluation reports and justification reports

106 Requirements for evaluation reports

- (1) An evaluation report required under **clause 10 of Schedule 3 of the Planning Act 2025** for a draft of a proposed plan must set out how the draft proposed plan implements— 20
 - (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 regional council's reasons for selecting any standardised provision from a national standard, if a national standard authorises or requires the regional council to choose between any 2 or more alternative standardised provisions; and 25
 - (b) state how, if at all, the draft has been influenced by—
 - (i) pre-notification consultation (*see clause 5 of Schedule 3 of the Planning Act 2025*); and 30
 - (ii) any other engagement with local communities.
- (3) If the proposed plan includes rules that controls fishing in the coastal marine area, the evaluation report must also include an assessment of the impact of those rules prepared in the prescribed manner. 35
- (4) If the proposed plan includes a land use control or input control for the purpose of ensuring compliance with an environmental limit, the evaluation must exam-

ine and explain why the following measures are not sufficient to ensure compliance with the limit:

- (a) non-regulatory methods specified in an action plan:
- (b) freshwater farm plans:
- (c) any rules in an operative natural environment plan. 5
- (5) 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. 10

Compare: 1991 No 69 s 32

107 Requirements for further evaluation reports

- (1) A further evaluation report required under **clause 26 or 27 of Schedule 3 of the Planning Act 2025** 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 15
 - (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— 20
 - (a) be prepared in accordance with **section 106(1) to (4)**; and
 - (b) contain a level of detail that corresponds to the scale and significance of the changes.

Compare: 1991 No 69 s 32AA

108 Requirements for justification reports 25

- (1) This section sets out the requirements for a justification report required under **clause 11 of Schedule 3 of the Planning Act 2025** for a draft of a proposed plan that contains—
 - (a) a bespoke provision; or
 - (b) a provision on a specified topic; or 30
 - (c) a provision to which **section 51(4)** applies (which relates to less stringent ecosystem health limits).
- (2) In relation to a bespoke provision, a justification report must—
 - (a) justify why the provision is either—
 - (i) expressly authorised by a national instrument; or 35
 - (ii) not precluded by the national instruments; 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 regional council proposes to monitor the effectiveness of the proposed provision; and
- (e) summarise the evidence for its view that **section 97(3)** applies, if the regional council is proposing that the bespoke provision will not give effect to any provision in the regional spatial plan in accordance with that section; and 5
- (f) state how, if at all, the draft has been influenced by—
 - (i) pre-notification consultation (*see clause 5 of Schedule 3 of the Planning Act 2025*); and 10
 - (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 15
 - (c) describe the area to which the provision applies; 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 20
 - (f) include the matters in **subsection (2)(b) to (e)**.
- (4) In relation to an ecosystem health limit that is less stringent than the minimum acceptable level specified in national standards, a justification report must comply with the prescribed requirements.
- (5) The justification report must contain a level of detail that corresponds to the scale and significance of the content of the draft proposed plan. 25

Compare: 1991 No 69 s 32

109 Requirements for further justification reports

- (1) A further justification report required under **clause 26 or 27 of Schedule 3 of the Planning Act 2025** for a proposed plan— 30
 - (a) is required only for any significant changes that have been made to, or are proposed for, a bespoke provision or a provision on a specified topic since the relevant justification report or 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. 35
- (2) A further justification report must—
 - (a) be prepared in accordance with **section 108(1) to (4)**; and

- (b) contain a level of detail that corresponds to the scale and significance of the changes.

Compare: 1991 No 69 s 32AA

110 Failure to properly prepare evaluation report or justification report

- (1) A proposed plan or any provision in it— 5
 - (a) may be challenged on the grounds that **section 106 or 107** or **clause 10, 11, or 12 of Schedule 3 of the Planning Act 2025** have not been complied with; but
 - (b) may only be challenged in a submission on the proposed plan made in accordance with **Schedule 3 of the Planning Act 2025**. 10
- (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 106 or 107**.

Compare: 1991 No 69 s 32A

Regulatory relief 15

111 Obligations relating to regulatory relief in Schedule 3 of Planning Act 2025

Part 4 of Schedule 3 of the Planning Act 2025 sets out obligations 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.

Review of natural environment plans 20

112 Review of provisions in natural environment plan at least every 10 years

- (1) A regional council must commence a review of a provision in a natural environment plan if that provision has not been subject to any of the following in the previous 10 years: 25
 - (a) a proposed plan or private plan change:
 - (b) a review under this section.
- (2) If, after reviewing the provision, the regional council considers that the provision should be amended, the regional council must prepare and notify for submissions (in accordance with **Schedule 3 of the Planning Act 2025**) a proposed plan to amend or replace the provision. 30
- (3) If, after reviewing the provision, the regional council considers that the provision does not need to be amended, the regional council must prepare and notify for submissions (in accordance with **Schedule 3 of the Planning Act 2025**) a proposed plan that includes the provision unchanged.
- (4) A provision in a natural environment plan does not cease to be operative because the provision is due for review, or is being reviewed, under this section. 35

- (5) To avoid doubt, a regional council may choose to comply with this section by carrying out a full review of all provisions in its natural environment 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

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Fishing and aquaculture

113 Requirements for rules that control fishing

- (1) This section applies to rules that control fishing within the coastal marine area.
- (2) A regional council must not include a rule in a plan that controls fishing within the coastal marine area unless— 10
- (a) the rule is included in the proposed plan when it is notified for submissions; or
 - (b) the rule applies within an area to which a rule described in **paragraph (a)** applies.
- (3) However, a regional council may, after a proposed plan is notified for submissions, make minor adjustments to the boundaries of an area to which a rule that controls fishing in the coastal marine area applies. 15
- (4) If a regional council includes a rule in a plan that controls fishing in the coastal marine area,—
- (a) the rule must not classify fishing as a restricted discretionary or discretionary activity: 20
 - (b) the rule may classify fishing as a prohibited activity in an area:
 - (c) the rule may classify fishing as a permitted activity in an area only if it is an exception to a rule made under **paragraph (b)** that applies to the area. 25

Compare: 1991 No 69 s 71

114 Rules that control fishing do not apply to Māori customary non-commercial fishing rights in specified legislation

A rule in a plan that controls fishing does not apply to customary non-commercial fishing provided for in— 30

- (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 giving effect to section 10 of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992; or 35
- (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

115 Aquaculture areas 5

- (1) A natural environment plan may prescribe aquaculture areas, including for the purposes of—
- (a) providing for, and managing, aquaculture activities in an aquaculture settlement area gazetted under the Māori Commercial Aquaculture Claims Settlement Act 2004; and 10
 - (b) enabling requests to be made for aquaculture area decisions under **section 47**.
- (2) A natural environment plan that prescribes an aquaculture area—
- (a) ensure that an aquaculture area is used principally for aquaculture activities; and 15
 - (b) must specify the boundaries of aquaculture area using geographic coordinates; and
 - (c) must ensure that no application (other than under an authorisation) can be made for a coastal permit to occupy space in an aquaculture area before a date to be specified in a public notice; and 20
 - (d) must ensure that no application (other than under an authorisation) can be made for a coastal permit for aquaculture activities in any part of the aquaculture area where the relevant chief executive has made an aquaculture area decision that is a reservation related to customary fishing or recreational fishing or commercial fishing for stocks not subject to the quota management system. 25
- (3) A rule in a plan that applies to an aquaculture area may be subject to an aquaculture area decision by the relevant chief executive under the Fisheries Act 1996.
- (4) In this clause, **relevant chief executive** means the chief executive of the department responsible for administering the Fisheries Act 1996. 30

Compare: 2023 No 46 ss 184, 189

116 Restriction on classifying aquaculture as permitted activity in coastal marine area

A rule in a plan must not classify an aquaculture activity as permitted activity in the coastal marine area unless the rule applies solely to a space that was subject to a coastal permit authorising aquaculture activities at the time the plan was being developed. 35

Compare: 2023 No 46 s 192(3)

*Other matters***117 Statutory acknowledgements to be attached to natural environment plans**

- (1) Every statutory acknowledgement that applies in a region must be attached to the natural environment plan for that region.
- (2) The provisions of the legislation that provides for a statutory acknowledgement apply. 5
- (3) The attachment of a statutory acknowledgement to a natural environment plan is for public information only and, unless adopted by the regional council as part of the plan, is not part of the plan.

118 Disputes relating to whether natural environment plan implements national instrument or regional spatial plan 10

- (1) This section applies if there is a dispute about whether a natural environment plan implements—
 - (a) the national policy direction; or
 - (b) a national standard; or 15
 - (c) any relevant provision of a regional spatial plan.
- (2) The Minister, the regional council responsible for the natural environment 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 natural environment plan does not implement the relevant instrument, the court must order the regional council to amend the plan in accordance with **section 71(4) or (5)** (as applicable). 20
- (4) However, the Environment Court does not need to make an order under **subsection (3)** if it considers that the departure from a national instrument or the regional spatial plan is minor or inconsequential. 25

Compare: 1991 No 69 s 82

119 Presumption of validity

If a regional council claims that a natural environment plan or provision in a natural environment plan is operative, the plan or provision— 30

- (a) must be treated as having been prepared and approved in accordance with **Schedule 3 of the Planning Act 2025**; and
- (b) must not be challenged except by an application for an enforcement order under **section 260(3)**.

Compare: 1991 No 69 s 83; 2023 No 46 s 212 35

120 Regional council must comply with and enforce natural environment plan

- (1) A regional council—

- (a) must comply with its own natural environment plan and any rule of its proposed natural environment 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 natural resource permit, and no waiver from a plan or 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)**. 5
 - (3) **Subsection (2)** does not apply if the non-compliance is authorised by this Act. 10
- Compare: 1991 No 69 s 84

121 Boundary adjustments

- (1) If the boundaries of a region are changed so that any area of the region is administered by a different regional council, the natural environment plan and any proposed natural environment plan or private plan change that applied to the area before the boundary change— 15
 - (a) continues to apply to the area; and
 - (b) is to be treated as part of the natural environment plan or proposed plan of, or a private plan change of, the different regional council.
- (2) If the boundaries of a region are changed to include, within the region, an area that was not previously within the boundaries of another region, the land must not be used— 20
 - (a) unless the use is expressly allowed by a natural resource permit; or
 - (b) until the natural environment plan provides that the land may be used as proposed.
- (3) If the boundaries of a region are changed to include a new area,— 25
 - (a) the regional council must, as soon as practicable (but not later than 2 years after the change to the boundaries), change its natural environment 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. 30

Compare: 1991 No 69 s 81; 2023 No 46 s 210

122 Environment Court may give directions in respect of 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 natural environment plan unless otherwise provided for in this Act. 35
- (2) Despite **subsection (1)**, a person with an interest in land to which a provision in a natural environment plan or proposed 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 **Schedule 3 of the Planning Act 2025** in respect of a proposed plan; or
 - (b) in a change request under **clause 49 of Schedule 3 of the Planning Act 2025** in respect of a plan. 5
- (3) Despite **subsection (1)**, if an appeal is made to the Environment Court in relation to a provision of a proposed plan, the court may give a direction under **subsection (4)** after—
- (a) being satisfied that the provision— 10
 - (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— 15
 - (i) **subpart 2 of Part 2**; and
 - (ii) the effect of **subsection (1)**; and
 - (iii) Part 4 of Schedule 3 of the Planning Act 2025; and
 - (c) taking into account any relief provided under **Part 4 of Schedule 3 of the Planning Act 2025** in relation to the land.
- (4) The Environment Court may direct the local authority to do 1 or more of the following: 20
- (a) at the local authority's election,—
 - (i) modify, delete, or replace the provision in the plan or proposed plan 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— 25
 - (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: 30
 - (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. 35
- (5) The local authority must not elect 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 or proposed provision was first notified or otherwise included in the relevant plan or proposed plan; and 5
 - (ii) the provision or proposed 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 of the Planning Act 2025**. 10
- (7) Nothing in **subsections (3) to (6)** limits the powers of the Environment Court under **clause 48 of Schedule 9 of the Planning Act 2025** on an appeal under **Schedule 3** of that Act.
- (8) **Part 4 of Schedule 3 of the Planning Act 2025** 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 subpart must be taken into account for the purposes of **subsection (3)**. 15
- (9) In this section, **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 natural resource or on any person (other than the applicant) would not be significant. 20

Compare: 1991 No 69 s 85

Subpart 2—Coastal matters, water conservation orders, and freshwater farm plans 25

Coastal matters

123 Coastal matters

The provisions set out in **Schedule 3** relating to coastal matters have effect according to their terms, relating to the following—

- (a) the meaning of terms used in the schedule: 30
- (b) managing occupation in the common marine and coastal area:
- (c) ministerial powers in relation to applications for coastal permits to undertake aquaculture activities in the common marine and coastal area:
- (d) the processing and hearing together of applications for coastal permits:
- (e) the order in which applications by existing consent holders are to be processed: 35
- (f) aquaculture areas:

- (g) coastal tendering relating to removing any sand, shingle, shell, or other natural material, and reclaiming or draining any foreshore or seabed:
- (h) the continuation of certain coastal permits extended under the Resource Management Act 1991.

Water conservation orders

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124 Water conservation orders

The provisions set out in **Schedule 4** relating to water conservation orders have effect according to their terms, relating to the following:

- (a) the purpose of water conservation orders:
- (b) the meaning of terms used in the schedule: 10
- (c) the legal effect of water conservation orders:
- (d) applications for water conservation orders:
- (e) hearings by a special tribunal of water conservation order applications:
- (f) appeals on decisions by a special tribunal on water conservation order applications: 15
- (g) the process for making, revoking, and amending water conservation orders.

Freshwater farm plans

125 Freshwater farm plans

The provisions set out in **Schedule 5** have effect according to their terms, relating to the following: 20

- (a) the purpose of the freshwater farm plans provisions:
- (b) the meaning of terms used in the schedule:
- (c) the application of the schedule and when it ceases to apply:
- (d) the circumstances in which a farm must have a freshwater farm plan: 25
- (e) the main duties of farm operators:
- (f) the contents, certification, and audit of freshwater farm plans:
- (g) the functions and duties of regional councils relevant to freshwater farm plans:
- (h) the Minister's ability to approve industry organisations to provide certification and audit services in regard to freshwater farm plans: 30
- (i) the relationship between freshwater farm plan and specified instruments:
- (j) empowering provisions for regulations in relation to freshwater farm plans.

Part 4

Natural resource permits

126 Application of Planning Act 2025 to this Part

If a provision in this Part applies the **Planning Act 2025**, the relevant provision of that Act must be read—

- (a) as if a reference to the consent authority were a reference to the permit authority: 5
- (b) as if a reference to a planning consent were a reference to a natural resource permit:
- (c) as if a reference to a land use plan were a reference to a natural environment plan: 10
- (d) as if a reference to a national rule were a reference to a national rule under **subpart 3 of Part 2** of this Act:
- (e) as if a reference to adverse effects on the built environment were a reference to adverse effects on natural resources or people: 15
- (f) with all other necessary modifications.

Subpart 1—Types of permit

127 Meaning of natural resource permit

In this Act, a **natural resource permit** or **permit** means any of the following:

- (a) a **coastal permit**, which is a permit to do something in a coastal marine area that would otherwise contravene **section 18, 20, 21, 22, 23, or 24**: 20
- (b) a **discharge permit**, which is a permit to do something (other than in a coastal marine area) that would otherwise contravene **section 21**:
- (c) a **land use permit**, which is a permit to do something (other than in a coastal marine area) that would otherwise contravene **section 17 or 19**: 25
- (d) a **water permit**, which is a permit to do something (other than in a coastal marine area) that would otherwise contravene **section 20**. 30

Compare: 1991 No 69 s 87; 2023 No 46 s 220

128 Natural resource permit may include wildlife approval

A natural resource permit may include a **wildlife approval**, which is a lawful authority for an act or omission that would otherwise be an offence under sections 58(1), 63(1), 63A, 64, 65(1)(f), 70G(1), 70P, and 70T(2) of the Wildlife Act 1953. 35

Subpart 2—Applying for natural resource permit

*General requirements***129 Prior consultation not required**

The following applies to an applicant for a natural resource permit and the permit authority:

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- (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 to consult any person about the application; and
- (c) each may consult any person about the application.

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Compare: 1991 No 69 s 36A

130 Applying for natural resource permit

- (1) A person may apply for a natural resource permit by lodging an application with the relevant permit authority.

- (2) An application must—

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- (a) be made in the prescribed form and manner; and
- (b) include the information that is required by **Schedule 2**.

- (3) An applicant must ensure that information required by **subsection (2)(b)** is provided at a level of detail that is proportionate to the scale and significance of the matter to which the application relates.

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- (4) A permit authority may accept an application that does not fully comply with **subsection (2)(b)** if the authority is satisfied that the information provided by the applicant is proportionate to the scale and significance of the matter to which the application relates.

- (5) An application is lodged on the date that it is received by the relevant permit authority.

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- (6) An application for a coastal permit to undertake an aquaculture activity must include a copy for the ministry responsible for the administration of the Fisheries Act 1996.

Compare: 1991 No 69 s 88(1), (2), (2AA), (2AB), (2A)

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131 Activity classification to remain the same

- (1) This section applies if—

- (a) an application for a natural resource permit has been lodged under **section 130**; and
- (b) the activity classification of the activity (being restricted discretionary or discretionary) is altered after the application was first lodged as a result of—

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- (i) a proposed natural environment plan provision being notified; or
 - (ii) a decision being made under **clause 27 of Schedule 3 of the Planning Act 2025** (as applied by **section 94** of this Act); 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. 5
 - (3) This section does not affect a requirement in **section 156** to have regard to any relevant provision of a natural environment plan or proposed natural environment plan that exists when the application is considered. 10
- Compare: 1991 No 69 s 88A

132 Application affecting navigation to be referred to Maritime New Zealand

- (1) This section applies to the following applications:
 - (a) an application for a coastal permit to do any of the following in the coastal marine area: 15
 - (i) reclaim land:
 - (ii) build a structure:
 - (iii) do or maintain works for the improvement, management, protection, or utilisation of a harbour:
 - (b) an application for a coastal permit to remove boulders, mud, sand, shell, shingle, silt, stone, or other similar material from the coastal marine area: 20
 - (c) an application for a land use permit to use the bed of a navigable lake or river.
- (2) The permit authority must send a copy of the application to Maritime New Zealand. 25
- (3) Maritime New Zealand must report to the permit 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 permit for navigation-related purposes. 30
- (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, the permit authority may take the failure as an indication that Maritime New Zealand has nothing to report.
- (5) The permit authority must— 35
 - (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

133 Applications to undertake aquaculture activities

- (1) This section applies to an application for a coastal permit authorising aquaculture activities to be undertaken in the coastal marine area. 5
- (2) However, this section does not apply to—
 - (a) an application for a coastal permit by a person who already holds a coastal permit to occupy the same space in a common marine and coastal area for aquaculture activities, unless a previous aquaculture decision in relation to that area included a condition under section 186H(3) of the Fisheries Act 1996: 10
 - (b) an application for a coastal permit in a part of an aquaculture area in respect of which a determination has been made under section 186JB of the Fisheries Act 1996 by the chief executive of the Ministry responsible for the administration of that Act (the **chief executive**). 15
- (3) The permit authority must,—
 - (a) unless the application is returned under **section 135**, forward a copy of the application to the chief executive as soon as is reasonably practicable; and
 - (b) forward any information or report obtained in relation to the application under **section 140 or 141**, or **clause 50 of Schedule 3 of the Planning Act 2025**, to the chief executive as soon as is reasonably practicable; and 20
 - (c) if the application is notified, provide the chief executive with a copy of the submissions as soon as is reasonably practicable after the closing date for submissions. 25

Compare: 2023 No 46 s 293

134 Application relating to area where group seeks customary marine title

- (1) If a person applies for a natural resource permit relating to an area where an applicant group seeks customary marine title,— 30
 - (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 if this is not done. 35
- (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)

135 Permit authority may return incomplete application

- (1) A permit authority may, within 10 working days after an application was first lodged, determine that an application is incomplete if the application does not include the information required by **section 130(2)(b)**.
- (2) If the permit authority decides that the application is incomplete, it must immediately return the application to the applicant with written reasons for the decision. 5
- (3) A person may apply to the Planning Tribunal under **clause 15 of Schedule 10 of the Planning Act 2025** to review a decision that an application is incomplete. 10
- (4) If an application that has been returned under this section is lodged again with the permit authority, that application must be treated as a new application.

Compare: 1991 No 69 s 88(3), (3A), (4), (7), (8)

136 Priority of competing applications

- (1) A permit authority that receives competing applications must determine the applications in the order in which they are received. 15
- (2) **Subsection (1)** applies unless this Act expressly provides otherwise.
- (3) In this section, **competing applications** means 2 or more completed applications for permits for the same natural resource use activity where the granting of one application would prevent or limit the granting of another application. 20

137 Deferral pending application for additional permits

- (1) A permit authority may determine not to proceed with the notification or hearing of an application for a natural resource permit if it considers on reasonable grounds that—
 - (a) other permits under this Act will also be required in respect of the proposal to which the application relates; and 25
 - (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 permits be made before proceeding further.
- (2) If a permit authority makes a determination under subsection (1), it must immediately notify the applicant of the determination. 30
- (3) The applicant may apply to the Planning Tribunal for an order directing that any determination under this section be revoked.

Compare: 1991 No 69 s 91

Time frames and excluded time periods 35

138 Permit processing time frames

- (1) The maximum processing time frames for applications for natural resource permits—

- (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 or excluded time periods prescribed by regulations made under **section 308**. 5
- (2) For the purposes of this section, the processing of an application—
 - (a) begins on the date that the application is lodged under **section 130(5)**; and
 - (b) ends on the date that the permit authority notifies the applicant of the decision on the application. 10
- (3) The processing time frames for natural resource permits are as follows:

Type of notification	Maximum processing time frame
Non-notified permit with or without hearing	45 working days
Targeted notified permit without hearing	70 working days
Targeted notified permit with hearing	100 working days
Publicly notified permit without hearing	90 working days
Publicly notified permit with hearing	130 working days
- (4) A permit authority must suspend the processing of an application for a natural resource permit on the grounds and in the manner prescribed in the regulations.

139 **Certain permits must be processed and decided no later than 1 year after lodgement** 15

- (1) The time period within which a permit authority must process and decide an application for a natural resource permit for a specified energy activity or wood processing activity (the **time period**) is 1 year after the date the application is lodged.
- (2) An extension of the time period may be granted on the terms specified in **section 118(2) to (8) of the Planning Act 2025**, and that section applies with all necessary modifications. 20
- (3) This section applies despite any time frames or excluded time periods that are prescribed in the regulations.

Compare: 1991 No 69 s 88BA 25

Permit authority may require further information

140 **Request for further information**

- (1) A permit authority may request that the applicant provide further information relating to the application at any reasonable time before the hearing of an application for a natural resource permit or, if no hearing is held, before the decision to grant or refuse the application. 30

- (2) The permit authority may make a request under **subsection (1)** only if it is satisfied that obtaining the information will ensure that the permit authority has enough information to understand the implications of its decision, after considering—

- (a) the cost and feasibility of obtaining the information; and 5
- (b) the scale and significance of the matter to which the decision relates.

- (3) A permit authority that requests further information under this section must do so in the prescribed form and manner.

Compare: 1991 No 69 s 92(1)

141 Request for report 10

- (1) A permit authority may commission a person to prepare a report on a matter relating to the application, including a matter relating to information provided by the applicant in the application or under **section 140**,—

- (a) at any reasonable time before the hearing of an application for a natural resource permit or, if no hearing is held, before the decision to grant or refuse the application; and 15
- (b) only if the applicant is notified before the permit authority commissions the report, and does not refuse, in accordance with the regulations, to agree to the commissioning of the report.

- (2) The permit authority may notify the applicant that it wants to commission a report under **subsection (1)** only if it is satisfied that obtaining the report will ensure the permit authority has enough information to understand the implications of its decision, after considering— 20

- (a) the cost and feasibility of obtaining the report; and
- (b) the scale and significance of the matter to which the decision relates. 25

- (3) A report commissioned under **subsection (1)** may be in the form of a review of the information provided by the applicant under **section 140**.

- (4) If the report is a review of the information provided by the applicant,—

- (a) it must be carried out by an expert appointed by the permit authority; and 30
- (b) it must be limited to an assessment of the methodology used to reach the conclusion of that information.

- (5) A permit authority that commissions a report under this section must do so in the prescribed manner.

Compare: 1991 No 69 s 92(2) 35

142 Response to request for further information or report

An applicant that receives a request for further information under **section 140**, or notification that the permit authority wants to commission a report

under **section 141**, must respond to the permit authority in the manner and within the time prescribed in the regulations.

Compare: 1991 No 69 s 92A

143 Consequences of applicant's failure to respond to requests, etc

- (1) A permit authority may determine an application for a natural resource permit is incomplete if— 5
 - (a) the applicant was required to provide one of the following responses:
 - (i) to provide further information in response to a request under **section 140** within the time specified in the regulations; or
 - (ii) to tell the permit authority in a written notice whether the applicant agrees to the commissioning of a report under **section 141** within the time specified in the regulations; or 10
 - (iii) to pay an additional charge to the permit authority required under **section 229** and specified in a written notice by an agreed date; or 15
 - (iv) to give the permit authority written approval for a proposed activity under **section 128(1)(b)(i) of the Planning Act 2025** 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 20
 - (c) the permit authority has notified the applicant, by a method specified in **section 324**, of its intention to return the application.
- (2) After determining that an application is incomplete under this section, the permit authority may return the application to the applicant with written reasons for the determination. 25
- (3) If, after an application has been returned as incomplete under this section, that application is lodged again with the permit 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 permit authority. 30

Compare: 1991 No 69 s 92AA

Subpart 3—Notification, submissions, and hearings

Notification

144 Time limit for public notification or targeted notification

A permit authority must, within 20 working days after the application is first lodged,— 35

- (a) decide whether to give public or targeted notification of an application for a natural resource permit in accordance with **sections 145 and 146**; and
- (b) notify the applicant if it decides to do so.

Compare: 1991 No 69 s 95

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145 Mandatory public notification in some circumstances

A permit authority must publicly notify an application for a natural resource permit if—

- (a) the applicant has requested that the application be publicly notified;
- (b) public notification is required under **section 147**: 10
- (c) a rule in a natural environment plan or a national rule requires public notification in relation to the activity or activities to which the application relates.

146 Notification requirements if section 145 does not apply

- (1) This section applies if an application for a natural resource permit is not publicly notified under **section 145**. 15

Certain affected groups and affected persons must be notified

- (2) A permit authority must determine—
 - (a) whether there are any—
 - (i) affected protected customary rights groups; or 20
 - (ii) affected customary marine title groups (in the case of an application for a natural resource permit 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 6**; and 25
 - (ii) the person to whom the statutory acknowledgement is made is an affected person under **section 149**.
- (3) The permit authority must notify the application to each affected group and each affected person identified under **subsection (2)**, unless **subsection (6)** applies. 30

Notification requirements if affected persons or significant adverse effects

- (4) The permit authority must determine—
 - (a) whether there are affected persons, in accordance with **section 149**; 35
 - and
 - (b) whether all affected persons can be identified.

- (5) If all affected persons can be identified under **subsection (4)**, the permit authority—
- (a) must notify those persons of the application (**targeted notification**); and
 - (b) must not publicly notify the application.
- (6) However, if targeted notification does not occur under **subsection (5)**, a permit authority must publicly notify the application— 5
- (a) if it determines that the activity will have or is likely to have significant adverse effects on natural resources or people in accordance with **section 148**; and
 - (b) either— 10
 - (i) there are no affected persons; or
 - (ii) it is not possible, or it is impractical, to identify all affected persons.
- (7) **Subsections (4) to (6)** do not apply if a natural environment plan, national rule, or water services standard precludes notification in relation to the activity or activities to which the application relates. 15

Compare: 1991 No 69 s 95B

147 Public notification of permit application after request for further information or report

- (1) A permit authority must publicly notify an application for a natural resource permit if— 20
- (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 permit authority requests further information on the application under **section 140**, but the applicant— 25
- (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 permit authority notifies the applicant under **section 141** that it wants to commission a report, but the applicant— 30
- (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 natural environment plan or national rule that precludes public or targeted notification of the application. 35

Compare: 1991 No 69 s 95C

148 Whether significant adverse effects on natural resources or people

- (1) This section applies to a permit authority that is deciding, under **section 145(6)(a)**, whether an activity will have or is likely to have significant adverse effects on natural resources or people.
- (2) A permit 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 natural environment plan or national rule permits an activity with that effect, subject to **subsection (3)**; 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 natural environment plan or national rule reserves discretion; and
 - (d) trade competition and the effects of trade competition; and
 - (e) any effect on a person who has given written approval to the relevant application.
- (3) If the activity is a natural resource use activity, the permit authority may, in its discretion, consider any adverse effect of the activity on natural resources and people regardless of whether a rule in a natural environment plan or national rule permits an activity with that effect.

Compare: 1991 No 69 s 95D

149 Whether person is affected person

- (1) For the purpose of **section 146(2)(b)(i) and (4)**,—
- (a) a person is an **affected person** if the permit authority decides that—
 - (i) the activity's adverse effects on the person are more than minor; or
 - (ii) the activity's adverse effects on a management unit, or the persons within that management unit, are more than minor, and the person resides within that management unit; 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 permit authority before the authority has decided whether there are any affected persons; or
 - (ii) the permit 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 or a management unit are more than minor under **subsection (1)(a)**, the permit authority—
- (a) must disregard an adverse effect of the activity on the person or the management unit if a rule in a natural environment plan or a national rule permits an activity with that effect, subject to **subsection (4)**; and 5
 - (b) if the activity is a restricted discretionary activity, must disregard an adverse effect of the activity on the person or the management unit if the effect does not relate to a matter for which a rule in a natural environment plan or a national rule has reserved discretion; and 10
 - (c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in **Schedule 6**.
- (4) If the activity is a natural resources use activity, the permit authority may, in its discretion, consider any adverse effect of the activity on natural resources and people regardless of whether a rule in a natural environment plan or national rule permits an activity with that effect. 15

Compare: 1991 No 69 s 95E

150 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— 20

- (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 permit authority before the authority has made a decision under this section. 25

Compare: 1991 No 69 s 95F

151 Meaning of affected customary marine title group 30

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 35
- (b) the customary marine title group has not given written approval for the activity in a written notice received by the permit authority before the authority has made a decision under this section. 40

Compare: 1991 No 69 s 95G

*Submissions on applications***152 Submissions on applications**

- (1) If an application for a natural resource permit is publicly notified, the following persons may make a submission about it to the permit authority in the manner described in **section 132 of the Planning Act 2025**: 5
 - (a) a qualifying resident of the region to which the application relates:
 - (b) a person who is not a qualifying resident of the region to which the application relates if that person is an affected person under **section 149**.
- (2) If an application for a natural resource permit is the subject of targeted notification a person served with notice of the application may make a submission about it to the permit authority in the manner described in **section 132 of the Planning Act 2025**. 10
- (3) In addition to the matters specified in **section 132(1) of the Planning Act 2025**, a submission must not be made in relation to trade competition or the effects of trade competition. 15
- (4) A permit authority may strike out a submission, or part of a submission, in accordance with **section 133 of the Planning Act 2025**.

Compare: 1991 No 69 s 96

Hearings

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153 Hearing of natural resource permit application

The following provisions of the **Planning Act 2025** apply to an application for a natural resource permit:

- (a) **section 134** (consent authority may refer to conference or mediation):
- (b) **section 135** (obligation to hold a hearing): 25
- (c) **section 136** (decision by commissioner).

Subpart 4—Consideration of application and decision**154 Application of this subpart**

This subpart sets out the matters that apply to the consideration by a permit authority of a natural resource permit application. 30

155 Matters that permit authority must disregard

- (1) A permit authority must not have regard to—
 - (a) any effect on a person who has given written approval to the application:
 - (b) any adverse effect of the activity on the natural environment if the natural environment plan or a national rule permits an activity with that effect, subject to **sections 156(2)**: 35

- (c) if the activity is a restricted discretionary activity, any matter in relation to which the natural environment plan, proposed natural environment plan, a national rule, or a water services standard has not reserved discretion:
 - (d) trade competition or the effects of trade competition. 5
 - (2) See also **section 12**, which applies to a permit authority when considering a natural resource permit application.
 - (3) **Subsection (1)(a)** does not apply if the person withdraws their approval by written notice received by the permit authority before the hearing or, if there is no hearing, before the application is determined. 10
 - (4) This section also applies to a permit authority considering any submissions on the application.
- 156 Consideration of natural resource permit application**
- (1) Subject to **subsection (3)**, a permit authority must have regard to the following: 15
 - (a) any adverse effect on—
 - (i) a person, unless **section 155(1)(a)** applies:
 - (ii) the natural environment:
 - (b) any effect that is—
 - (i) positive: 20
 - (ii) cumulative:
 - (c) any measure proposed or agreed to by the applicant to avoid, remedy, minimise, offset, or compensate for, any adverse effects on the natural environment resulting or likely to result from the activity:
 - (d) any relevant provisions of— 25
 - (i) the natural environment plan or proposed plan:
 - (ii) the regional spatial plan or proposed regional spatial plan, if the application is for an activity that is a discretionary activity:
 - (e) any relevant provisions of other key instruments in accordance with **section 12**: 30
 - (f) any relevant matter specified in an action plan:
 - (g) if the application is affected by **section 181(a)** (which applies **section 164 of the Planning Act 2025**), the value of the investment to the existing permit holder:
 - (h) if the application is affected by **section 181(a)** (which applies **section 164 of the Planning Act 2025**) in relation to long-lived infrastructure, the effects of that infrastructure: 35
 - (i) the matters specified in **sections 157 to 164**.

- (2) If the activity is a natural resource use activity, the permit authority may, in its discretion, consider any adverse effect of the activity on natural resources and people regardless of whether the natural environment plan or a national rule permits an activity with that effect.
- (3) However, if a natural resource permit application is for an activity that is a restricted discretionary activity, a permit authority may have regard to a matter only if discretion is reserved in relation to that matter by any of the following: 5
- (a) a natural environment plan or proposed natural environment plan:
 - (b) a national rule:
 - (c) a water services standard. 10
- (4) This section also applies to a permit authority considering any submissions on the application.

157 Matters relevant to activities affecting drinking water supply source water

The permit 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 15
- (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. 20

158 Matters relevant to application for discharge permit, coastal permit, or reclamation

- (1) If an application is for a discharge permit or coastal permit to do something that would contravene **section 21 or 23**, the permit authority must have regard to— 25
- (a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
 - (b) the applicant's reasons for the proposed choice; and
 - (c) any possible alternative methods of discharge, including discharge into any other receiving environment. 30
- (2) If an application is for a natural resource permit for a reclamation, the permit authority must consider whether an esplanade reserve or esplanade strip is appropriate and, if so, impose a condition under **section 169(1)(i)**.
- (3) However, **subsections (1) and (2)** do not apply if an application is for an activity— 35
- (a) that is regulated by a wastewater environmental performance standard or a stormwater environmental performance standard and the application complies with the relevant environmental performance standard; or

- (b) that is regulated by an infrastructure design solution and the application complies with the infrastructure design solution.

Compare: 1991 No 69 s 105

159 Activities in area within scope of planning document prepared by customary marine title group 5

If the proposed activity is 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, the permit authority—

- (a) must have regard to any matters relevant to this Act that are set out in the planning document; and 10
- (b) must, if it is a regional council, continue to have regard to those matters until it has completed its obligations in relation to its regional planning documents under section 93(5) of the Marine and Coastal Area (Takutai Moana) Act 2011.

160 Matters relevant to application relating to wastewater network 15

- (1) When considering a natural resource permit application that relates to a wastewater network, as defined in section 5 of the Water Services Act 2021, a permit authority—
 - (a) must not grant the permit contrary to—
 - (i) a wastewater environmental performance standard; or 20
 - (ii) an infrastructure design solution; and
 - (b) must include, as a condition of granting the permit, 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. 25
- (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 provided in this Act, does not prevent a permit authority from including, as a condition of granting a natural resource permit, 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. 30

Compare: 1991 No 69 s 104(2D), (2DA)

161 Matters relevant to application relating to stormwater network 35

- (1) When considering a natural resource permit application that relates to a stormwater network, as defined in section 5 of the Water Services Act 2021, a permit authority—

- (a) must not grant the permit contrary to—
 - (i) a stormwater environmental performance standard; or
 - (ii) an infrastructure design solution; and
- (b) must include, as a condition of granting the permit, requirements that are no more or less restrictive than is necessary to give effect to— 5
 - (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 10
 - (b) except as expressly otherwise provided in this Act, does not prevent a permit authority from including, as a condition of granting a natural resource permit, 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. 15

Compare: 1991 No 69 s 104(2E), (2EAAA)

162 Applicant's compliance history

- (1) The permit authority may have regard to any previous or current abatement notices, enforcement orders, infringement notices, or convictions under this Act— 20
 - (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. 25
- (2) In addition, the permit authority may have regard to any previous or current abatement notices, enforcement orders, infringement notices, or convictions under this Act received within the previous 7 years by a person that— 30
 - (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 or conviction, was directed or managed by a person who is a director or person concerned with the management of the applicant. 35
- (3) The permit authority may decline an application for a natural resource permit if the applicant has a record of significant non-compliance with a requirement of this Act—

- (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 or a conviction under this Act or, if the applicant 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.

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Compare: 1991 No 69 s 104(6)

163 Land use permit may be refused or granted with conditions if risk from natural hazards

- (1) A permit authority may refuse to grant a land use permit, or may grant a land use permit subject to conditions, if it considers that there is a significant risk from natural hazards. 10
- (2) Conditions 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 170**. 15
- (3) For the purposes of **subsection (1)**, 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, structures, or the natural environment that would result from natural hazards: 20
 - (c) whether the proposed use of the land would accelerate, worsen, or result in material damage of the kind referred to in **paragraph (b)**:
 - (d) whether the proposed use of the land would result in adverse effects on natural resources or people. 25
- (4) **Subsection (1)** does not apply to land use permits if the use of the land for which the permit is sought is a primary production activity, as described in the national standards.

164 Matters for which permit must not be granted

- A permit authority must not grant a natural resource permit if— 30
- (a) it is contrary to—
 - (i) **clause 3 of Schedule 4**:
 - (ii) any regulations:
 - (iii) a wāhi tapu condition included in a customary marine title order or agreement: 35
 - (iv) section 55(2) of the Marine and Coastal Area (Takutai Moana) Act 2011:
 - (b) it should have been notified and was not:

- (c) granting the permit would result in the breach of an environmental limit, unless the breach is authorised by—
 - (i) national standards made under **section 86**; or
 - (ii) a water services standard.

Compare: 1991 No 69 s 104(3)

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165 Determination of natural resource permit

- (1) After considering an application for a natural resource permit, a permit authority may grant or refuse the application.
- (2) If it grants the application, the permit authority may impose conditions on the natural resource permit,—
 - (a) for a restricted discretionary activity, only for those matters over which the natural environment plan, proposed natural environment plan, or a national rule has reserved discretion:
 - (b) for a discretionary activity, under **section 169**.
- (3) A permit authority may grant a natural resource permit on the basis that the activity is a restricted discretionary activity or a discretionary activity regardless of what type of activity the application was expressed to be for.
- (4) A permit authority may decline an application for a natural resource permit on the ground that it has inadequate information to determine the application.
- (5) In making an assessment on the adequacy of the information, the permit authority must have regard to whether any request made of the applicant for further information or reports resulted in further information or any report being made available.

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166 Precautionary principle where information uncertain or inadequate

- (1) When deciding whether to grant or refuse an application for a natural resource permit, a permit authority must favour caution and environmental protection if the information available to determine the application is uncertain or inadequate.
- (2) However, if applying **subsection (1)** means that the application is likely to be refused, the permit authority must consider whether including a condition that requires, or conditions that form, an adaptive management approach would address the concerns arising from the uncertainty or inadequacy of the information.

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167 Permit authority may grant application with adaptive management approach

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- (1) A permit authority may grant a natural resource permit 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 5
 - (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 for an activity to step back to a previous stage or cease temporarily where triggers are met, to allow for management practices or monitoring requirements to be adapted accordingly; and 10
 - (f) may include provisions to allow for an activity to be discontinued permanently (in circumstances where the effects are found to be unanticipated at the time permit was granted). 15
- (3) In determining the use of an adaptive management approach, the permit authority must consider—
- (a) whether there is adequate evidence that using an adaptive management approach will— 20
 - (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 25
 - (c) the importance of the activity for which the permit 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 permit authority may decide that an adaptive management approach sufficiently diminishes the risk and uncertainty if it is satisfied that— 30
- (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 35
 - (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.

Subpart 5—Conditions and other requirements for decisions

*Conditions of natural resource permits***168 General requirements before conditions may be included**

- (1) When granting a natural resource permit, the permit authority may include any condition it considers appropriate after being satisfied that— 5
 - (a) **subsections (2) and (3)** are complied with; and
 - (b) any requirements in **section 169** for particular permits or conditions are complied with.
- (2) A permit authority must not include a condition unless— 10
 - (a) the applicant has agreed to the condition and the condition contains measures in order to— 15
 - (i) give rise to positive effects; or
 - (ii) avoid, minimise, remedy, offset, or provide compensation for, any adverse effects; or
 - (b) the condition is directly connected to— 20
 - (i) an applicable provision in the natural environment plan or national rule; or
 - (ii) a water services standard; or
 - (c) the condition relates to administrative matters that are essential for the efficient implementation of the natural resource permit. 25
- (3) A permit authority must not include a condition that is contrary to a water services standard.
- (4) This section does not limit **section 31** (meaning of rule) or **section 163** (land use permit may be refused or granted with conditions if risk from natural hazards). 25
- (5) For the purpose of **subsection (2)(b)(i)**, a provision is **applicable** if the application of the provision to the activity is the reason, or one of the reasons, that a natural resource permit is required for the activity.

Compare: 1991 No 69 ss 108, 108AA

169 Particular conditions that may be included in natural resource permits 30

- (1) Without limiting the generality of **section 168**, a natural resource permit may include any 1 or more of the following conditions: 35
 - (a) a condition specifying the duration of the permit:
 - (b) a condition specifying the date the permit will lapse, subject to **section 165 of the Planning Act 2025** (as applied by **section 181(b)** of this Act):

-
- (c) a condition requiring a bond to be given (and describing the terms of that bond) in accordance with **clauses 3 and 4 of Schedule 8 of the Planning Act 2025** (as applied by **section 297** of this Act):
 - (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: 5
 - (e) a condition requiring that a covenant be entered into, in favour of the permit authority, in respect of the performance of any condition of the natural resource permit (being a condition which relates to the use of land to which the permit relates): 10
 - (f) a condition to mitigate any risk that the natural resource permit may not be complied with, having regard to any previous non-compliance by the applicant that is the subject of an abatement order, enforcement order, infringement notice, or conviction under this Act referred to in **section 162**: 15
 - (g) a condition requiring the holder of a natural resource permit to supply to the permit authority information relating to the exercise of the natural resource permit:
 - (h) in the case of a discharge permit or a coastal permit to do something that would otherwise contravene **section 21** (relating to the discharge of contaminants) or **section 23**, a condition requiring the holder to adopt the best practicable option to prevent or minimise any actual or likely adverse effect on natural resources or people of the discharge and other discharges (if any) made by the person from the same site or source: 20 25
 - (i) in the case of a natural resource permit for a reclamation, a condition requiring an esplanade reserve or esplanade strip of any specified width to be set aside or created under **Part 3 of Schedule 7 of the Planning Act 2025**:
 - (j) in the case of a coastal permit to occupy any part of the common marine and coastal area, a condition— 30
 - (i) detailing the extent of the exclusion of other persons:
 - (ii) specifying any coastal occupation charge.
 - (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 permit holder and the permit authority. 35
 - (3) Without limiting **subsection (1)(g)**, a condition made under that subsection may require the holder of the natural resource permit to do 1 or more of the following:
 - (a) to make and record measurements: 40
 - (b) to take and supply samples:

- (c) to carry out analyses, surveys, investigations, inspections, or other specified tests: 5
 - (d) to carry out measurements, samples, analyses, surveys, investigations, inspections, or other specified tests in a specified manner:
 - (e) to provide information to the permit authority at a specified time or times: 5
 - (f) to provide information to the permit 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 permit holder's expense. 10
- Compare: 1991 No 69 s 121

170 Review of draft conditions of permit

An applicant for a natural resource permit may request that the permit authority provide them with any draft conditions of the permit in accordance with **section 152 of the Planning Act 2025**, and that section applies with all necessary modifications. 15

Compare: 1991 No 69 s 107G

171 Decision on application

A permit authority must give notice of its decision on an application for a natural resource permit in the manner and form prescribed in the regulations. 20

Appeals

172 Right to appeal

- (1) Any 1 or more of the following persons may appeal to the Environment Court in accordance with **section 173** against the whole or any part of a decision of a permit authority on an application for a natural resource permit, or an application for a change of permit conditions, or on a review of permit conditions: 25
 - (a) the applicant or permit holder:
 - (b) any person who made a submission on the application or review of permit conditions.
- (2) A person exercising a right of appeal under **subsection (1)(b)** may appeal— 30
 - (a) any matter that was raised in the person's submission except any part of the submission that is struck out under **section 152(3)**; 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 **clause 14 of Schedule 10 of the Planning Act 2025** (which provides for a right of review by the Planning Tribunal), as applied by **section 241** of this Act. 35

Compare: 1991 No 69 s 120

173 Procedure for appeal

- (1) Notice of an appeal under **section 172** 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 permit authority whose decision is appealed within 15 working days after receiving notice of the decision in accordance with this Act. 5
- (2) The appellant must ensure that a copy of the notice of appeal is served on every person referred to in **section 172(1)** (other than the appellant) within 5 working days of the notice being lodged with the Environment Court. 10

Compare: 1991 No 69 s 121

Subpart 6—Nature of permits, commencement, duration and review**174 Permits not real or personal property**

- (1) A natural resource permit is neither real nor personal property.
- (2) Unless the conditions of a permit expressly state otherwise,— 15
 - (a) on the death of the holder of a permit, the permit vests in the personal representative of the holder as if the permit were personal property, and the personal representative may deal with the permit to the same extent as the holder would have been able to do; and
 - (b) on the bankruptcy of an individual who is the holder of a permit, the permit vests in the Official Assignee as if it were personal property, and the Official Assignee may deal with the permit to the same extent as the holder would have been able to do; and 20
 - (c) a permit must be treated as property for the purposes of the Protection of Personal and Property Rights Act 1988. 25
- (3) The holder of a natural resource permit may grant a charge over that permit as if it were personal property, but the permit may only be transferred to the chargee, or by or on behalf of the chargee, 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 natural resource permit— 30
 - (a) as if the permit were goods within the meaning of that Act; and
 - (b) as if the permit were situated in the provincial district in which the activity permitted by the permit may be carried out (or, where it may be carried out in more than 1 provincial district, in those provincial districts); 35
and
 - (c) subject to the provisions of this Act, and in particular to **subsection (3)**.

- (5) A coastal permit—
- (a) is not an authority for the holder to occupy a coastal marine area to the exclusion of all or any class of persons; and
 - (b) does not confer on the holder the same rights in relation to the use and occupation of the area against those persons as if they were a tenant or licensee of the land. 5
- (6) A coastal permit is not an authority for the holder to remove sand, shingle, shell, or other natural material as if it were a licence or profit à prendre.
- (7) However, **subsections (5) and (6)** do not apply—
- (a) to the extent that the coastal permit expressly provides otherwise; and 10
 - (b) to the extent that is reasonably necessary to achieve the purpose of the coastal permit.

Compare: 1991 No 69 s 122

Commencement

175 Commencement of natural resource permit 15

- (1) A natural resource permit that has been granted commences in the same manner as is set out in the following sections of the **Planning Act 2025**:
- (a) **section 158** (commencement of consent):
 - (b) **section 159** (commencement of consent for non-notified application):
 - (c) **section 160** (commencement of consent if request for review lodged). 20
- (2) However, this section is subject to **sections 176 and 177**.

Compare: 1991 No 69 s

176 Commencement of permit where customary marine title order or agreement in effect

If a natural resource permit is granted for an activity in a part of the common marine and coastal area where a customary marine title order or agreement is in effect, section 68(1) of the Marine and Coastal Area (Takutai Moana) Act 2011 applies. 25

177 When coastal permit for certain aquaculture activities may commence

- (1) A coastal permit to undertake aquaculture activities in the coastal marine area cannot commence other than in accordance with this section unless it is a coastal permit that does not require an aquaculture decision under the Fisheries Act 1996 (in which case section 175(a) applies). 30
- (2) If the chief executive of the Ministry responsible for the administration of the Fisheries Act 1996 (the **chief executive**) makes a determination in relation to the permit, and has notified the permit authority of that decision in accordance 35

with section 186H of the Fisheries Act 1996, the permit authority must, as soon as is reasonably practicable,—

- (a) amend the permit, if necessary, to note any conditions specified under section 186H(3) of the Fisheries Act 1996 that may not be changed or cancelled until the chief executive makes a further aquaculture decision; and 5
 - (b) notify the applicant that the permit commences in respect of the area that is the subject of the determination on the date of notification under this paragraph or, if the permit specifies a later commencement date, on that date. 10
- (3) If the chief executive makes a reservation in relation to recreational fishing or customary fishing or commercial fishing in relation to stocks or species not subject to the quota management system and has notified the permit authority of that decision in accordance with section 186H of the Fisheries Act 1996, the permit authority must, as soon as reasonably practicable,— 15
 - (a) amend the permit to remove the areas affected by the reservation; and
 - (b) provide the applicant with a copy of the amended permit; and
 - (c) cancel the permit to the extent that it applies to the removed areas by written notice served on the applicant.
- (4) If the chief executive makes a reservation in relation to commercial fishing in relation to stocks or species subject to the quota management system and has notified the permit authority of that decision in accordance with section 186H of the Fisheries Act 1996, the permit authority must, as soon as is reasonably practicable,— 20
 - (a) amend the permit to show the areas affected by the reservation; and 25
 - (b) provide the applicant with a copy of the amended permit; and
 - (c) notify the applicant that the permit will not commence in the area affected by the reservation, unless—
 - (i) an aquaculture agreement is registered in accordance with section 186ZH of the Fisheries Act 1996; or 30
 - (ii) a compensation declaration has been registered under section 186ZHA of the Fisheries Act 1996.
- (5) If **subsection (4)** applies and the chief executive has notified the permit authority that an aquaculture agreement or 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, as soon as reasonably practicable,— 35
 - (a) amend the permit so that it no longer shows the areas affected by the reservation; and
 - (b) provide the applicant with a copy of the amended permit; and 40

- (c) notify the applicant that the permit (as amended) commences in respect of the area previously shown subject to the reservation on the date of notification under this paragraph, unless the permit states a later date.
- (6) If **subsection (5)** applies, then for the purposes of **section 181(b)**, the entire permit, as amended, is to be treated as having commenced on the commencement date notified under **subsection (5)(c)**, unless the permit states a later date. 5
- (7) If **subsection (4)** applies and the chief executive has notified the permit authority under section 186ZK of the Fisheries Act 1996 that no aquaculture agreement or compensation declaration has been registered, the permit authority must, as soon as is reasonably practicable,— 10
 - (a) amend the permit to remove the areas affected by the reservation; and
 - (b) provide the applicant with a copy of the amended permit; and
 - (c) cancel the permit to the extent that it applies to the removed areas by written notice served on the applicant. 15
- (8) If the chief executive makes a reservation to which **subsection (3)** applies, for the entire permit area, the permit authority must cancel the permit by written notice served on the applicant.
- (9) **Subsections (3) and (7)** apply even if the permit was granted under **section 165**. 20

Compare: 2023 No 46 s 324

Duration

178 Duration of natural resource permit

- (1) The duration of a natural resource permit must be determined in accordance with this section unless **section 179 or 180** apply. 25
- (2) The maximum period for which any of the following natural resource permits may be granted is unlimited:
 - (a) a coastal permit for a reclamation:
 - (b) a land use permit in respect of a reclamation that would otherwise contravene **section 19**. 30
- (3) The maximum period for which any other natural resource permit may be granted is—
 - (a) a period specified in the permit not exceeding 35 years after the date of the commencement of the permit; or
 - (b) 5 years from the date of the commencement of the permit if no period is specified. 35
- (4) This section is subject to **section 181(b)** (lapsing of permits).

Compare: 1991 No 69 s 123

- 179 Duration of permit for renewable energy and long-lived infrastructure**
- (1) A natural resource permit authorising a renewable energy activity or a long-lived infrastructure activity must specify the period for which it is granted.
 - (2) The period specified under **subsection (1)** must be not less than 35 years after the date of commencement of the permit unless—
 - (a) the applicant requests a shorter period; or
 - (b) a national standard expressly allows a shorter period; or
 - (c) the permit authority decides to specify a shorter period after considering a request from a relevant group for a shorter period for the purpose of managing any adverse effects on the natural environment.
 - (3) In making a decision under **subsection (2)(c)**, the permit authority must consider—
 - (a) the need to provide for adequate management of any adverse effects on the natural environment; and
 - (b) the benefits of providing certainty of long-term permit duration.
 - (4) The specified period must be not more than—
 - (a) 50 years after the date of commencement of the permit, in the case of a permit that authorises any structure that would otherwise contravene **section 18 or 19**;
 - (b) 35 years after the date of commencement of the permit, in the case of any other permit that authorises a renewable energy activity or a long-lived infrastructure activity.
 - (5) This section is subject to **section 181(b)** (lapsing of permits).
Compare: 1991 No 69 s 123B
- 180 Duration of permit for aquaculture activities**
- (1) A coastal permit authorising aquaculture activities to be undertaken in the coastal marine area must specify the period for which it is granted.
 - (2) The period specified under **subsection (1)** must be not less than 20 years after the date of commencement of the permit under **section 177** unless—
 - (a) the applicant has requested a shorter period; or
 - (b) a shorter period is required to ensure that adverse effects on the environment are adequately managed; or
 - (c) a framework rule expressly allows a shorter period.
 - (3) The specified period must be not more than 35 years after the date of commencement of the permit under **section 177**.
 - (4) This section applies subject to **section 181(b)** (lapsing of permits).
Compare: 2023 No 46 s 327

181 Provisions of Planning Act 2025 that apply to duration

The following provisions of the **Planning Act 2025** apply to the duration of a natural resource permit:

- (a) **section 164** (exercise of consent while applying for new consent):
- (b) **section 165** (lapsing of consent): 5
- (c) **section 166** (cancellation of consent).

Natural resource use activity applications by existing permit holder or other

182 When sections 183 and 184 apply and when they do not apply

- (1) In this section, and **sections 183 and 184**, existing permit application means an application affected by **section 164 of the Planning Act 2025** (as applied by **section 181(a)**). 10
- (2) Sections 183 and 184 apply to an existing permit application if, when the application is made, the relevant plan has not allocated any of the natural resources used for the activity.
- (3) Sections 183 and 184 also apply to an existing permit application as follows: 15
 - (a) they apply if, when the application is made,—
 - (i) the relevant plan has allocated some or all of the natural resources used for the activity to the same type of activity; and
 - (ii) the relevant plan does not expressly say that **sections 182 to 184** do not apply; and 20
 - (b) they apply to the extent to which the amount of the resource sought by a person described in section 183(1)(a) and (b) is equal to or smaller than the amount of the resource that—
 - (i) is allocated to the same type of activity; and
 - (ii) is left after the deduction of every amount allocated to every other existing natural resource permit. 25
- (4) Sections 183 and 184 do not apply to an existing permit application if, when the application is made, the relevant plan expressly says that **sections 182 to 184** do not apply.

Compare: 124A 30

183 Application by existing permit holder

- (1) This section applies when—
 - (a) a person holds an existing natural resource permit to undertake an activity under any of sections 18, 19, 20 and 21 using a natural resource; and
 - (b) the person makes an existing permit application; and 35
 - (c) the permit authority receives 1 or more other applications for a natural resource permit that—

- (i) are to undertake an activity using some or all of the natural resource to which the existing permit relates; and
 - (ii) could not be fully exercised until the expiry of the existing permit.
- (2) The application described in **subsection (1)(b)** is entitled to priority over every application described in **subsection (1)(c)**. 5
- (3) The permit authority must determine the application described in **subsection (1)(b)** before it determines any application described in **subsection (1)(c)**.
- (4) The permit authority must determine an application described in **subsection (1)(b)** by applying all the relevant provisions of this Act and the following criteria: 10
 - (a) the efficiency of the person's use of the resource; and
 - (b) the use of industry good practice by the person; and
 - (c) if the person has been served with an enforcement order not later cancelled under **section 265**, or has been convicted of an offence under **section 278**,— 15
 - (i) how many enforcement orders were served or convictions entered; and
 - (ii) how serious the enforcement orders or convictions were; and
 - (iii) how recently the enforcement orders were served or the convictions entered. 20

Compare: 1991 No 69 s 124B

184 Applications by person who is not existing permit holder

- (1) This section applies when—
 - (a) a person makes an application for a natural resource permit to undertake an activity under any of **sections 18, 19, 20, and 21** using a natural resource; and 25
 - (b) the person does not hold an existing permit for the same activity using some or all of the same natural resource; and
 - (c) a permit granted as a result of the application could not be fully exercised until the expiry of the permit described in **section 183(1)(a)**; and 30
 - (d) the person makes the application more than 3 months before the expiry of the permit described in **section 183(1)(a)**.
- (2) The permit authority must—
 - (a) hold the application without processing it; and
 - (b) notify the holder of the existing permit— 35
 - (i) that the application has been received; and
 - (ii) that the holder may make an existing permit application.

- (3) If the holder of the existing permit notifies the permit authority in writing that the holder does not propose to make an existing permit application, the permit authority must process and determine the application described in **subsection (1)(a)**.
- (4) If the holder of the existing permit does not make an existing permit application more than 3 months before the expiry of the permit, the permit authority must process and determine the application described in **subsection (1)(a)**. 5
- (5) If the holder of the existing permit makes an existing permit application more than 3 months before the expiry of the permit, the permit authority must hold the application described in **subsection (1)(a)** until the determination of the holder's application and any appeal. 10
- (6) If the result of the determination of the holder's application and any appeal is that the holder's existing permit application is granted, the application described in **subsection (1)(a)** lapses to the extent to which the use of the resource has been granted to the holder. 15

Change or cancellation of permit condition on application by permit holder

185 Change or cancellation of permit condition on application by permit holder

- (1) A permit holder may apply to a permit authority for a change or cancellation of a condition of the permit. 20
- (2) However, no permit holder may apply for a change or cancellation of a condition that relates to the duration of the permit.
- (3) **Subparts 1 to 5** of this Part apply, with all necessary modifications, as if—
 - (a) the application were an application for a natural resource permit for a discretionary activity; and 25
 - (b) the references to a natural resource permit 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.
- (4) If the natural resource permit is a coastal permit authorising aquaculture activities in the coastal marine area, an aquaculture decision is not required if the application— 30
 - (a) proposes to change or cancel a condition of the permit; but
 - (b) does not propose to change or cancel a condition specified under section 186H(3) of the Fisheries Act 1996. 35
- (5) **Subsection (3)(a)** does not apply if—
 - (a) the application relates to an aquaculture activity; and
 - (b) a rule—

- (i) applies to applications of that kind; and
 - (ii) states that an application by a permit holder to change or cancel permit conditions must be treated as an application for a natural resource permit for a restricted discretionary activity.
 - (6) For the purposes of determining who is adversely affected by the change or cancellation, the permit 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 permit conditions by permit authority

186 Circumstances when permit conditions can be reviewed

- (1) A permit authority may, in accordance with **section 187**, serve notice on a permit holder of its intention to review the conditions of a natural resource permit—
 - (a) at any time or times specified in the permit for any of the following purposes:
 - (i) to deal with any adverse effect on natural resources or people which may arise from the exercise of the permit and which it is appropriate to deal with at a later stage; or
 - (ii) to require a holder of a discharge permit or a coastal permit to do something that would otherwise contravene **section 21 or 23** to adopt the best practicable option to remove or reduce any adverse effect on natural resources or people; or
 - (iii) for any other purpose specified in the permit; or
 - (b) if the permit authority determines that the holder of the permit has contravened a condition of the permit; or
 - (c) when relevant national standards have been made; or
 - (d) in the case of a land use permit, in relation to a relevant national rule; or
 - (e) if—
 - (i) a natural environment plan contains a rule that relates to maximum or minimum flows, levels, and volumes, or rates of use of water, or minimum standards of water quality or air quality, or ranges of temperature or pressure of geothermal water, and
 - (ii) the rule has been made operative; and
 - (iii) the regional council considers that it is appropriate to review the conditions of the permit or permit in order to enable the levels, flows, rates, or standards set by the rule to be met; or

- (f) if the information made available to the permit authority by the applicant for the permit for the purposes of the application contained inaccuracies which materially influenced the decision made on the application and the effects of the exercise of the permit are such that it is necessary to apply more appropriate conditions; or 5
 - (g) if the review is part of a review carried out under **subsection (3)**.
- (2) A permit authority must, in accordance with **section 186**, serve notice on a permit holder of its intention to review the conditions of natural resource permit if required by an order made by the Environment Court under **section 256(6)(b) of the Planning Act 2025**. 10
- (3) If more than 1 natural resource permit is affected by the rule referred to in **subsection (1)(e)(i)**, the permit authority may review the conditions of those permits together for the purpose of managing the effects of the activities carried out under those permits.
- (4) A regional council must notify the chief executive of the Ministry responsible for administration of the **Fisheries Act 1996** as soon as is reasonably practicable if it intends to review a condition of a coastal permit authorising an aquaculture activity to be undertaken in the coastal marine area and the condition has been specified under section 186H(1A) of the Fisheries Act 1996 as a condition that may not be changed or cancelled until the chief executive of that Ministry makes a further aquaculture decision. 15 20
- (5) **Clause 64 of Schedule 3** applies to any notice of review under **subsection (1)** of the conditions of a coastal permit that is extended under **section 165ZFHC of the Resource Management 1991**. 25

Compare: 1991 No 69 s 128

187 Notice of review

- (1) A notice of intent to review the conditions of a permit under **section 186**—
 - (a) must advise the permit holder of the conditions of the permit which are the subject of the review; and
 - (b) must state the reasons for the review; and 30
 - (c) must specify the information which the permit authority took into account in making its decision to review the permit, unless the notice is given under **section 186(1)(a) or (2)**; and
 - (d) must advise a permit holder by whom a charge is payable under the regulations in relation to the review— 35
 - (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 permit holder to propose within 20 working days of service of the notice, new permit conditions.

- (2) If notification of the review is required under **section 188**, 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 permit holder is invited to propose new conditions); or 5
 - (b) 10 working days after the service of the notice (if the permit holder is not invited to propose new conditions).

Compare: 1991 No 69 s 129

188 Public notification, submissions, and hearing, etc

- (1) **Sections 152 and 153** apply, with all necessary modifications, in respect of a review of any natural resource permit as if— 10
 - (a) the notice of review under **section 187** were an application for a natural resource permit; and
 - (b) the permit holder were the applicant for the natural resource permit.
- (2) **Sections 144 to 151** apply, with all necessary modifications, as if— 15
 - (a) the review of permit conditions were an application for a natural resource permit for a discretionary activity; and
 - (b) the references to a natural resource permit and to the activity were references only to the review of the conditions and to the effects of the change of conditions respectively. 20
- (3) If a plan states that a rule will affect the exercise of existing natural resource permits that are subject to review under **section 186(1)(e)(i)**, a permit authority—
 - (a) is not required to comply with **sections 144 to 151**; but
 - (b) must hear submissions only from the permit holder if the permit holder requests (within 20 working days of service of the notice under **section 187**) to be heard. 25
- (4) When reviewing the conditions of a natural resource permit under **section 186(1)(c)**, the permit authority must serve on the Minister notice of the review, and the Minister may— 30
 - (a) make a submission to the permit authority; and
 - (b) request to be heard.

Compare: 1991 No 69 s 130

189 Matters to be considered in review

- (1) When reviewing the conditions of a natural resource permit, the permit authority— 35
 - (a) must have regard to the matters in **subpart 4** and to whether the activity allowed by the permit will continue to be viable after the change; and

- (b) in the case of a review under **section 186(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 permit has been used.
- (2) Before changing the conditions of a discharge permit or a coastal permit to do something that would otherwise contravene **section 21 or 23** to include a condition requiring the holder to adopt the best practicable option to remove or reduce any adverse effect on natural resources or people, the permit authority must be satisfied that including that condition is the most efficient and effective means of removing or reducing that adverse effect, in the particular circumstances and having regard to—
 - (a) the nature of the discharge and the receiving environment; and
 - (b) the financial implications for the applicant of including that condition; and
 - (c) other alternatives, including a condition requiring the observance of minimum standards of quality of the receiving environment.

Compare: 1991 No 69 s 131

190 Decisions on review of permit conditions

- (1) A permit authority may change the conditions of a natural resource permit on a review under **section 186** if 1 or more of the circumstances specified in that section applies. 20
- (2) If a permit authority decides to do a review and as a result of the review intends to change a condition of a coastal permit and it is required by **section 186(4)** to give notice of the intended review to the responsible chief executive under that provision, it must give notice of its decision in the prescribed manner. 25
- (3) **Subparts 4 and 5** apply, with all necessary modifications, to a review under **section 186** as if—
 - (a) the review were an application for a natural resource permit; and
 - (b) the permit holder were an applicant for a natural resource permit.
- (4) A permit authority may cancel a natural resource permit if— 30
 - (a) it reviews the permit under **section 186(1)(f)**; and
 - (b) the application for the permit contained inaccuracies that the authority considers materially influenced the decision made on the application; and
 - (c) there are significant adverse effects on natural resources or people resulting from the exercise of the permit. 35
- (5) A permit authority may also cancel a natural resource permit if—
 - (a) it reviews the permit under **section 186(2)**; and

- (b) there are significant adverse effects on natural resources or people resulting from the exercise of the permit.

Compare: 1991 No 69 s 132

191 Powers under Part 6 not affected

Nothing in **sections 185 to 190** limits the power of the Environment Court to change or cancel a natural resource permit by an enforcement order under **Part 6**. 5

Compare: 1991 No 69 s 133

192 Minor corrections of natural resource permits

A permit authority that grants a natural resource permit may, within 20 working days of the grant, issue an amended permit that corrects minor mistakes or defects in the permit. 10

Compare: 1991 No 69 s 133A

Transfer and surrender

193 Land use permits attach to land 15

- (1) A land use permit attaches to the land to which the permit relates and accordingly may be enjoyed by the owners and occupiers of the land for the time being, unless the permit expressly provides otherwise.
- (2) **Subsection (1)** does not apply to any land use permit to do something that would otherwise contravene **section 19**. 20
- (3) The holder of a land use permit described in **subsection (2)** may transfer the whole or any part of the holder's interest in the permit to any other person unless the permit expressly provides otherwise.
- (4) The transfer of the holder's interest in a permit described in **subsection (2)** has no effect until written notice of the transfer is given to the permit authority that granted the permit. 25

Compare: 1991 No 69 s 134

194 Transferability of coastal permits

- (1) Unless the permit or a plan rule expressly provides otherwise, a holder of a coastal permit— 30
 - (a) may transfer the whole or any part of the holder's interest in the permit to any other person:
 - (b) may not transfer the whole or any part of the holder's interest in the permit to another site.
- (2) The transfer of the holder's interest in a coastal permit has no effect until written notice of the transfer is given to the permit authority that granted the permit. 35

Compare: 1991 No 69 s 135

195 Transferability of water permits

- (1) A holder of a water permit granted for damming or diverting water may transfer the whole of the holder's interest in the permit to any owner or occupier of the site in respect of which the permit is granted, but may not transfer the permit to any other person or from site to site. 5
- (2) A holder of a water permit granted other than for damming or diverting water may transfer the whole or any part of the holder's interest in the permit—
 - (a) to any owner or occupier of the site in respect of which the permit is granted; or
 - (b) to another person on another site, or to another site, if both sites are in the same catchment (either upstream or downstream), aquifer, or geothermal field, and the transfer— 10
 - (i) is expressly allowed by a plan; or
 - (ii) has been approved by the permit authority that granted the permit on an application for transfer under **subsection (5)**. 15
- (3) A transfer under **subsection (1) or (2)** may be for a limited period.
- (4) A transfer under any of **subsections (1) and (2)(a) and (b)(i)** has no effect until written notice of the transfer is received by the permit authority that granted the permit.
- (5) An application for transfer under **subsection (2)(b)(ii)**— 20
 - (a) must be in the prescribed form and be lodged jointly by the holder of the water permit and the person to whom the interest in the water permit will transfer; and
 - (b) must be considered in accordance with **subparts 1 to 5** of this Part as if— 25
 - (i) the application for a transfer were an application for a natural resource permit; and
 - (ii) the permit holder were an applicant for a natural resource permit.
- (6) When considering an application for transfer under **subsection (2)(b)(ii)**, the permit authority must, in addition to the matters set out in **subpart 4**, have regard to the effects of the proposed transfer, including the effect of ceasing or changing the exercise of the permit under its current conditions, and the effects of allowing the transfer. 30
- (7) If the transfer of the whole or part of the holder's interest in a water permit is notified under **subsection (4)**, or approved by the permit authority under **subsection (2)(b)(ii)**, and is not for a limited period, the original permit, or that part of the permit transferred, is deemed to be cancelled and the interest or part transferred is deemed to be a new permit— 35
 - (a) on the same conditions as the original permit (if **subsection (4)** applies); or 40

- (b) on such conditions as the permit authority determines under **subsection (5)** (if that subsection applies).

Compare: 1991 No 69 s 136

196 Transferability of discharge permits

- (1) The holder of a discharge permit may— 5
 - (a) transfer part or all of the holder's interest in the permit; and
 - (b) make the transfer for part or all of the remaining period of the permit.
- (2) The holder may make the transfer if it— 10
 - (a) is for the site for which the permit is granted; and
 - (b) is to—
 - (i) another owner or occupier of the site for which the permit is granted; or
 - (ii) a local authority.
- (3) The holder may make the transfer if it is for another site and is to any person, if a plan— 15
 - (a) allows the transfer; or
 - (b) allows the holder to apply to the permit authority that granted the permit to be allowed to make the transfer.
- (4) A plan may allow a transfer or a permit authority may allow a transfer if— 20
 - (a) the transfer does not worsen the actual or potential effect of any discharges on natural resources or people; and
 - (b) the transfer does not result in any discharges that contravene a national rule; and
 - (c) if the discharge is to water, both sites are in the same catchment; and
 - (d) if the discharge is to air and a national rule applies to a discharge to air, both sites are in the same air-shed as defined in the rule; and 25
 - (e) if the discharge is to air and **paragraph (d)** does not apply, both sites are in the same region.
- (5) An application under **subsection (3)(b)**— 30
 - (a) must be in the prescribed form (if any); and
 - (b) must be lodged jointly by the holder and the person to whom it is proposed to transfer the interest in the permit; and
 - (c) must be considered under **subparts 1 to 5** of this Part as if— 35
 - (i) the application for a transfer were an application for a natural resource permit; and
 - (ii) the holder were an applicant for a natural resource permit.

- (6) The transfer has no effect until the permit authority that granted the permit receives written notice of it.
- (7) When a planning authority receives written notice of a transfer that is made for all of the remaining period of the permit,—
 - (a) the original permit, or the part of it that relates to the part of the interest transferred, is cancelled; and
 - (b) the interest, or the part of it transferred, is a new permit on the same conditions as the original permit.

Compare: 1991 No 69 s 137

197 Surrender of permit 10

- (1) The holder of a natural resource permit may surrender the permit, either in whole or in part, by giving written notice to the permit authority.
- (2) A permit authority may refuse to accept the surrender of part of a natural resource permit where it considers that the surrender of that part would—
 - (a) affect the integrity of the permit; or 15
 - (b) affect the ability of the permit holder to meet other conditions of the permit; or
 - (c) lead to an adverse effect on natural resources or people.
- (3) A person who surrenders a natural resource permit remains liable under this Act— 20
 - (a) for any breach of conditions of the permit that occurred before the surrender of the permit; and
 - (b) to complete any work to give effect to the permit unless the permit authority directs otherwise in its notice of acceptance of the surrender under **subsection (4)**. 25
- (4) A surrender of a natural resource permit takes effect on receipt by the holder of a notice of acceptance of the surrender from the permit authority.

Compare: 1991 No 69 s 138

198 Special provisions relating to coastal permits for dumping and incineration 30

- (1) When considering an application for a coastal permit to do something that would otherwise contravene **section 22(1)**, a permit authority, in having regard to the actual and potential effects on natural resources or people of allowing the activity, must have regard to—
 - (a) the nature of any discharge of any contaminant which the dumping or incineration may involve, the sensitivity of the receiving environment to adverse effects, and the applicant's reasons for making the proposed choice; and 35

- (b) any possible alternative methods of disposal or combustion including any involving discharge into any other receiving environment.
- (2) The permit authority may require the applicant to give further information to explain any matter referred to in **subsection (1)(a) and (b)**. The requirement must be in writing and may be made at a reasonable time before the hearing (or, if there is no hearing, the determination) of the application. 5
- (3) The permit authority may include a condition requiring the permit holder to adopt the best practicable option to prevent or minimise any actual or likely adverse effect on natural resources or people of any discharge of any contaminant which may occur in the exercise of the permit (**best practicable option condition**). 10
- (4) A permit authority may, at any time, in accordance with **section 187**, serve notice on the permit holder of its intention to review the conditions of the permit for the purpose of including the best practicable option condition.
- (5) Before deciding to include the best practicable option condition (when granting the permit or a result of a review under **subsection (4)**), the permit authority must— 15
- (a) have regard to—
- (i) the nature of any discharge of a contaminant and the receiving environment; and 20
- (ii) the financial implications for the permit holder of including that condition; and
- (iii) other alternatives, including a condition requiring the observance of minimum standards of quality of the receiving environment; and 25
- (b) be satisfied, in the particular circumstances, that including the condition is the most efficient and effective means of removing or reducing any adverse effect.
- (6) It is a condition of the permit that the permit holder must—
- (a) comply with any requirements in regulations made under section 800 to keep records of specified information; and 30
- (b) provide the relevant local authority each year with information specified in those regulations.
- (7) **Sections 187 to 192** apply, subject to **subsection (5)**, to a review of a permit under **subsection (4)**. The powers of a permit authority under **subsection (4)** are in addition to its powers under **section 186**. 35
- (8) This section does not limit—
- (a) **subpart 4**:
- (b) **section 169** except as provided in **subsection (5)**.

199 Permit 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 natural environment plan, or a proposed natural environment plan; and 5
 - (b) any adverse effects of the activity on natural resources and people 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 10
 - (c) any adverse effects of the activity on a person are minor or less than minor; and
 - (d) the permit authority, in its discretion, decides to notify the person proposing to undertake the activity that the activity is a permitted activity.
- (2) A permit authority may give a notice under **subsection (1)(d)**— 15
 - (a) after receiving an application for a natural resource permit 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 20
 - (b) details of the site at which the activity is to occur; and
 - (c) the permit authority's reasons for considering that the activity meets the criteria in **subsection (1)(a) to (c)**, and the information relied on by the permit authority in making that decision.
- (4) If a person has submitted an application for a natural resource permit 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. 25
- (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. 30

Compare: 1991 No 69 s 87BB

200 Certificate of compliance where activity does not require permit

- (1) A person may apply to the permit authority for a certificate of compliance in relation to an activity that can be done lawfully in a particular location without a natural resource permit in accordance with **section 178 of the Planning Act 2025**, and that section applies with all necessary modifications. 35
- (2) A certificate treated as a natural resource permit is subject to **section 25(2)**.

- (3) A certificate treated as a natural resource permit is subject to this Act as if it were a natural resource permit, except that the only sections in this Part that apply to it are **sections 172 to 174, 181(b), and 193 to 196.**
- (4) In this section, **activity** includes a particular proposal.
- Compare: 1991 No 69 s 139

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201 Existing use certificates

- (1) A person may request the permit authority to issue a certificate that—
- (a) describes an activity to which **section 25** applies; and
 - (b) states that the activity was an activity allowed by **section 25** 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 25.**
- (2) **Section 179(3) to (7) and (9) of the Planning Act 2025** apply to the request for, and issue of, a certificate under **subsections (1) and (2).**
- (3) An existing use certificate is treated as an appropriate natural resource permit, and it is subject to this Act as if it were a natural resource permit, except that the only sections in this Part that apply to it are **sections 172 to 174.**
- Compare: 1991 No 69 s 139A

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202 Notification and registration of activity subject to permitted activity rule

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- (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 39*).
- (2) The person must, in writing,—
- (a) notify the relevant permit 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 conditions set by the permitted activity rule will be met; and
 - (ii) any other information required by the permitted activity rule.
- (3) The permit authority must, within 10 working days of 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 permit authority determines that the permitted activity rule will be met, the permit authority must—

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- (a) register the activity; and
- (b) carry out any monitoring of the activity required to ensure that the permitted activity rule is met.

Further provisions relating to reclamation

203 Further provisions relating to reclamation 5

Part 5 of Schedule 7 of the Planning Act 2025 sets out further provisions relating to reclamation that apply if a natural resource permit for a reclamation is granted.

Subpart 7—Market-based allocation processes and comparative
permitting processes 10

Market-based allocation process

204 Application of sections 205 and 206

- (1) **Sections 205 and 206** apply if a right to apply for a permit to undertake a natural resource use activity relating to a resource listed in **section 223** is issued to a person— 15
 - (a) by a permit authority through a market-based allocation process as required or permitted by a national standard or required by a plan; or
 - (b) by the Minister responsible for aquaculture under this Act.
- (2) In this section and **sections 205 and 206**,—
 - relevant permit** means the permit to which the right to apply relates 20
 - right to apply** means an exclusive right to apply for a permit, or an authorisation for the purpose of any preferential rights held by iwi, to undertake a natural resource use activity.

Compare: 2023 No 46 s 226

205 Right to apply may be transferred 25

A right to apply for a permit may be transferred by its holder to any other person, but the right does not take effect until written notice of the transfer has been received by the appropriate regional council or unitary authority.

Compare: 2023 No 46 s 227

206 When right to apply lapses 30

- (1) A right to apply lapses on the close of 2 years after it was issued (the **2-year date**) unless—
 - (a) the holder of the right has, within the 2-year period obtained a relevant natural resource permit (and as a consequence the right to apply lapses when the permit is issued); or 35

- (b) the situation described in **subsection (2)** has occurred and as a consequence the right to apply lapses when the time for lodging an appeal expires or the decision of the court on appeal has been given (as the case may be).
- (2) The situation referred to in **subsection (1)(b)** is as follows: 5
- (a) the holder of the right has lodged an application for a relevant permit with the permit authority before the 2-year date; and
- (b) on the 2-year date—
- (i) the regional council has not made a decision; or
- (ii) the regional council has made a decision but the time for lodging appeals to the Planning Tribunal or the Environment Court has not expired; or 10
- (iii) an appeal has been lodged but the court has not made a decision on that appeal.
- Compare: 1991 No 69 s 164, 2023 No 46 s 228 15

207 Restrictions on use of market based allocation method

The use of market based allocation method under this subpart is subject to **clause 3, 6, and 42(2) of Schedule 3**.

Comparative consenting process

208 Defined terms 20

In **sections 209 to 214**,—

affected application means an application that satisfies the requirements of **section 209(a) and (b)**

required time period means the time period determined under **section 210**.

209 Permit authority must deal with affected applications 25

A permit authority must hear, process, and determine an application for a natural resource permit in accordance with this Part, but only if—

- (a) the application is one that is required, by a rule in a plan to be processed under this Part; and
- (b) the application is made within the required time period. 30

Compare: 2023 No 46 Schedule 10 cl 2

210 Required time period must be publicly notified

Every permit authority must—

- (a) determine the required time period; and

- (b) not later than 40 working days before a required time period commences, give public notice of the required time period.

Compare: 2023 No 46 Schedule 10 cl 3

211 Part applies to affect application

This Part applies to an affected application except and to the extent it provides otherwise. 5

Compare: 2023 No 46 Schedule 10 cl 4

212 Affected applications to be dealt with at same time

All affected applications submitted to a permit authority within the same required time period must,— 10

- (a) subject to this Part, together undergo the procedures and requirements of the permitting process at the same time; and
- (b) undergo those procedures and requirements in accordance with the same time frame.

Compare: 2023 No 46 Schedule 10 cl 5 15

213 When time frame for processing affected applications commences

The time frame for processing an affected application commences on the next working day after the close of the required time period.

Compare: 2023 No 46 Schedule 10 cl 7

214 Requirement for determining affected applications 20

- (1) When determining affected applications under this Part, a permit authority must,—

- (a) when having regard to the matters in **subpart 4**, consider the merits of each affected application against the merits of all the other affected applications; and 25

- (b) have regard to any other applicable criteria set out in the relevant plan, any regulations, or a national instrument.

- (2) A permit authority—

- (a) must not determine an affected application in the order the application is lodged; but 30

- (b) must instead determine affected applications together.

- (3) **Subsection (1)** is in addition to any other requirements, criteria, or other matters that a decision maker must consider or take into account under this Part when determining an affected application.

Compare: 2023 No 46 Schedule 10 cl 11 35

Part 5

Key roles

Subpart 1—Functions and powers of central and local government

215 Functions of Minister

The Minister has the following functions under this Act: 5

- (a) recommending the approval of a national instrument under **section 74**:
- (b) recommending the issue of water conservation orders under **clause 13 or 15 of Schedule 4**:
- (c) monitoring the performance of the systems under this Act and the **Planning Act 2025**, including the functions, duties, and powers exercised by any person under those Acts: 10
- (d) monitoring the effect of and implementation of this Act (including any regulations in force under it), national policy direction, and national standards:
- (e) monitoring of the relationship between the functions, powers, and duties of central government and local government under this Part: 15
- (f) monitoring and investigation, in such manner as the Minister thinks fit, of any significant land use matter:
- (g) considering and investigating the use of economic instruments (including charges, levies, other fiscal measures, and incentives) to achieve the purpose of this Act: 20
- (h) any other functions specified in this Act.

Compare: 1991 No 69 s 24

216 Powers of Minister

- (1) In addition to the powers set out in this subpart, the Minister may exercise the powers set out in **sections 201, 202, 204, and 207 of the Planning Act 2025** as if they applied in relation to this Act and with all necessary modifications. 25
- (2) The exercise of the powers under **subsection (1)** is subject to any applicable requirements set out in **section 206 of the Planning Act 2025**. 30

217 Minister may direct preparation of plan, document, change, or variation

- (1) The Minister—
 - (a) may direct a regional council—
 - (i) to prepare a natural environment plan that addresses a natural resource issue relating to a function in **section 224**; or 35
 - (ii) to prepare a change to its natural environment plan that addresses the issue; or

- (iii) to prepare a variation to its proposed natural environment plan that addresses the issue; and
 - (b) may direct the council, in preparing the plan, change, or variation, to deal with the whole or a specified part of the council's region; and
 - (c) must, in giving a direction, specify a reasonable period within which the plan, change, or variation must be notified. 5
- (2) However, the Minister must not issue a direction under **subsection (1)** unless—
 - (a) the Minister has investigated the regional council under **section 201(1)(a) or (c) of the Planning Act 2025** in relation to the natural resource issue; and 10
 - (b) the Minister has made recommendations to the regional council under **section 201(1)(b) or (d) of the Planning Act 2025** in relation to the natural resource issue.
- (3) The Minister is not required to comply with the requirement in **subsection (3)(a)** if the Minister has reasonable evidence that a regional council is not exercising or performing the relevant functions, powers, or duties under this Act. 15
- (4) In **subsection (4), reasonable evidence** means—
 - (a) the regional council has published 1 or more of the following that establish that it does not intend to exercise or perform the relevant functions, powers, or duties: 20
 - (i) a resolution:
 - (ii) a written statutory document; or
 - (b) there is evidence of the regional council's failure to comply with statutory time frames in this Act. 25
- (5) If a national direction requires a regional council to prepare a document other than a plan or policy statement and the council has not prepared the document as required, the Minister—
 - (a) may direct the council to— 30
 - (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. 35
- (6) The Minister—
 - (a) may direct a regional council 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 (6) or (7)** unless— 5
 - (a) the Minister has investigated the regional council under **section 201(1)(c) of the Planning Act 2025** in relation to the non-compliance with the national policy statement; and
 - (b) the Minister has made recommendations to the regional council under **section 201(1)(d) of the Planning Act 2025** in relation to that non-compliance. 10

Compare: 1991 No 69 s 25A

218 Ministers may direct commencement of review

- (1) The Minister may direct a regional council to commence a review of the whole or any part of its natural environment plan and, if the Minister does so, must specify a reasonable period within which the review must commence. 15
- (2) For the purposes of **subsection (1), section 112(2) to (4)** applies to the review with any necessary modification.

Compare: 1991 No 69 s 25B

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Delegations

219 Delegation of functions by Ministers

- (1) Any Minister of the Crown may, either 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: 25
 - (a) appointing persons to exercise powers or perform functions or duties in place of a local authority under **section 202 of the Planning Act 2025**:
 - (b) recommending the making of a national instrument under **section 74**: 30
 - (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) making decisions on the environmental limits framework: 35
 - (g) recommending the issue or amendment of a water conservation order under **clause 13 or 15 of Schedule 4**:
 - (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 him or her 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. 5
- Compare: 1991 No 69 s 29

Minister of Conservation

220 Minister of Conservation to has powers of regional council

- (1) The Minister of Conservation may exercise, in respect of the islands specified in **subsection (2)** the powers and responsibilities, that— 10
 - (a) a regional council has in respect of the coastal marine area; and
 - (b) a territorial authority has in respect of the islands.
- (2) The islands referred to in **subsection (1)** are—
 - (a) the Kermadec Islands:
 - (b) the Snares Islands: 15
 - (c) the Bounty Islands:
 - (d) the Antipodes Islands:
 - (e) the Auckland Islands:
 - (f) Campbell Island:
 - (g) the islands adjacent to Campbell Island. 20
- (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)

Subpart 2—Functions, powers, and responsibilities of regional councils 25

221 Overview of responsibilities of regional councils

- (1) Every regional council must enable and regulate the use, protection, and enhancement of the natural environment within its region.
- (2) In undertaking its responsibilities under **subsection (1)**, a regional council must regulate and manage the matters specified in this subpart in relation to the following: 30
 - (a) the quality and quantity of water and geothermal resources:
 - (b) the discharge of contaminants to land, air, or water:
 - (c) indigenous biodiversity:
 - (d) the coastal marine area, including coastal occupation: 35

-
- (e) natural hazard risks as they relate to natural resources:
 - (f) soil conservation:
 - (g) the bed of any water body:
 - (h) the use of land where required for regulating the use of, and effects on, natural resources: 5
 - (i) the allocation of natural resources.
- (3) In this section, **soil conservation** means managing the use and condition of soil, including soil erosion and soil contamination.
- 222 Functions of regional councils**
- (1) Every regional council has the following functions: 10
- Planning and related functions*
- (a) making and maintaining a natural environment plan for the region; and
 - (b) administering and implementing the natural environment plan, including—
 - (i) setting the environmental limits for the region; and 15
 - (ii) acting as a permitting authority for the region; and
 - (iii) undertaking monitoring, enforcement, and compliance actions to achieve compliance with this Act, national standards, regulations, and the provisions of the plan; and
 - (c) jointly with the territorial authorities of the region, making and maintaining a spatial plan for the region; and 20
 - (d) regulating and managing effects in accordance with **subpart 1 of Part 2**; and
 - (e) any other functions or responsibilities specified in this Act or in the **Planning Act 2025**. 25
- Monitoring and enforcing compliance*
- (2) In addition to the general responsibility of every regional council, the following are the functions and responsibilities of a regional council within its region:
- (a) monitoring 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. 30
- Functions relating to fisheries*
- (3) A regional council and the Minister of Conservation may perform the functions set out in **subsection (3A)** to control aquaculture activities so as to avoid, minimise, or remedy the effects of aquaculture activities on fishing and fisheries resources. 35

- (4) The functions referred to in **subsection (3)** are the control of—
- (a) land and its associated natural and physical resource:
 - (b) the occupation of space in, and the extraction of sand, shingle, shell, or other natural material from the coastal marine area where it is within the common marine and coastal area: 5
 - (c) the taking, using, damming, and diverting of water:
 - (d) discharges of contaminants into or onto land, air, or water and discharges of water into water:
 - (e) the dumping and incineration of waste or other matter and the dumping of ships, aircraft, and offshore installations: 10
 - (f) any actual or potential effects of the use, development, or protection of land, including avoiding or mitigating natural hazards:
 - (g) the emission of noise and mitigation of the effects of noise:
 - (h) activities in relation to the surface of water.
- (5) However, a regional council and the Minister of Conservation must not perform the functions specified in **subsection (3A)(a), (b), and (h)** for the purpose of controlling the taking, allocation, or enhancement of fisheries resources so as to manage fishing or fisheries resources controlled under the Fisheries Act 1996. 15
- Compare: 1991 No 69 s 30(1)(c)–(f), (g), (2), and (3) 20

Other functions and responsibilities

223 Allocation of natural resources

Every regional council has responsibility for allocating any of the following, as it considers appropriate:

- (a) the taking, diverting, or use of freshwater, geothermal water, or coastal water: 25
- (b) the taking or use of heat or energy from water:
- (c) the taking or use of heat or energy from the material surrounding geothermal water:
- (d) the capacity of air or water to assimilate a discharge of a contaminant: 30
- (e) the occupation of space in the common marine and coastal area:
- (f) the extraction of natural materials such as sand, shell, and shingle from—
- (i) river or lakebeds that are land of the Crown; and
- (ii) the common marine and coastal area. 35

224 Regulatory agencies to enforce law proportionately, consistently, and reasonably

In addition to the general responsibility of every regional council, the following are the functions and responsibilities of a regional council has responsibility, within its region,—

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- (a) to monitor compliance with standards, rules, and permits; and
- (b) to respond proportionately, consistently, and reasonably to non-compliance; and
- (c) to use 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.

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Statutory acknowledgements

225 Obligations relating to statutory acknowledgements

Every regional council must ensure that, in undertaking its planning and other functions and responsibilities under this subpart, its ability to fulfil the obligations relating to any statutory acknowledgements applying within, or in any part of, its region is not impeded.

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226 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 permit 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 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 information relating to a permit application.
- (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 of the application 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 limited notification under **section 146** 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—

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- (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 144** whether to notify the application; and 5
 - (b) with a copy of the notice not later than 10 working days after the day on which the consent authority receives the notice.
 - (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; 10
and
 - (b) state the scope of that waiver and the period it applies for.
 - (7) This section does not affect the obligations of the consent authority to decide,—
 - (a) under **section 144**, whether to notify an application: 15
 - (b) under **section 149**, 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. 20
- Compare: 1991 No 69 s 42AA

Information and monitoring

227 Information gathering, monitoring, and keeping records

- (1) Every regional council must monitor the state of the environment in relation to the whole or any part of the region.
- (2) Monitoring must include consideration of the following: 25
 - (a) the efficiency and effectiveness of limits, rules, or other methods in the regional plan; and
 - (b) the exercise of any functions and responsibilities under its plan or delegated or transferred by the regional council; and
 - (c) the exercise of permits; and 30
 - (d) the exercise of a protected customary right in its region, including any controls imposed on the exercise of that right under Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011.
- (3) Every regional council must take appropriate action in accordance with any national standard or other regulations, having regard to the methods it is able to use under this Act, when its monitoring of the state of the environment shows action is needed. 35

- (4) Every regional council must take appropriate action, including in accordance with any regulations made under this Act or the **Planning Act 2025**, having regard to the methods it is able to use under this Act when monitoring shows that action is needed.

Compare: 1991 No 69 s 35(1), (2), (2AA)

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228 Duty to keep records about iwi and hapū

- (1) Every regional council must, for the purposes of this Act or regulations made under this Act, keep and maintain for each iwi and hapū within its region, a record of—
- (a) the contact details for each iwi authority within the region and for groups within the region representing hapū; and 10
 - (b) the planning documents recognised by each iwi authority and lodged with the regional council; and
 - (c) any area in the region where 1 or more iwi or hapū exercise kaitiakitanga: 15
 - (d) any existing or initiated Mana Whakahono a Rohe applying in the region.
- (2) The Crown must maintain and provide to each regional council information (including updated information) on—
- (a) the iwi authorities within the region of that regional council and any areas where 1 or more iwi exercise kaitiakitanga; and 20
 - (b) any groups that represent hapū for the purposes of this Act within the region and any areas where hapū exercise kaitiakitanga; and
 - (c) the matters provided for in **paragraphs (a) and (c)** that the regional council has advised to the Crown. 25
- (3) Each regional council—
- (a) must include in its records all the information provided to it by the Crown under **subsection (2)**; and
 - (b) may also keep, for the purposes of this Act or regulations under this Act, a record of information relevant to the region— 30
 - (i) about 1 or more iwi, obtained directly from the relevant iwi authority; and
 - (ii) about 1 or more hapū, obtained directly from the relevant group representing the hapū for the purposes of this Act or regulations made under this Act. 35
- (4) In this section the requirement under **subsection (1)** does not apply to hapū unless a hapū, through its representative group, requests the Crown or the regional council to include the information for that hapū.

- (5) If the information recorded in accordance with **subsection (1)** conflicts with a provision of another enactment, or advice given or determination made under the other enactment, the provision, advice, or determination under the other enactment, prevails.
- (6) Information kept and maintained by a regional council under this section must not be used by the council except for the purposes of this Act or of regulations made under this Act. 5
- (7) Information required to be provided under this section must be provided in accordance with any prescribed requirements.
- Compare: 1991 No 69 s 35A 10

Administrative charges

229 Administrative charges

- (1) A local 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 local authority or an independent hearings panel has functions under this Act in relation to the application, notice, or request: 15
 - (b) charges payable to recover the costs of the carrying out by the local 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 local authority of any function necessary to determine whether the contravention has occurred: 20
 - (d) charges authorised by regulations.
- (2) Charges must be fixed in accordance with requirements prescribed in regulations. 25
- Compare: 1991 No 69 s 36

230 Other matters relating to administrative charges

- (1) A local authority may waive the whole or any part of any charge of a kind referred to in **section 229** that would be payable in any particular case. 30
- (2) Where a charge of a kind referred to in **section 229** is payable to a local authority, the local 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 229(1)(a)** applies in relation to an independent hearings panel. 35
- (4) A local 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 229**.
- Compare: 1991 No 69 s 36AAB

Subpart 3—Transfer and delegation of powers

*Transfer of powers, functions, and responsibilities***231 Definition applying in this subpart**

In this subpart,—

public authority means the following:

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- (a) a local authority; and
- (b) a government department; and
- (c) a joint committee; and
- (d) a local board

unitary authority has the meaning given in section 5(1) of the Local Government Act 2002.

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232 Transfer of powers

- (1) A regional council may transfer any of its functions, powers, or responsibilities under this Act to another public authority in accordance with this section.

- (2) A regional council may transfer any function, power, or responsibility, but only if both authorities concerned agree—

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- (a) the terms and conditions of the transfer; and
- (b) that the authority to which the transfer is made represents the appropriate community of interest for the exercise or performance of the function, power, or responsibility being transferred; and
- (c) that the transfer is desirable on the grounds of efficiency and technical or special capability or expertise.

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- (3) A local authority that has transferred a function, power, or responsibility under this section may change or revoke the transfer at any time by notice to the transferee.

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- (4) A public authority to which a function, power, or responsibility has been transferred under this section may relinquish the transfer in accordance with the transfer agreement.

- (5) To avoid doubt, the transfer of a power that relates to functions that are not provided for by or under this Act or the **Planning Act 2025** will cease to have legal effect on and after the commencement of this Act and the **Planning Act 2025**.

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Compare: 1991 No 69 s 33(1), (2), (6)–(9)

*Delegation of functions, powers, and responsibilities***233 Delegation of functions etc**

- (1) A regional council may delegate any of its functions, powers, or responsibilities to a local board or community board, other than in relation to the approval of a plan or of a plan change. 5
- (2) Before a final decision is made approving a plan or plan change, a unitary authority may delegate to a local board any of its functions, powers, or responsibilities relating to a matter of local significance, other than the approval of a plan or a change to a plan.
- (3) A delegation may be— 10
 - (a) made on the terms and conditions that the regional council thinks fit; and
 - (b) revoked at any time by notice to the delegate.

Compare: 1991 No 69 s 34(1), (3A), (3B), (7)

234 Presumptions applying to delegations

- (1) Unless the instrument of delegation provides otherwise, a person to whom a function, power, or responsibility has been delegated under this section may exercise or perform the function, power, or responsibility in the same way and to the same effect as the regional council itself could have exercised or performed the function, power, or responsibility. 15
- (2) A person authorised under this section to act under a delegation is presumed to act in accordance with the terms of the delegation, unless there is proof to the contrary. 20
- (3) A delegation under this section does not affect the performance or exercise of any function, power, or responsibility by the regional council.

Compare: 1991 No 69 s 34(8)–(10)

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235 Delegation to employees and others

- (1) A regional council may delegate to an employee or a hearings commissioner appointed by the regional council any function, power, or responsibility under this Act except— 30
 - (a) the power to approve a plan under **clause 43 of Schedule 3 of the Planning Act 2025**; or
 - (b) this power of delegation.
- (2) If a regional council is considering appointing hearings commissioners to exercise a delegated power to conduct a hearing under **Schedule 3 of the Planning Act 2025**, the council must— 35
 - (a) consult tangata whenua through the relevant iwi authorities on—
 - (i) the perspective of local iwi and hapū; and

- (ii) whether it is appropriate to appoint a commissioner with an understanding of tikanga Māori; and
 - (b) if the council considers it appropriate, appoint at least 1 commissioner with an understanding of tikanga Māori and the perspectives of local iwi and hapū, in consultation with the relevant iwi authorities. 5
 - (3) A regional council may delegate any function, power, or responsibility to any other person except—
 - (a) the powers referred to in **subsection (1)(a) and (b)**; or
 - (b) a decision on an application for a permit or consent.
 - (4) **Subsections (1) and (2)** do not prevent a regional council delegating to any person the power to do anything referred to in those subsections before a final decision has been made on those actions. 10
- Compare: 1991 No 69 s

Joint management agreements

- 236 Power to make joint management agreement** 15
- (1) A regional council that wants to enter into a joint management agreement must—
 - (a) notify the Minister of its wish; and
 - (b) satisfy itself—
 - (i) that for the purposes of this Act a public authority that is 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 jointly with the regional council; and 25
 - (ii) that a joint management agreement is an efficient method of performing or exercising the function, power, or responsibility; and
 - (c) include in the joint management agreement details of—
 - (i) the resources that will be required for the administration of the agreement; and 30
 - (ii) how the administrative costs of the joint management agreement will be met.
 - (2) A regional council that complies with **subsection (1)** may enter into a joint management agreement. 35
- Compare: 1991 No 69 s 36B

237 Regional council 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 together.
- (2) The regional council may perform or exercise the specified function, power, or responsibility by itself if a decision is required before the parties to the joint management agreement can perform or exercise the function, power or responsibility and the joint management agreement does not provide a method for making that kind of decision. 5

Compare: 1991 No 69 s 36C

238 Effect of joint management agreement 10

A decision made under a joint management agreement has legal effect as the decision of the regional council.

Compare: 1991 No 69 s 36D

239 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. 15

Compare: 1991 No 69 s 36E

Subpart 4—System performance

240 System performance

Subpart 3 of Part 5 of the Planning Act 2025 applies in relation to the performance of the system under this Act with all necessary modifications. 20

Subpart 5—Environment Court and Planning Tribunal

241 Provisions applying to Planning Tribunal

Schedule 10 of the Planning Act 2025 applies in relation to the Planning Tribunal, its establishment, and its proceedings. 25

242 Provisions applying to Environment Court

Schedule 9 of the Planning Act 2025 applies to the Environment Court and its proceedings.

Part 6 Enforcement and other matters

Subpart 1—Enforcement

243 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 a provision of this Act, a national rule, a regulation, a plan rule, or a natural resource permit. 5
- (2) The enforcement officer may direct person A to give—
 - (a) their full name, address, and date of birth (if that person is a natural person); or 10
 - (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: 15
 - (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 give the officer the following information about person A: 20
 - (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 25

244 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, the Ministry for Primary Industries, the Department of Conservation, or Maritime New Zealand. 30
- (2) The local authority or Minister must supply every 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. 35

(3) Every 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.

(4) Every 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 or Minister, as the case may be. 5

Compare: 1991 No 69 s 38; 2023 No 46 s 725

Enforcement functions of EPA

245 Terms used in this section and sections 246 to 252 10

(1) In this section and **sections 246 to 252**,—

enforceable undertaking means an undertaking accepted by a local authority or the EPA under **clause 24 of Schedule 8 of the Planning Act 2025**

enforcement action means—

(a) subject to **section 246(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— 15

(i) a contravention of a provision of this Act, any regulations, a rule in a plan, a rule in a proposed plan that has legal effect, a national rule, or a natural resource permit; or 20

(ii) a failure to comply with a requirement of an enforcement order or abatement notice; or

(b) an application for an enforcement order under **section 260**; or

(c) an application for an interim enforcement order under **section 260**; or

(d) the service of an abatement notice under **section 266**; or 25

(e) the filing of a charging document relating to an offence described in **section 278**; or

(f) the issuing of an infringement notice under **section 289**; or

(g) a monetary benefit order made under **clause 29 of Schedule 8 of the Planning Act 2025**; or 30

(h) an enforceable undertaking accepted under **clause 24 of Schedule 8 of the Planning Act 2025**; or

(i) an application for a pecuniary penalty order under **clause 30 of Schedule 8 of the Planning Act 2025**; 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)** 35

enforcement function means a function of the EPA described in **section 246**

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 natural resource permit; 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 264**

pecuniary penalty means a penalty imposed under **clause 30 of Schedule 8 of the Planning Act 2025**

subsequent action— 10

- (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)**. 15
- (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 255**.
- (3) In this section and **sections 246 to 252**, an enforcement action is **executed** 20 when, as the case may be, the application for the enforcement order, monetary benefit order, or interim order is made, the abatement notice is served, the charge is laid, the pecuniary penalty 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 25

246 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 (f)** of the definition of enforcement action in **section 245(1)** for the same incident. 30
- (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: 35
- (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) take enforcement action against a regional council.

Compare: 1991 No 69 s 343F; 2023 No 46 s 733

247 Intervention by EPA

- (1) If the EPA intervenes in an enforcement action of a local authority in relation to an incident,— 5
 - (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 245**; and 10
 - (ii) from the date specified in the notice, cease all enforcement action in relation to the incident; and 15
 - (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. 20
- (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 25
 - (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 30
 - (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. 35

Compare: 1991 No 69 s 343G; 2023 No 46 s 734

248 EPA may change enforcement functions

- (1) The EPA may change its enforcement function in relation to an incident to another function described in **section 246** if the EPA considers that the circumstances require it.
- (2) If the EPA decides to change to an intervention function described in **section 246(c)**, it must include its reasons for the change in the notice required under **section 249(1)**. 5

Compare: 1991 No 69 s 343H; 2023 No 46 s 735

249 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. 10
- (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 15
 - (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. 20
- (4) An enforcement officer may exercise the powers under this Act, in accordance with his or her 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. 25
- (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

250 EPA may require information from local authority 30

- (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. 35

Compare: 1991 No 69 s 343J; 2023 No 46 s 737

251 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. 5

- (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

252 Order for payment of EPA's costs in bringing a prosecution

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- (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. 15

- (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

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*Proceedings under this subpart***253 Proceedings to be heard by 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)**. 25

- (2) Proceedings under **section 264** (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. 30

- (3) Proceedings under **section 269 or 270** (which relate to appeals against abatement notices and 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 278** (which relates to offences) and **section 289** (which relates to infringement offences) must be heard— 35

(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 278** 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. 5

- (6) This does not apply to a protected customary right.

- (7) However, **sections 254 to 257** (which relate to the Court making declarations) and **sections 302 to 304** (which enable emergency works) apply to the exercise of a protected customary right.

Compare: 2023 No 46 s 636

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Declarations

254 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 15
- (b) whether a provision or proposed provision of a natural environment plan,—
 - (i) contrary to **section 97(2)(a)**, does not, or is not likely to, implement a provision or proposed provision of a national instrument or regional spatial plan; or 20
 - (ii) contrary to **section 97(2)**, is, or is likely to be, inconsistent with a water conservation order, any other natural environment plan for the region, or a determination or reservation of the chief executive of the Ministry of Fisheries made under section 186E of the Fisheries Act 1996; or 25
- (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 natural resource permit; or
- (d) whether or not an act or omission, or a proposed act or omission— 30
 - (i) is a permitted activity, restricted discretionary activity, discretionary activity, or prohibited activity
 - (ii) breaches **section 25**; or
- (e) the point at which the landward boundary of the coastal marine area crosses any river; or 35
- (f) 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 144 to 151** 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

255 Application for declaration 5

- (1) Subject to **subsections (2) and (3)**, any person may at any time apply to the Environment Court in the prescribed form for a declaration.
- (2) No person (other than the permit authority, the EPA, or the Minister) may apply to the Environment Court for a declaration that a permit holder or any other person is contravening any condition of a natural resource permit 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 permit or rule relates. 10
- (3) No person (other than a local authority, permit authority, or the Minister of Conservation) may apply to the Environment Court for a declaration under **section 254**. 15

Compare: 1991 No 69 s 311

256 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. 20
- (2) The notice must be served within 5 working days after the application is made to the court.

Compare: 1991 No 69 s 312

257 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 and 54 of Schedule 9**, who wishes to be heard, the court may— 25

- (a) make the declaration sought by an application under **section 255**, with or without modification; or 30
- (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

258 Scope of enforcement order 35

- (1) An enforcement order is an order made under **section 263** 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 natural resource permit; or 5
 - (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 natural resources or people:
 - (b) require a person to do something that, in the opinion of the court, is necessary in order to— 10
 - (i) ensure compliance by or on behalf of that person with this Act, any regulations, a rule in a plan, a rule in a proposed plan, or a natural resource permit; or
 - (ii) avoid, minimise, or remedy any actual or likely adverse effect on natural resources or people caused by or on behalf of that person: 15
 - (c) require a person to minimise or remedy any adverse effect on natural resources or people 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 other person has incurred or is likely to incur in avoiding, minimising, or remedying any adverse effect on natural resources or people, where the person against whom the order is sought fails to comply with— 20
 - (i) an order under any other paragraph of this subsection; or
 - (ii) an abatement notice; or 25
 - (iii) a rule in a plan or a proposed plan or a natural resource permit; or
 - (iv) any of that person's other obligations under this Act:
 - (e) require a polluter of contaminated land to pay money to or reimburse the local authority or EPA for any actual and reasonable costs it has incurred for actions taken under this Act to prevent or remedy any adverse effects to the environment or to carry out remediation: 30
 - (f) 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 natural resources or people relating to any land of which the person is the owner or occupier: 35
 - (g) change or cancel a natural resource permit if, in the opinion of the court, the information made available to the permit authority by the applicant contained inaccuracies relevant to the enforcement order sought which materially influenced the decision to grant the permit:

- (h) revoke a natural resource permit (in whole or in part) or suspend a natural resource permit (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 5
 - (ii) that, if the permit 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 permit 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: 10
- (i) where the court determines that any 1 or more of the requirements of **Parts 1 or 2 Schedule 3 of the Planning Act 2025** 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: 15
 - (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). 20
- (j) make an adverse publicity order, a monetary benefit order, or a pecuniary penalty order (see **clauses 20, 29, and 30 of Schedule 8 of the Planning Act 2025**).
- (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 natural resources or people, and the costs of any actions required to avoid, minimise, or remedy the adverse effect. 25
- (3) Except as provided in **section 263(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 229**, the provision of security, or the entry into a bond for performance). 30
- (4) Without limiting the provisions of **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). 35
- (5) When making an enforcement order under **subsection (4)**, the court may order that the restrictions set out in any or all of **sections 17 to 24** 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 environment arising from those activities. 40

- (6) When making an enforcement order under **subsection (1)(h)**, the court may, having regard to the nature of the non-compliance,—
- (a) revoke the natural resource permit, and any natural resource permits associated with that permit that enable the same activity, in whole or in part, with effect on a specified date; or 5
 - (b) suspend the natural resource permit, and any natural resource permits associated with that permit 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. 10

Compare: 1991 No 69 s 314

259 Compliance with enforcement order

- (1) Where an enforcement order is made against a person, and that enforcement order is served on that person, that person must— 15
- (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,— 20
- (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 25
 - (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 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. 30
- (4) Failure to comply with an enforcement order is an offence under **section 278**. 35

Compare: 1991 No 69 s 315

260 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 **paragraphs (a) to (d) of section 258(1)**, or in **section 258(2)**.

- (2) An application may at any time be made in the prescribed form to the Environment Court by—
- (a) a local authority, a permit authority, or the EPA for an enforcement order of the kind specified in **section 258(1)(e)**; and
 - (b) a local authority, a permit authority, or the EPA for an enforcement order under **section 258(1)(g)**; and
 - (c) a local authority or permit authority for an enforcement order of the kind specified in **section 258(1)(f)**.
- (3) An application for an enforcement order under **section 258(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 258(3) or (4)**.
- (5) No person (other than the permit authority, the EPA, or the Minister) may apply to the Environment Court for an enforcement order to enforce any condition of a natural resource permit 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 permit or rule relates.

Compare: 1991 No 69 s 316

261 Notification of application

- (1) Except as provided in **section 264** (which relates to interim enforcement orders), where 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

262 Right to be heard

Except as provided in **section 264** (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

263 Decision on application

- (1) After considering an application for an enforcement order, the Environment Court may— 5
 - (a) except as provided in **subsection (2)**, make any appropriate order under **section 258**; 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 natural resource permit under **section 258(1)(g)**. 10
- (3) Except as provided in **subsection (4)**, the Environment Court must not make an enforcement order under **section 258(1)(a)(ii), (b)(ii), (c), (d)(iv), or (e)** against a person if— 15
 - (a) that person is acting in accordance with—
 - (i) a rule in a plan; or
 - (ii) a natural resource permit; or
 - (iii) a designation; and
 - (b) the adverse effects in respect of which the order is sought were expressly recognised by the person who approved the plan, or granted the natural resource permit, or approved the designation, at the time of the approval or granting, as the case may be. 20
- (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 approval or granting, as the case may be; or 25
 - (b) the person was acting in accordance with a natural resource permit that has been changed or cancelled under **section 258(1)(h)**. 30

Compare: 1991 No 69 s 319

264 Interim enforcement order

- (1) Except as provided in this section, the provisions of **sections 258 to 263** 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 258(1)(g)**. 35
- (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 261**; 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 natural resources or people; and 5
 - (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 10
 - (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. 15
- (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. 20
- (7) An interim enforcement order stays in force until an application for an enforcement order under **section 260** is determined, or until cancelled by an Environment Judge or a District Court Judge under **subsection (6)**, or cancelled by the Environment Court under **section 265**. 25

Compare: 1991 No 69 s 320

265 Change or cancellation of enforcement order

- (1) Without limiting **section 264(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. 30
- (2) **Sections 261 to 263** (which relate to notification, hearing, and decision) 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 natural resource permit on the grounds set out in **section 258(1)(g)**. 35

Compare: 1991 No 69 s 321

*Abatement notices***266 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 national rule, a regulation, a rule in a plan or a proposed plan, or a natural resource permit; 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 natural resources or people:
 - (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 natural resource permit; or
 - (ii) to avoid, minimise, or remedy any actual or likely adverse effect on natural resources or people—
 - (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 the person to take or refrain from taking any specified action so as to comply with any permit notice or covenant issued or entered into under a condition of a natural resource permit.
- (2) If any person is under a duty not to contravene a rule in a proposed plan under **section 17, 18(4), 20(3), or 21(3)**, 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.

- (5) The power to make an abatement notice under this section is not limited by **section 15**.

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Compare: 1991 No 69 s 322; 2023 No 46 s 649

267 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.

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- (2) This section is subject to the rights of appeal in **section 269**.

Compare: 1991 No 69 s 323; 2023 No 46 s 650

268 Form and content of abatement notice

- (1) An abatement notice must be in the prescribed form and must state—

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- (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; and
- (e) the consequences of not complying with the notice or lodging a notice of appeal; and
- (f) the rights of appeal under **section 269**; and
- (g) in the case of a notice under **section 266(1)(c)**, the rights of an enforcement officer under **section 267** on failure of the recipient to comply with the notice within the time specified in the notice; and
- (h) the name and address of the local authority or permit authority whose enforcement officer issued the notice or the address of the EPA, if the notice is issued by an enforcement officer appointed by the EPA.

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- (2) For the purposes of **subsection (1)(d)**, the period within which the action must be taken or cease—

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- (a) must be reasonable period informed by the circumstances giving rise to the abatement notice; and
- (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 266(1)(a)(ii)**; and

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- (ii) the person on whom the notice is served is complying with this Act, regulations, a rule in a plan, or a natural resource permit.

Compare: 1991 No 69 s 324; 2023 No 46 s 651

269 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. 5
- (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 of the Planning Act 2025**; and 10
 - (c) be lodged with the Environment Court and served on the local authority or the EPA (whose abatement notice is appealed against) within 15 working days after service of the abatement notice on the appellant.
- (3) Any powers which may be exercised by an Environment Judge under this section or **section 270** may be exercised by an Environment Commissioner. 15
- (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 20
 - (ii) a natural resource permit; 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 natural resource permit, or approved the designation at the time of the approval, notification, or granting, as the case may be. 25
- (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. 30

Compare: 1991 No 69 s 325; 2023 No 46 s 652

270 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— 35
 - (a) the abatement notice is within the scope of **section 266(1)(a)(ii)** and the person against whom the notice is served is complying with this Act, regulations, any national rule, a rule in a plan, or a natural resource permit; or

- (b) a stay is granted by an Environment Judge under **subsection (6)**.
- (2) Any person who appeals under **section 269(1)** 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— 5
- (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 relevant authority whose abatement notice is appealed against. 10
- (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 15
- (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 relevant authority whose abatement notice is appealed against; 20
- 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 whose abatement notice is appealed against, and the stay has no legal effect until served. 25
- (8) Any stay remains in force until an order is made otherwise by the Environment Court.
- Compare: 2023 No 46 s 653 30

271 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. 35
- (2) 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
- (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. 10
- (6) The relevant authority must give written notice of its decision to the person who applied under **subsection (4)**.
- (7) 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 269(2)** against the whole or any part of the abatement notice. 15

Compare: 1991 No 69 s 325A; 2023 No 46 s 654

Water shortage direction

- 272 Water shortage direction** 20
- (1) If a regional council considers that at any time there is a serious temporary shortage of water in its region or any part of its region, the regional council may issue a direction for either or both of the following:
 - (a) that the taking, use, damming, or diversion of water is to be apportioned, restricted, or suspended to the extent and in the manner set out in the direction: 25
 - (b) that the discharge of any contaminant into water is to be apportioned, restricted, or suspended to the extent and in the manner set out in the direction.
 - (2) A direction may relate to any specified water, to water in any specified area, or to water in any specified water body. 30
 - (3) A direction must not last for more than 14 days but may be amended, revoked, or renewed by the regional council by a subsequent direction.
 - (4) A direction comes into force on its issue and continues in force until it expires or is revoked. 35
 - (5) A direction may be issued by any means the regional council thinks appropriate, but notice of the particulars of the direction must be given to all persons required to apportion, restrict, or suspend—

- (a) the taking, use, damming, or diversion of water as far as they can be ascertained, as soon as practicable after the direction is issued; or
- (b) the discharge of any contaminant into water as far as it can be ascertained, as soon as practicable after the direction is issued.
- (6) For the purpose of this section, notice may be given to a person by serving it on the person or by publishing the notice in 1 or more daily newspapers circulating in the area where the person takes, uses, dams, or diverts the water, or discharges a contaminant into water. 5
- Compare: 1991 No 69 s 329; 2023 No 46 s 658
- Restrictions relating to enforcement orders and abatement orders* 10
- 273 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 258(1)(a) to (d)**, and no abatement notice may be served on any person, in respect of anything done or to be done,— 15
- (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 20
- (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. 25
- (2) No person (other than the Minister, the Director of Maritime New Zealand, a local authority, a permit authority, or the EPA) may apply to the Environment Court for an enforcement order to require any person to comply with or cease contravening **section 23**. 30
- (3) No person may apply for an enforcement order under **section 258(1)(d)** in respect of any actual or reasonable costs and expenses, where the costs and expenses which 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. 35
- (4) In **subsection (3)**, **pollution damage** and **CLC ship** have the meanings given in section 342 of the Maritime Transport Act 1994. 40
- Compare: 1991 No 69 s 325B; 2023 No 46 s 659

*Powers of entry and search***274 Power of entry for inspection**

- (1) Any enforcement officer, specifically authorised in writing by a local authority or the EPA 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— 5
 - (a) this Act, any regulations, a national rule, or a rule of a plan, or a natural resource permit is being complied with; or
 - (b) an enforcement order, interim enforcement order, abatement notice, enforceable undertaking, or water shortage direction is being complied with; or 10
 - (c) any person is contravening a rule in a proposed plan in a manner prohibited by any of **sections 17, 18(4), 20(1), and 21(4)**.
- (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 15
 - (b) take samples of water, air, soil, or organic matter.
- (3) If a sample is taken under **subsection (2)**, 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. 20
- (4) Every enforcement officer who exercises any 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. 25
- (6) An enforcement officer must not enter land without the permission of the landowner if permission to enter the land is required by any other Act. 30
- (7) An enforcement officer exercising any power under this section may use any assistance that is reasonably necessary.

Compare: 2023 No 46 s 727; 1991 No 69 s 332

275 Power of entry for survey

- (1) For the purposes of this Act, any enforcement officer specifically authorised in writing by any local authority or permit authority to do so may do all or any of the following: 35
 - (a) carry out surveys, investigations, tests, or measurements:

- (b) collect records of their inspection (including the records referred to in **section 274(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. 5
- (3) Reasonable written notice must be given to the occupier of land to be entered under **subsection (1)**— 10
 - (a) that entry on to the land 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 enforcement officer who exercises any 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. 15

Compare: 2023 No 46 s 728; 1991 No 69 s 333

276 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 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— 20
 - (a) in respect of which an offence has been or is suspected of having been committed against this Act or regulations that is punishable by imprisonment; or 25
 - (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. 30
- (2) The provisions of Part 4 of the Search and Surveillance Act 2012 apply 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. 35

Compare: 2023 No 46 ss 729, 730; 1991 No 69 s 334

277 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 constable generally.
- (2) Except as provided in **subsection (1)**, every search warrant issued under **section 276** must be directed to any constable generally or enforcement officer generally. 5
- (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. 10

Compare: 2023 No 46 s 731; 1991 No 69 s 335

*Offences***278 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: 15
 - (a) **sections 17, 18, 19, 20, and 21** (which impose duties and restrictions in relation to the coastal marine area, the beds of certain rivers and lakes, water, and discharges of contaminants):
 - (b) any enforcement order:
 - (c) any condition of a natural resource permit: 20
 - (d) any abatement notice:
 - (e) any monetary benefit order made under **clause 29 of Schedule 8 of the Planning Act 2025**:
 - (f) any water shortage direction under **section 272**:
 - (g) an enforceable undertaking under **clause 24 of Schedule 8 of the Planning Act 2025**: 25
 - (h) any adverse publicity order made by a court under **clause 20 of Schedule 8 of the Planning Act 2025**:
 - (i) any requirement or duty in regulations made under **section 279 of the Planning Act 2025** (emergency response regulations) that the person must comply with. 30
- (2) A person commits an offence against this Act if the person contravenes, or permits a contravention of, **section 22 or 24** (which impose restrictions in relation to waste or other matter).
- (3) If any harmful substance or contaminant or water is discharged in the coastal marine area in breach of **section 23**, the following persons each commit an offence: 35
 - (a) if the discharge is from a ship, the master and the owner of the ship:

- (b) if the discharge is from an offshore installation, the owner of the installation.
- (4) A person commits an offence against this Act if the person contravenes, or permits a contravention of, any of the following:
 - (a) **section 243**, which relates to failure to provide certain information to an enforcement officer: 5
 - (b) clause 17 of Schedule 9 of the Planning Act 2025 or clause 30 of schedule 10 of that Act, which relates to the protection of sensitive information in relation to a proceeding or matter under this Act:
 - (c) any order (other than an order referred to in **section 278(1)**) made by the Environment Court. 10
- (5) 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 or **clause 69 of Schedule 9** in relation to a proceeding or matter under this Act. 15

Compare: 2023 No 46 s 701; 1991 No 69 s 338

Limitation periods

279 Limitation period for offences or pecuniary penalties under this Act 20

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: 25
- (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. 30

Compare: 2023 No 46 s 700; 1991 No 69 s 338(4)

Penalties

280 Penalties

- (1) A person who commits an offence against **section 278(1), (2), or (3)** is liable on conviction,— 35
 - (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 278(1), (2), or (3)** 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: 5
- (b) in any other case, 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 278(4)** 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. 10
- (4) A person who commits an offence against **section 278(5)** 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. 15
- (6) If a person is convicted of an offence against **section 278**, the court may, instead of or in addition to imposing a fine or a term of imprisonment, make 1 or more of the following orders: 20
- (a) the orders specified in section 258:
- (b) an order requiring a permit authority to serve notice, under section 186, of the review of a natural resource permit held by the person, but only if the offence involves an act or omission that contravenes the permit.
- (7) A court discharging an offender without conviction under section 106 of the Sentencing Act 2002 may make an enforcement order under **section 263** of this Act. 25
- (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. 30

Compare: 2023 No 46 s 706; 1991 No 69 s 339

281 Liability of principal for acts of agents

- (1) **Subsection (2)** applies if an offence is committed against this Act by a person (**person A**) acting as the agent or employee of another (**person B**).
- (2) Person B is liable for the offence as if person B had personally committed it, if it is proved that person B— 35
- (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)** does not prejudice the liability of person A.
- (4) If proceedings are brought against person B under **subsection (2)**, 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: 2023 No 46 s 702; 1991 No 69 s 340

282 Strict liability and defences

- (1) In any prosecution for an offence set out in **section 278(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 natural resources or people; 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, 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: 2023 No 46 s 703; 1991 No 69 s 341

283 Liability and defences in relation to dumping and incineration of waste or other matter in coastal marine area

- (1) In any prosecution for an offence set out in **section 278(2)** it is not necessary to prove that the defendant intended to commit the offence.
- (2) It is a defence to prosecution for an offence of contravening or permitting a contravention of **section 278(2)** if the defendant proves that the act or omission which is alleged to constitute the offence—
 - (a) was necessary—
 - (i) to save or prevent danger to human life; or
 - (ii) to avert a serious threat to any ship, aircraft, or offshore installation; or
 - (iii) in the case of force majeure caused by stress of weather, to secure the safety of any ship, aircraft, or offshore installation; and
 - (b) was a reasonable step to take in all the circumstances; and
 - (c) was likely to result in less damage than would otherwise have occurred; and
 - (d) was taken or omitted in such a way that the likelihood of damage to human or marine life was minimised.

Compare: 1991 No 69 s 341A

284 Liability and defences for discharging harmful substances

- (1) In any prosecution for an offence against **section 278(3)** (which relates to the discharge of harmful substances, contaminants, or water, in breach of **section 23**), it is not necessary to prove that the defendant intended to commit the offence. 5
- (2) It is a defence to prosecution for an offence against **section 278(3)** if the defendant proves that—
 - (a) the harmful substance or contaminant or water was discharged for the purpose of securing the safety of a ship or an offshore installation, or for the purpose of saving life, and that the discharge was a reasonable step to effect that purpose; or 10
 - (b) the harmful substance or contaminant or water escaped as a consequence of damage to a ship or its equipment or to an offshore installation or its equipment; and—
 - (i) such damage occurred without the negligence or deliberate act of the defendant; and 15
 - (ii) as soon as practicable after that damage occurred, all reasonable steps were taken to prevent the escape of the harmful substance or contaminant or water or, if any such escape could not be prevented, to minimise any escape. 20

Compare: 2023 No 46 s 704; 1991 No 69 s 341B

285 Burden of proving defences

Despite anything to the contrary in the Criminal Procedure Act 2011, the burden of proving that a defence in **section 283 or 284** applies lies on the defendant. 25

Compare: 2023 No 46 s 705

286 Fines to be paid to local authority or EPA instituting prosecution

- (1) If a person is convicted of an offence under **section 278** 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 them. 30
- (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. 35

- (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 the local authority or the EPA 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)**. 5
- Compare: 2023 No 46 s 707; 1991 No 69 s 342

Insurance against fines unlawful

287 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,— 10
- (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. 15
- (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— 20
- (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 25
- (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,— 30
- (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. 35
- Compare: 2023 No 46 s 708; 1991 No 69 s 342A

*Infringement offences***288 Infringement offences**

In **sections 289 to 295**,—

infringement fee, in relation to an infringement offence, means the amount fixed by regulations made under **section 281 of the Planning Act 2025** as the infringement fee for the offence 5

infringement offence means an offence specified as such in regulations made under **section 281 of the Planning Act 2025**.

289 Infringement offences

- (1) A person who is alleged to have committed an infringement offence may— 10
 - (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 291**.
- (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. 15
- (3) See section 21 of the Summary Proceedings Act 1957 for the procedure that applies if an infringement notice is issued.

Compare: 2023 No 46 s 709; 1991 No 69 s 343B

290 Who may issue infringement notices 20

An enforcement officer may issue infringement notices under this Act.

Compare: 2023 No 46 s 710; 1991 No 69 s 343C(1)

291 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. 25

Compare: 2023 No 46 s 711; 1991 No 69 s 343C(1)

292 Revocation of infringement notice before payment made

- (1) The enforcement officer may revoke an infringement notice before—
 - (a) the infringement fee is paid; or 30
 - (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 289(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

293 What infringement notice must contain 5

An infringement notice must be in the form prescribed in regulations made under **section 281 of the Planning Act 2025** 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: 10
- (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: 15
- (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: 20
- (i) any other matters prescribed in regulations made under **section 281 of the Planning Act 2025**.

Compare: 2023 No 46 s 713; 1991 No 69 s 343C(3)

294 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— 25
- (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 30
 - (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. 35
- (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. 5

Compare: 2023 No 46 s 714; 1991 No 69 s 343C(2)

295 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. 10
- (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: 2023 No 46 s 715; 1991 No 69 s 343D

15

296 Reminder notices

A reminder notice must be in the form prescribed in regulations made under **section 281 of the Planning Act 2025** and must include the same particulars, or substantially the same particulars, as the infringement notice.

Compare: 2023 No 46 s 716; 1991 No 69 s 343C(4)

20

297 Further provisions on specified topics in Schedule 8 of Planning Act 2025

Schedule 8 of the Planning Act 2025 applies for the purposes of this Act. **Schedule 8** sets out provisions relating to—

- (a) financial assurances:
- (b) adverse publicity orders: 25
- (c) enforceable undertakings:
- (d) monetary benefit orders:
- (e) pecuniary penalty orders.

Local authorities to have compliance and enforcement strategy

298 Local authorities to prepare compliance and enforcement strategy 30

- (1) 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). 35

- (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 5

299 Local authority or EPA to publish information about their functions, duties, and powers

The local authority or the EPA must publish on an internet site maintained by or on their behalf that is accessible to the public free of charge—

- (a) information about their functions, duties, and powers; and 10
- (b) a register of all their enforcement activities that result in a conviction or court order; 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. 15

Compare: 2023 No 46 s 723

300 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. 20

Compare: 2023 No 46 s 724

Subpart 2—Emergency works

301 Emergency works and power to take preventive or remedial action

- (1) Where—
- (a) any public work for which any person has financial responsibility; or 25
 - (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 work or core infrastructure operation for which any core infrastructure operator is approved as a designating authority under **clause 10 of Schedule 5 of the Planning Act 2025**; or 30
 - (d) any service or system that any lifeline utility operates or provides—
is, in the opinion of the person, authority, network utility operator, or lifeline utility, affected by or likely to be affected by—
 - (e) an adverse effect on the natural environment which requires immediate preventive measures; or 35
 - (f) an adverse effect on the natural 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 **sections 17, 18, 19, 12, and 20** do not apply to any activity undertaken by or on behalf of that person, authority, network utility operator, or lifeline utility to remove the cause of, or minimise any actual or likely adverse effect of, the emergency. 5
- (2) **Subsection (1)** applies whether or not the adverse effect or sudden event was foreseeable.
- (3) Where a local authority or permit authority—
- (a) has financial responsibility for any public work; or 10
- (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. 15 20
- (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 25
- (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. 30
- (5) **Sections 17, 18, 19, 12, and 20** do 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 himself or herself and inform the occupier of the place of the entry and the reasons for it. 35
- (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 302**, **lifeline utility** means a lifeline utility within the meaning of section 4 of the Civil Defence Emergency Management Act 40

2002 other than a lifeline utility that is a network utility operator to which **subsection (1)(c)** applies.

Compare: 1991 No 69 s 330

302 Natural resource permits for emergency works

- (1) Where an activity is undertaken under **section 301**, the person (other than the occupier), authority, network utility operator, or lifeline utility who or which undertook the activity must advise the appropriate permit authority, within 7 days, that the activity has been undertaken. 5
- (2) Where such an activity, but for **section 301**, contravenes any of **sections 17, 18, 19, 12, and 20** and the adverse effects of the activity continue, then the person (other than the occupier), authority, network utility operator, or lifeline utility who or which undertook the activity must apply in writing to the appropriate permit authority for any necessary natural resource permits required in respect of the activity within 30 working days of the notification under **subsection (1)**. 10
- (3) If the application is made within the time stated in **subsection (2)**, the activity may continue until the application for a natural resource permit and any appeals have been finally determined. 15

Compare: 1991 No 69 s 330A

303 Emergency works under Civil Defence Emergency Management Act 2002 20

- (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, the provisions of **sections 17, 18, 19, 12, and 20** do 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. 25
- (2) If an activity is undertaken to which **subsection (1)** applies, the person who authorised the activity must advise the appropriate permit authority, within 7 days, that the activity has been undertaken.
- (3) If such an activity, but for this section, would contravene any of **sections 17, 18, 19, 12, and 20** and the adverse effects of the activity continue, the person who authorised the activity must apply in writing to the appropriate permit authority for any necessary natural resource permits required in respect of the activity, within 60 working days of the notification under **subsection (2)**. 30
- (4) If the application is made within the time stated in **subsection (3)**, the activity may continue until the application for a natural resource permit and any appeals have been finally determined. 35
- (5) A person does not commit an offence under **section 278(1)(a)** by acting in accordance with this section. 40

Compare: 1991 No 69 s 330B

304 Reimbursement or compensation for emergency works

- (1) Where the local authority or consent authority takes action under **section 301(3)** 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 258(2)**). 5
 - (2) Where the costs required to be paid under **subsection (1)** are not duly paid within 20 working days of being required, the authority may seek an enforcement order under **section 258(1)(d)**.
 - (3) The following are entitled to compensation from the authority in respect of any damage which did not arise from any failure of that person to abide by his or her duties under the Act: 10
 - (a) every person having an estate or interest in land that is injuriously affected by the exercise of any power under **section 301(3)**;
 - (b) every other person suffering any damage as a result of the exercise of that power. 15
 - (4) Any compensation under **subsection (2)** 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. 20
- Compare: 1991 No 69 s 331

305 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— 25
 - (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: 30
 - (b) be satisfied that the proposed regulations are not broader than is reasonably necessary:
 - (c) consider the effects on natural resources or people that could occur as a result of the proposed regulations and whether any adverse effects can be avoided, remedied, or minimised: 35
 - (d) consult the Minister for Emergency Management and Recovery:
 - (e) consult the Minister of Conservation if the regulations affect the coastal marine area:

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- (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: 5
 - (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): 10
 - (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)**: 15
 - (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. 20
- (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. 25
- (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. 30
- (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—
- (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 35
 - (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 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 may—
- (a) permit, authorise, or prohibit specific activities, while noting that this will not give long-term existing use rights to those activities: 5
 - (b) modify or alter the plan development processes:
 - (c) apply a temporary stay to types or categories of permit applications (processing and granting of permits):
 - (d) limit or exclude rights of appeal (other than judicial review) in relation to decisions on natural resource permits, plan changes, or variations: 10
 - (e) extend the time frames for lodging retrospective natural resource permits for emergency works under **section 301**:
 - (f) extend or shorten permit processing time frames.
- (8) Emergency response regulations may incorporate material by reference. **Section 75** applies as if references in that section to a national instrument were references to regulations under this section. 15
- (9) Emergency response regulations are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- Compare: 1991 No 69 s 331AA
- 306 Annual review of emergency response regulations** 20
- The Minister must, within 12 months after any regulation made under **section 324** comes into force, and once in every 12 months after that while the regulation remains in force,—
- (a) carry out a review of the operation and effectiveness of the regulation; and 25
 - (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. 30
- Compare: 1991 No 69 s 331AB 30

Subpart 3—Regulations

307 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 **Planning Act 2025** that are applied to this Act say may or must be provided for by regulations: 35

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- (b) prescribing the manner or content of applications, notices, or any other documentation or information required under this Act, including service of notices:
 - (c) requiring the payment of fees or charges in connection with—
 - (i) an application, notice, or request provided for under this Act: 5
 - (ii) the performance or exercise of any function, power, or duty under this Act:
 - (d) prescribing any of the following in relation to fees or charges required under **paragraph (c)**:
 - (i) the fee or charge payable or the methods for calculating fees or charges: 10
 - (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): 15
 - (e) 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 of the **Planning Act 2025**, the criteria that the Registrar must apply to— 20
 - (i) assess a person's ability to pay a fee; and
 - (ii) identify proceedings that concern matters of public interest:
 - (f) prescribing those offences under this Act (including offences prescribed under **paragraph (y)**) that constitute infringement offences against this Act: 25
 - (g) 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: 30
 - (h) prescribing, in relation to infringement offences against this Act, the form and content of infringement notices and reminder notices:
 - (i) requiring the holders of water permits, discharge permits, or coastal permits granted for any activity that would otherwise contravene **section 19**, to keep records for any purpose under this Act, and prescribing the nature of records, information, and returns, and the form, manner, and times in or at which they shall be kept or furnished: 35

- (j) prescribing the form and content (including conditions) of water permits and discharge permits:
- (k) prescribing the practice and procedure of the Environment Court and the form of proceedings, both under this Act and in relation to the exercise of any jurisdiction conferred on the court by any other Act: 5
- (l) 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**:
- (m) prescribing exemptions from any provision of **section 21**, either absolutely or subject to any prescribed conditions, and either generally or specifically or in relation to particular descriptions of contaminants or to the discharge of contaminants in particular circumstances or from particular sources, or in relation to any area of land, air, or water specified in the regulations: 10
- (n) classifying activities and other functions of a national rule under **sub-part 3 of Part 2**: 15
- (o) deeming to be included in any natural environment plan or proposed natural environment plan rules that may apply generally or specifically and that may do all or any of the following:
 - (i) specify, as restricted discretionary activities, discretionary activities, or prohibited activities, any activities to which **section 22** applies: 20
 - (ii) specify criteria to be considered in considering any application under **section 130** for a coastal permit to do something that otherwise would contravene **section 22** or any application under **section 185** to change or cancel any condition of such a coastal permit or on a review of conditions of such a coastal permit under **section 186**: 25
- (p) prescribing any substance to be a harmful substance for the purposes of **section 3**: 30
- (q) prescribing any waste or other matter to be toxic or hazardous waste for the purposes of **section 24**:
- (r) without limiting **paragraph (i)**, in relation to any coastal permit to do something that otherwise would contravene **section 22**,—
 - (i) requiring the holder of the coastal permit to keep records; and 35
 - (ii) requiring the holder of the coastal permit to furnish to the relevant prescribed agency or local authority information and returns as to any matters in relation to any activity carried out under the coastal permit; and

- (iii) prescribing the nature of the records, information, and returns, and the form, manner, and times in or at which they must be kept or furnished:
- (s) in relation to a discharge to which **section 23** applies (which regulations may describe by referring to the circumstances, quantities, components, or sources of the discharge)— 5
 - (i) prohibiting or permitting the discharge; or
 - (ii) controlling the discharge by prescribing conditions or limitations, or by other means; or
 - (iii) prohibiting or permitting, with or without conditions, the making of a rule; or 10
 - (iv) prohibiting or permitting, with or without conditions, the granting of a natural resource permit:
- (t) providing for discounts on administrative charges imposed under **section 229** when local authorities do not meet time limits set under this Act: 15
- (u) prescribing, for the purposes of **section 227**,—
 - (i) indicators or other matters by reference to which a local authority is required to monitor the state of the natural environment of its region or district: 20
 - (ii) matters by reference to which monitoring must be carried out:
 - (iii) standards, methods, or requirements applying to the monitoring, which may differ depending on what is being monitored:
- (v) requiring local authorities to provide information gathered under **sections 227 and 228** 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: 25
- (w) prescribing measures for the purpose of excluding stock from water bodies, estuaries, coastal lakes and lagoons, and the margins of those water bodies, estuaries, and coastal lakes and lagoons, including regulations that— 30
 - (i) apply generally in relation to stock or to specified kinds of stock (for example, dairy cattle):
 - (ii) apply generally in relation to water bodies, estuaries, coastal lakes and lagoons, and their margins or to specified kinds of water bodies, estuaries, coastal lakes and lagoons, and their margins: 35
 - (iii) apply different measures to different kinds of stock or to different kinds of water bodies, estuaries, coastal lakes and lagoons, and their margins:

- (iv) prescribe technical requirements for the purposes of the regulations (for example, the minimum height and other specifications with which any required means of exclusion must comply, such as requirements for fencing or riparian planting):
 - (x) prescribing infringement offences for the contravention of, or non-compliance with, any regulations made under **paragraph (w)**: 5
 - (y) prescribing requirements that apply to the use of models (being simplified representations of systems, for example, farms, catchments, and regions) under this Act by—
 - (i) local authorities: 10
 - (ii) the holders of natural resource permits:
 - (iii) other persons:
 - (z) prescribing infrastructure as long-lived infrastructure for the purpose of **paragraph (f)** of the definition of long-lived infrastructure in **section 3**: 15
 - (za) providing methodologies to support the preparation and implementation of relief frameworks under **section 111**:
 - (zb) providing for anything incidental that is necessary for carrying out, or giving full effect to, this Act.
- (2) Regulations made under this section— 20
 - (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
 - (ii) within any specified part of New Zealand; or
 - (iii) to any specified class or classes of persons. 25
- (3) No regulation may be made under any of **paragraphs (o) to (r) of subsection (1)** except on the recommendation of the Minister after consultation with the Minister of Transport and the Minister of Conservation.
- (4) The Minister must not recommend the making of any regulation under any of **paragraphs (o) to (q) of subsection (1)** unless, after having consulted the Minister of Transport and the Minister of Conservation, the Minister is of the opinion that— 30
 - (a) it is necessary or desirable to do so for all or any of the following purposes:
 - (i) to implement New Zealand's obligations under any international convention, protocol, or agreement, relating to the protection of the marine environment and to which New Zealand is a party: 35

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- (ii) to enable New Zealand to become a party to any international convention, protocol, or agreement relating to the protection of the marine environment:
 - (iii) to implement such international practices or standards relating to the protection of the marine environment as may, from time to time, be recommended by the International Maritime Organization; or 5
 - (b) it is not inconsistent with any such purpose to do so.
 - (5) The Minister may amend any schedule of any regulations made under **subsection (1)(p) or (q)** by omitting or inserting the names or a description of waste or other matter or harmful substance to make that schedule comply with the provisions of an international convention relating to the pollution of the marine environment. 10
 - (6) Regulations made under **subsection (1)(s)** may apply— 15
 - (a) generally within New Zealand or to those areas of New Zealand specified in the regulations:
 - (b) generally to rules or natural resource permits, or to rules or natural resource permits made by the permit authorities specified in the regulations.
 - (7) Regulations made under **subsection (1)(w) or (x)** may specify— 20
 - (a) that rules inconsistent with those regulations be withdrawn or amended—
 - (i) to the extent necessary to remove the inconsistency; and
 - (ii) as soon as practicable after the date on which the regulations come into force; but 25
 - (iii) without using any of the processes under Schedule 3 of the **Planning Act 2025** for changing a plan or proposed plan; and
 - (b) in relation to a rule made before the commencement of the regulations,—
 - (i) the extent to which a matter that the regulations apply to continues to have effect; or 30
 - (ii) the period for which a matter that the regulations apply to continues to have effect.
 - (9) Regulations may be made under **subsection (1)(z)** only on the Minister's recommendation after being satisfied that the infrastructure— 35
 - (a) has an expected life span of 50 years; and
 - (b) is suitable for a consent duration of 35 years; and
 - (c) benefits the public.

- (10) If regulations specify a matter under **subsection (7)**, the local authorities concerned must publicly notify that the rules have been withdrawn or amended not later than 5 working days after they are withdrawn or amended.
- (11) All regulations made under **subsection (1)(I)** that are still in force on the day that is 5 years after the date of commencement of this Act shall expire at the close of that day. 5
- (12) Regulations made under this section may incorporate material by reference. **Section 75** applies as if its references to a national instrument were references to regulations under this section.
- (13) The following are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements): 10
- (a) regulations under **subsection (1)**:
 - (b) a notice under **subsection (2)**:
 - (c) an amendment under **subsection (5)**.

Compare: 1991 No 69 s 360

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308 Regulations relating to permit 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 processing an application for a natural resource permit.
- (2) Regulations under **subsection (1)** may— 20
- (a) prescribe maximum processing time frames for applications for natural resource permits:
 - (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: 25
 - (c) prescribe matters and time periods that must be excluded from the calculation of the maximum processing time frame under **section 138**:
 - (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. 30
- (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 natural resource permit, or only to natural resource permits of a particular type or relating to a particular activity. 35
- (4) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

*Regulations relating to allocation of the use of natural resources***309 Regulations**

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations to prescribe a process by which a regional council may carry out a review of the conditions of a coastal, water, discharge, or land use permit that relates to the allocation of a natural resource use activity in the circumstances where a review is authorised or required to be carried out by a national instrument or a rule in a plan. 5
- (2) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 10
- (3) Before recommending the making of regulations under this section, the Minister must comply with **section 313**, as if the recommendation for regulations were for a proposed national instrument.

Compare: 1991 No 69 s 128(1)

310 Regulations amending natural environment plans in relation to aquaculture activities and allocation processes 15

- (1) The Governor-General may, by Order in Council, on the recommendation of the Minister responsible for aquaculture,—
 - (a) amend provisions in a natural environment plan that relate to the management of aquaculture activities in the coastal marine area; and 20
 - (b) amend a natural environment plan to establish rules for the allocation of specified aquaculture-related authorisations.
- (2) Regulations made under **subsection (1)** may amend more than 1 natural environment plan at the same time, including natural environment plans that relate to different regions. 25
- (3) An amendment made under **subsection (1)**—
 - (a) becomes part of the operative natural environment plan as if it had been made under **Schedule 3 of the Planning Act 2025**; and
 - (b) must not be inconsistent with, and is subject to, the other provisions of this Act; and 30
 - (c) may be amended—
 - (i) under this section; or
 - (ii) in accordance with **Schedule 3 of the Planning Act 2025**; or
 - (iii) under any other provision of this Act.
- (4) Regulations establishing a process for the allocation of specified aquaculture-related authorisations— 35
 - (a) must provide for how allocation offers for those authorisations are to be decided; and

- (b) must specify the aquaculture-related authorisations (or class of authorisations) to which the process applies; and
 - (c) may specify—
 - (i) that the Minister responsible for aquaculture is the decision maker for allocation offers made under the process; and 5
 - (ii) the circumstances in which, and the criteria by which, the Minister must make those decisions; and
 - (d) must specify the unit of measurement for a specified aquaculture-related resource or class of resource (for example, based on volume, meterage, or percentage); and 10
 - (e) may provide for any other matter necessary for establishing or giving effect to the process.
- (5) If a regional council makes changes to the natural environment plan or develops a new natural environment plan, the committee may specify that the Minister responsible for aquaculture is the decision maker for allocation offers made under an allocation process, but only if— 15
 - (a) the natural environment plan has been amended by regulations establishing an allocation process and specifying the matters referred to in **subsection (4)(c)**; and
 - (b) either— 20
 - (i) the allocation process proposed in the changes or the new natural environment plan is the same as that made under the regulations; or
 - (ii) the Minister responsible for aquaculture agrees to the changes to the natural environment plan or the new natural environment plan before it is notified. 25
- (6) In this section and **sections 311 and 312**,—
 - amend provisions** includes—
 - (a) omitting provisions (whether other provisions are substituted or not):
 - (b) adding provisions 30

aquaculture-related authorisation means the exclusive right to apply for a resource consent for an aquaculture-related resource, within the meaning of the definition of right to apply in **section 204(2)** and the definition of authorisation in **clause 1 of Schedule 3**

aquaculture-related resource means— 35

 - (a) the occupation of space in a common marine and coastal area for aquaculture activities;
 - (b) the capacity of coastal water (including estuaries) to assimilate a discharge of a contaminant from an aquaculture activity;

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- (c) any other resource related to aquaculture identified in national standards or regulations under **section 87**;
 - (d) any other resource related to aquaculture.
 - (7) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 5
- Compare: 2023 No 46 s 793
- 311 Conditions to be satisfied before regulations made under section 310**
- Ministerial considerations*
- (1) The Minister responsible for aquaculture must not recommend the making of regulations under **section 310**, unless the Minister— 10
 - (a) has first had regard to the provisions of the natural environment plan that will be affected by the proposed regulations; and
 - (b) has carried out consultation on the proposed regulations in accordance with this section; and
 - (c) is satisfied that— 15
 - (i) the proposed regulations are necessary or desirable for the management of aquaculture activities in accordance with the Government’s policy for aquaculture in the coastal marine area; and
 - (ii) the matters to be addressed by the proposed regulations are of regional or national significance; and 20
 - (iii) the proposed regulations do not result in a rule in the natural environment plan that contravenes **section 101**; and
 - (iv) the natural environment plan (as amended by the proposed regulations) meets the requirements in **subsection (2)**; and
 - (d) has prepared an evaluation report under section 110 for the proposed regulations and had particular regard to that report when deciding whether to recommend the making of the regulations. 25
 - (2) The natural environment plan (as amended by the proposed regulations)—
 - (a) must not cause environmental limits to be breached; and
 - (b) must continue to give effect to the following, without conflicting with or duplicating them: 30
 - (i) any national policy direction:
 - (ii) any national standard:
 - (iii) relevant provisions in a regional spatial plan:
 - (iv) relevant provisions in an action plan; and 35
 - (c) must be consistent with the regional spatial strategy.

- (3) When deciding whether to recommend the making of regulations that directly affect a customary marine title area, the Minister responsible for aquaculture must consider any content in a relevant planning document—
- (a) that has been lodged with the Minister under section 91A of the Marine and Coastal Area (Takutai Moana) Act 2011 or lodged with the regional council under section 86 of that Act; and 5
 - (b) that the Minister considers relevant to their decision.
- (4) When deciding whether to recommend the making of regulations that relate to the allocation of coastal space, the Minister responsible for aquaculture must consider how the proposed regulations affect any preferential rights described in **clause 22 of Schedule 3**. 10
- (5) When deciding whether to recommend the making of regulations that relate to **paragraphs (b) to (d)** of the definition of aquaculture-related resource in **section 310(6)**, the Minister must have particular regard to the allocation principles. 15
- Consultation requirements*
- (6) The Minister responsible for aquaculture must consult on the proposed regulations with—
- (a) the Minister of Conservation; and
 - (b) other Ministers that the Minister responsible for aquaculture considers relevant to the proposed regulations; and 20
 - (c) any customary marine title group in the area covered by the natural environment plan; and
 - (d) any applicant group (within the meaning of section 9 of the Marine and Coastal Area (Takutai Moana) Act 2011) in the area covered by the natural environment plan; and 25
 - (e) the public, the relevant iwi authorities, and groups that represent hapū within the relevant region.
- (7) When consulting organisations, people, and groups under **subsection (6)(c) to (e)**, the Minister responsible for aquaculture— 30
- (a) must notify them of the proposed regulations; and
 - (b) must establish a process that—
 - (i) the Minister responsible for aquaculture considers gives them adequate time and opportunity to comment on the proposed regulations; and 35
 - (ii) requires a report and recommendation to be made to the Minister on those comments and the proposed regulations; and
 - (c) must publicly notify the report and recommendation; and

- (d) is not required to consult on matters that have already been the subject of consultation if the Minister is satisfied that the previous consultation related to subject matter that is in substance the same as that proposed in the regulations.
- (8) A single consultation process may be used if— 5
- (a) the proposed regulations amend 2 or more natural environment plans at the same time; and
- (b) the requirements of **subsections (6) and (7)** are met in respect of each natural environment plan.
- Compare: 2023 No 46 s 794 10

312 Regional council obligations

- (1) As soon as practicable after regulations are made under **section 310**, the regional council whose natural environment plan is or will be amended by the regulations must—
- (a) give public notice that the regulations have been made, of the date on which the regulations come into force, and that provides a general description of the nature and effect of the regulations; and 15
- (b) amend the natural environment plan in accordance with the regulations—
- (i) without using the process in Schedule 3 of the **Planning Act 2025** (as applied by **section 94**); and 20
- (ii) by any date specified in the regulations for that purpose or, if no date is specified, as soon as practicable after the regulations come into force.
- (2) To avoid doubt, **clause 6 of Schedule 3** does not apply to any amendments to a natural environment plan that have been made in accordance with regulations made under **section 310**. 25

Compare: 2023 No 46 s 795

Natural resource levies

- 313 Regulations relating to natural resource levies** 30
- (1) The Governor-General may, by Order in Council, on the recommendation of the Minister, make regulations prescribing a levy for the taking or use of natural resources specified in **section 223**.
- (2) The Minister may recommend the making regulations under this section for the following purposes: 35
- (a) to—
- (i) fund the resolution of issues resulting from over allocation of a resource in a management unit; or

- (ii) provide for efficient use of natural resources:
 - (b) to fund central Government and regional councils to undertake their functions and duties, and exercise their powers under this Act, to the extent that the costs of those activities are not recovered through other mechanisms under this Act. 5
- (3) Regulations made under this section may—
 - (a) identify the taking or use of natural resource to which the levy applies; and
 - (b) set different levy rates for different natural resources and different locations; and 10
 - (c) prescribe the amount of the levy or a method for calculating the amount; and
 - (d) specify who is liable to pay the levy; and
 - (e) provide for 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 an exemption to apply; and 15
 - (f) identify any proportion of the levy that may be retained or transferred to persons specified in the regulations; and
 - (g) specify how any proportion transferred under **paragraph (f)** may be used by the specified person, including any conditions that must be satisfied before the transferred portion of the levy is used; and 20
 - (h) set out reporting obligations of regional councils in relation to levies set under **paragraph (h)**; and
 - (i) direct 1 or more regional councils to undertake 1 or more of the matters specified in **paragraphs (a) to (d)** in accordance with prescribed procedures and subject to prescribed conditions. 25
- (4) The following are exempt from any charges 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 30
 - (ii) when exercising any other protected customary right under that Act:
 - (b) a customary marine title group— 35
 - (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).

314 Conditions to be satisfied before regulations made under section 313

- (1) Before recommending the making of regulations under **section 313**, the Minister must— 5
- (a) follow the process set out in **section 70** as if the recommendation for regulations were for a proposed national direction; and
 - (b) comply with **subsection (2) or (3)** as applicable.
- (2) For regulations recommended under **section 313(2)(a)**, the Minister must ensure that the rates are set so that the levy does not exceed the anticipated costs of any of the following activities that have been included in a natural environment plan and are undertaken for the purposes set out in **section 313(2)(a)**— 10
- (a) restoring ecosystems:
 - (b) reducing the environmental impact of the use of the resource: 15
 - (c) providing solutions (including research and development) to—
 - (i) manage increased demand for the resource; and
 - (ii) enable more efficient use of the resource.
- (3) For regulations recommended under **section 313(2)(b)**, the Minister must, after considering information provided by local authorities or relevant central government agencies relating to the costs of the following activities, ensure the rate does not exceed the costs of those activities: 20
- (a) system performance monitoring and associated data collection:
 - (b) environmental monitoring and associated data collection:
 - (c) investigations whose costs are not covered by litigation costs: 25
 - (d) public information, education, and advice:
 - (e) development and review of national standards that are not voluntarily funded or directly cost recoverable:
 - (f) research, including modelling and tool development, to support any of the activities in **paragraphs (a) to (e)**: 30
 - (g) enabling new allocation methods to be operationalised, including the activities in **paragraphs (a) to (e)** for that purpose:
 - (h) administering this Act at the national and regional level, to the extent that costs for this activity are not recovered through other mechanisms under this Act. 35

315 Regulations relating to moneys collected from market based allocation mechanisms

- (1) The Governor-General may, by Order in Council, on the recommendation of the Minister, make regulations identifying any proportion of the revenue collected from market-based allocation mechanisms that may be transferred to persons specified in the regulations for the purpose of spending on the costs described in **sections 333(4) and 334(3)**. 5
- (2) Before recommending the making of regulations under **subsection (1)**, the Minister must comply with **section 70** as if the recommendation for regulations were for a proposed national direction. 10

Subpart 4—Miscellaneous

*Allocation methods***316 Restrictions on use of market allocation method**

- (1) If a relevant gazette notice is force in respect of an activity, a regional council must not use a market based allocation method that relates to— 15
 - (a) the same space or location specified in the notice; or
 - (b) the same activity within that space or location; or
 - (c) the same time period in respect of that space and activity.
- (2) In this section, **relevant Gazette notice** means a gazette notice under— 20
 - (a) **clause 13(1)(c) of Schedule 3** including any extension under **clause 15(3) of Schedule 3**;
 - (b) **clause 28(3) of Schedule 3**;
 - (c) **clause 31(1)(c) of Schedule 3**;
 - (d) **clause 32(1) of Schedule 3**;
 - (e) **clause 52 of Schedule 3**. 25
- (3) The use of a market allocation method in Part 7 subject to **clause 3(3) of Schedule 3**. 30

317 Minister may make grants and loans

- (1) The Minister may make grants and loans on such conditions as he or she thinks fit to any person to assist in achieving the purpose of this Act. 30
- (2) All money spent or advanced by the Minister under this section must be paid out of money appropriated by Parliament for the purpose.
- (3) All money received by the Minister under this Act must be paid into a Crown Bank Account or such other account as may be approved by the Minister of Finance. 35

Compare: 1991 No 69 s 26

*Waiver and extension of time limits***318 Power of waiver and extension of time limits**

- (1) A permit 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: 5
 - (b) waive a failure to comply with a requirement under this Act, regulations, or a 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 permit authority or local authority may— 10
 - (a) waive compliance with the requirement; or
 - (b) direct that the omission or inaccuracy be rectified on such terms as the permit authority or local authority thinks fit.
- (3) This section is subject to **sections 319 and 320**.

319 Requirements for waivers and extensions 15

- (1) A permit 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 324** 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 20
 - (b) its duty under **section 13** to act in a timely and cost-effective manner; and
 - (c) if the extension or waiver relates to an application for a natural resource permit, whether the extension or waiver will assist the permit authority in its consideration of the application under **subpart 4 of Part 4**. 25
- (2) A time period that is extended under **section 318** 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 permit authority in respect of—
 - (a) an application for natural resource permit; or 30
 - (b) an application to change or cancel a condition of a natural resource permit; or
 - (c) a review of a natural resource permit.
- (4) In addition to the requirements specified in **subsections (1) and (2)**, a permit authority may extend a time period under **section 318** only if— 35
 - (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 permit 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. 5
- (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.
- 320 Matters for which time period must not be extended or waived** 10

A permit authority must not, under **section 318**,—

 - (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 natural resource permit for a wood processing activity or specified energy activity (*see section 139*). 15

Coastal occupation charges and rents and royalties

- 321 Coastal occupation charges**
 - (1) A regional council must consider whether a coastal occupation charging regime applying to persons who occupy any part of the common marine and coastal area should be included in a plan (if it is not already included), after having regard to—
 - (a) the extent to which public benefits from the coastal marine area are lost or gained; and 25
 - (b) the extent to which private benefit is obtained from the occupation of the coastal marine area.
 - (2) If the regional council considers that a coastal occupation charging regime should not be included, a statement to that effect must be included in the plan.
 - (3) If the regional council considers that a coastal occupation charging regime should be included, the council must specify in the plan— 30
 - (a) the circumstances when a coastal occupation charge will be imposed; and
 - (b) the circumstances when the regional council will consider waiving (in whole or in part) a coastal occupation charge; and 35
 - (c) the level of charges to be paid or the manner in which the charge will be determined; and

- (d) in accordance with **subsection (6)**, the way the money received will be used.
- (4) No coastal occupation charge may be imposed on any person occupying the coastal marine area unless the charge is provided for in the plan.
- (5) A coastal occupation charge must not be imposed on— 5
 - (a) a protected customary rights group exercising a protected customary right; or
 - (b) a customary marine title group in relation to a customary marine title area.
- (6) Any money collected by the regional council from a coastal occupation charge must be used only by the regional council to perform its functions and responsibilities under this Act in the coastal marine area in its region. 10

Compare: 1991 No 69 s 64A

322 Regional councils to pay rents, royalties, and other money received into Crown Bank Account 15

All rents, royalties, and other sums of money which the holders of land use permits or natural resource permits are, by virtue of any authorisation granted under **clause 61 of Schedule 3** or any regulations made under **section 307(c)**, required to pay, are the property of the Crown and every regional council must— 20

- (a) collect and receive from the holders of the permits in its region, all such rents, royalties, and other sums of money on behalf of the Crown; and
- (b) pay that money into a Crown Bank Account in accordance with the Public Finance Act 1989.

Compare: 1991 No 69 s 359 25

323 Obligation to pay rent and royalties deemed condition of permit

- (1) It is a condition of every natural resource permit authorising the holder to remove any sand, shingle, shell, or other natural material from any land that the holder must, at all times throughout the period of the permit, pay to the relevant regional council, on behalf of the Crown,— 30
 - (a) if the permit was permitted to be granted by virtue of an authorisation granted under **clause 61 of Schedule 3**, the rent and royalties (if any) specified in the authorisation held by the permit holder; and
 - (b) any sum of money required to be paid by any regulation made under **section 307(c)**. 35
- (2) It is a condition of every water permit granted to do something that would otherwise contravene **section 20(3)(c)** (relating to the taking or use of geothermal energy) that the holder must at all times throughout the period of the

permit pay to the relevant regional council, on behalf of the Crown, any sum of money required to be paid by any regulation made under **section 307(c)**.

- (3) If an activity specified in **subsection (1) or (2)** is a permitted activity in a plan, it is a condition of the plan that the person undertaking the activity must at all times throughout the period during which the activity is undertaken pay to the relevant regional council, on behalf of the Crown, any sum of money required to be paid by any regulations made under **section 307(c)**. 5

Compare: 1991 No 69 s 112

Service of documents

324 Service of documents 10

- (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 15
 - (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 it to the person at an email address that is used by the person; or 20
 - (e) complying with a means of service prescribed in regulations made under **section 307**.
- (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. 25
- (3) Nothing in **subsection (1)** overrides the provisions of the Electronic Courts and Tribunals Act 2016.
- (4) Where a notice or other document is to be served on 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. 30
- (5) Where a notice or other document is to be served on 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. 35

- (6) Where a notice or other document is to be served on 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— 5
- (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. 10
- (8) Where a notice or other document is sent by post to a person in accordance with **subsection (1)(b)(iii) or (iv)**, 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. 15

Compare: 1991 No 69 s 352

325 Mode of service of summons on master or owner of ship

- (1) If the master or owner of a ship is a defendant in a prosecution for an offence against **section 278** for contravening **sections 21, 22, or 23**, service on the defendant of a summons or other document is effected for the purposes of the Criminal Procedure Act 2011— 20
- (a) if it is delivered personally to the agent of the ship on behalf of the defendant or is brought to the notice of the agent if the agent refuses to accept it on behalf of the defendant; or
 - (b) if it is sent to the agent of the ship by registered letter addressed to that agent on behalf of the defendant at the agent's last known or usual place of residence or the agent's place of business. 25
- (2) **Subsection (1)** applies despite any other enactment.
- (3) However, a District Court Judge or Justice or Community Magistrate or the Registrar may direct that the summons or other document be served on the defendant in accordance with rules made under the Criminal Procedure Act 2011, if they are satisfied that it would not be impracticable to do so in the particular circumstances. 30
- (4) Unless the contrary is shown, the time at which service is treated as having been effected on the defendant is,— 35
- (a) where service is effected in accordance with **subsection (1)(a)**, the time when the summons or other document is personally delivered to the agent of the ship or brought to that agent's attention, as the case may be; or

- (b) where service is effected in accordance with **subsection (1)(b)**, the time when the letter would have been delivered to the agent of the ship in the ordinary course of post.
- (5) In this section,—
- District Court Judge** means a District Court Judge appointed under the District Court Act 2016 5
- Justice** has the meaning given in section 2 of the Justice of the Peace Act 1957
- Registrar** has the meaning given in section 5 of the Criminal Procedure Act 2011.
- Compare: 1991 No 69 s 352A 10

Existing rights

326 Crown's existing rights to resources to continue

- (1) Without limiting the Interpretation Act 1999 but subject to **subsection (2)**, it is hereby declared that the repeal by this Act or the Crown Minerals Act 1991 of any enactment, including in particular— 15
- (a) section 3 of the Geothermal Energy Act 1953; and
- (b) section 21 of the Water and Soil Conservation Act 1967; and
- (c) section 261 of the Coal Mines Act 1979,—
- 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 comes into force, and every such right, interest, and title shall continue after that date as if those enactments had not been repealed. 20
- (2) Any person may take, use, dam, divert, or discharge into, any water in which the Crown has an interest, without obtaining the consent of the Crown, if the taking, use, damming, diversion, or discharge by that person does not contravene this Act or regulations. 25
- (3) Any person may use or occupy any part of the common marine and coastal area without obtaining consent, unless consent must be obtained under—
- (a) this Act; or
- (b) any other enactment; or 30
- (c) any instrument or order made under an enactment.

Compare: 1991 No 69 s 354

327 Rights or interests in freshwater and geothermal resources preserved

Act does not create, transfer, extinguish, or determine rights or interests

- (1) This Act, and legislation made under it, does not— 35
- (a) create or transfer any proprietary right or interest in freshwater or geothermal resources:

- (b) extinguish or determine any customary right or interest (for example, one founded on, or arising from, aboriginal title or customary law) that may exist in freshwater or geothermal resources.

Nothing in section affects duties, functions, and powers under Act

- (2) Nothing in this section affects, or affects the lawfulness or validity of the performance or exercise by any person of, any duty, function, or power under this Act. 5

Compare: 2023 No 46 s 750

Vesting of reclaimed land and unlawful reclamation

328 Vesting of reclaimed land 10

- (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—
 - (a) which forms part of a riverbed or lakebed which is land of the Crown; and
 - (b) which has been reclaimed or is proposed to be reclaimed. 15
- (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 which is land of the Crown after—
 - (a) determining an appropriate price (if any) to be paid by the applicant in respect thereof; and 20
 - (b) ensuring that the regional council has issued a certificate under **clause 72 of Schedule 7 of the Planning Act 2025**.
- (3) Every *Gazette* notice published under **subsection (2)**—
 - (a) must 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 25
 - (b) must describe the right, title, or interest vested; and
 - (c) must refer to any encumbrances or restrictions imposed on the applicant's right, title, or interest in the land; and 30
 - (d) must 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) must 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)(c)**, issue an appropriate record of title in respect of the right, title, or interest in the land vested by the *Gazette* notice. 35

- (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

329 Application for consent to unlawful reclamation

- (1) If land has at any time (whether before or after the date of commencement of this Act) been reclaimed from the coastal marine area unlawfully, any person may apply under **section 130** to the relevant permit authority for, and the permit authority may grant to that person, a coastal permit authorising that reclamation, as if the land were still situated within the coastal marine area. 5

- (2) **Part 4** applies in respect of any application made under **subsection (1)**. 10

Compare: 1991 No 69 s 355A

330 Enforcement powers against unlawful reclamations

- (1) If, since the date of commencement of this Act, any land has been unlawfully reclaimed from the coastal marine area, the powers of the Minister of Conservation, a regional council, and the EPA under **Part 6** apply to that reclaimed land as if the land were still situated within the coastal marine area. 15

- (2) If any land has been unlawfully reclaimed from the coastal marine area before the commencement of this Act, the Minister of Conservation, a regional council, or the EPA may seek an enforcement order against the person who reclaimed the land, or the occupier of the reclaimed land, requiring that person to take such action as, in the opinion of the Environment Court, is necessary in order to avoid, remedy, or mitigate any actual or likely adverse effect on natural resources or people caused by the carrying out of the reclamation or by the reclaimed land; and, in that case, **Part 6** applies with all necessary modifications. 20 25

- (3) Whether or not an enforcement order has been sought or granted under **subsection (2)**, the Minister of Conservation, a regional council, and the EPA, either jointly or severally, may take any necessary action to remove the unlawfully reclaimed land from the coastal marine area.

- (4) To avoid doubt, any action taken under **subsection (3)** to remove any reclaimed land requires a natural resource permit unless expressly allowed by a natural environment plan, proposed national environment plan, or national rule. 30

Compare: 1991 No 69 s 355B

Matters may be determined by arbitration

331 Matters may be determined by arbitration 35

- (1) Except as provided in **subsection (2)**, where—
- (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 1908, 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 matter relating to a proposed natural environment plan. 5
- (3) Where an order under **subsection (1)** is made no person may, in relation to the matter to which the order relates, lodge or proceed with any appeal without the leave of the court.
- (4) Subject to the terms of any order made under **subsection (1)**, the arbitrator 10 has the same powers, duties, and discretions in respect of any decision to which the order relates as the permit authority who made that decision; and may, in his or her award, confirm, amend, or cancel any such decision accordingly.
- (5) Except as otherwise expressly provided, nothing in this section limits the right of any persons to refer to arbitration any disputed matter arising under this Act. 15

Compare: 1991 No 69 s 356

Joint regional and district planning documents

332 Joint regional and district planning documents

Sections 292 and 293 of the Planning Act 2025 (which relate to the joint preparation, implementation, and administration of planning documents by local authorities) apply. 20

Compare: 1991 No 69 s 359

Collection and spending of levy and other money

333 Collection and spending of levy under section 313(2)(a)

- (1) This section applies to any money liable to be paid from any levy imposed by regulations made for the purposes set out in **section 313(2)(a)**. 25
- (2) Regional councils must collect the money.
- (3) The money may only be used in the prescribed management units within the regional council that collect the money for the activities in **subsection (4)**.
- (4) The money may only be used to meet the costs of any 1 or more of the following activities that have been included in a natural environment plan and are undertaken for the purposes set out in **section 313(2)(a)**: 30
 - (a) restoration of ecosystems:
 - (b) reducing the environmental impact of the use of the resource:
 - (c) providing methods (including research and development) to— 35
 - (i) manage increased demand for the resource; and
 - (ii) enable more efficient use of the resource.

334 Collection and spending of levy under section 313(2)(b)

- (1) This section applies to any money liable to be paid from any levy imposed by regulations made for the purposes set out in **section 313(2)(b)**.
- (2) Regional councils must collect the money.
- (3) The money may only be used to meet the costs of any 1 or more of the following activities: 5
 - (a) preparation and maintenance of the system performance framework, including associated data collection:
 - (b) environmental monitoring and associated data collection:
 - (c) investigations whose costs are not covered by litigation costs: 10
 - (d) public information, education, and advice:
 - (e) development and review of national standards that are not voluntarily funded or whose costs are not directly recoverable.
 - (f) research, including modelling and tool development, to support any of the activities in **paragraphs (a) to (e)**: 15
 - (g) enabling new allocation methods to be implemented, including the activities in **paragraphs (a) to (e)** for that purpose:
 - (h) administering this Act at the national and regional level, if costs for that activity are not recovered elsewhere.

335 Collection and spending of moneys from market-based allocation mechanisms 20

- (1) This section applies to any money liable to be paid from any market-based allocation mechanism.
- (2) Regional councils must collect the money.
- (3) The money may be used for any activity set out in **section 333(4) or 334(3)**. 25

*Amendments to other legislation***336 Amendments to other legislation**

Amend the legislation specified in **Schedule 7** set out in that schedule.

*Hearings to be held in public and protection of sensitive information***337 Hearing to be held in public and orders protecting sensitive information** 30

- (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— 35

- (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 5
- (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— 10
 - (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. 15
- (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 20
 - (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. 25
- (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. 30
- (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 35
 - (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

Part 1
Provisions relating to this Act as enacted

5

1 Schedule 1 of Planning Act 2025 applies

- (1) **Part 1 of Schedule 1 of the Planning Act 2025** applies (which sets out transitional, savings, and related provisions for that Act and this Act).
- (2) *See also* **Schedule 11 of the Planning Act 2025** which sets out amendments to the Resource Management Act 1991 and other legislation.

10

Schedule 2

Information required in application for natural resource permit

s 130

Information required in application for natural resource permit

- | | | |
|----------|--|----|
| 1 | Information must be specified in sufficient detail
Information included in an application for a natural resource permit must— | 5 |
| | (a) be sufficiently detailed and adequate to enable the permit 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 | 10 |
| 2 | Information required in all applications
(1) An application for a natural resource permit 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): | 15 |
| | (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: | 20 |
| | (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 plan or proposed 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. | 25 |
| (3) | An application must include an assessment of the activity's effects on the environment that includes the information required by clause 5 . | |
| | Compare: 2023 No 46 Schedule 9 cl 1 | 30 |
| 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- | 35 |

mitted activity (so that a natural resource permit is not required for that activity under **clause 10(2) of Schedule 5**):

- (b) if the application is affected by **section 181(a)** (which relate to existing natural resource permits), an assessment of the value of the investment of the existing permit holder (for the purposes of **section 156(1)(g) or (h)**): 5
- (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**). 10

Compare: 1991 No 69 Schedule 4 cl 3

4 Additional information required in application for reclamation

An application for a natural resource permit for a reclamation must also include information to show the area to be reclaimed, including the following: 15

- (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 20

Assessment of environmental effects

5 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 plan or proposed plan or national rule; and 25
 - (b) must include detail proportionate to the scale and significance of the activity.
- (2) Subject to **subclause (1)**, an assessment of the activity's effects on the environment must include the following information: 30
 - (a) if it is likely that the activity will result in any significant adverse effect on the 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 environment of the activity: 35
 - (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 environment will be—

-
- (i) avoided, minimised, or remedied, where practicable:
 - (ii) offset or compensated for, where appropriate:
 - (e) 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 5
 - (ii) any possible alternative methods of discharge, including discharge into any other receiving environment:
 - (f) a description of how the activity will comply with any relevant environmental limits: 10
 - (g) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:
 - (h) 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: 15
 - (i) 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). 20
- (3) To avoid doubt, **subclause (2)(g)** obliges an applicant to identify the 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. 25

Schedule 3

Coastal matters

s 123

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Part 1

Occupation of common marine and coastal area

1 Interpretation and relationship of this Part with rest of this Act

- (1) In this Part, unless the context otherwise requires,—
- authorisation** means the right to apply for a coastal permit to occupy space in a common marine and coastal area 5
- Minister** means the Minister of the Crown who, under any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act
- tender** means any form of tender (whether public or otherwise) 10
- trustee** has the same meaning as in section 4 of the Maori Commercial Aquaculture Claims Settlement Act 2004.
- (2) The provisions of this Act that relate to applications for, and the granting of, natural resource permits apply to applications for, and the granting of, coastal permits to occupy space in the common marine and coastal area subject to the provisions of this Part. 15
- Compare: 2023 No 46 s 442

Managing occupation in common marine and coastal area

2 Power of consent authorities to refuse to receive applications for coastal permits 20

For the purposes of this Part, a consent authority may refuse to receive an application for a coastal permit to occupy space in the common marine and coastal area for the purposes of an activity if, within 1 year before the applica-

tion is made, the consent authority has refused to grant an application for a permit for an activity of the same or a similar type for the same space or for space in close proximity to that space.

Compare: 2023 No 46 s 443

- 3 Applications in relation to aquaculture settlement areas** 5
- (1) No person may apply for a coastal permit authorising occupation of space in an aquaculture settlement area for the purposes of aquaculture activities, unless the person is a holder of an authorisation that—
- (a) relates to that space and activity; and
 - (b) was provided to the trustee under section 13 of the Maori Commercial Aquaculture Claims Settlement Act 2004. 10
- (2) A consent authority may grant a coastal permit authorising any other activity in an aquaculture settlement area, but only—
- (a) to the extent that that activity is compatible with aquaculture activities; and 15
 - (b) after consultation with the trustee and iwi in the region.
- (3) **Subclause (1)** does not affect any application received by a consent authority before the space became an aquaculture settlement area.
- (4) In **subclause (2)(b)**, **iwi** has the same meaning as in the Maori Fisheries Act 2004. 20

Compare: 2023 No 46 s 444

Provisions in natural environment plan relating to occupation of common marine and coastal area

- 4 Provisions about occupation of common marine and coastal area** 25
- (1) A natural environment plan may include provisions to address the effects of occupation of a common marine and coastal area and to manage competition for the occupation of space, including rules specifying—
- (a) that no application can be made for a coastal permit to occupy space before a date to be specified in a public notice given by the regional council: 30
 - (b) that the consent authority may process and hear together applications for coastal permits for the occupation of—
 - (i) the same space in a common marine and coastal area; or
 - (ii) different spaces in a common marine and coastal area that are in close proximity to each other: 35
 - (c) that the consent authority may process and hear together with the applications referred to in **paragraph (b)** any applications for coastal permits related to the coastal permits referred to in that paragraph:

-
- (d) limits on—
 - (i) the character, intensity, or scale of activities associated with the occupation of space:
 - (ii) the size of space that may be the subject of a coastal permit and the proportion of any space that may be occupied for the purposes of specified activities. 5
 - (2) However, a rule made for the purposes of **subclause (1)(a)** does not apply to an application made for a coastal permit under an authorisation.
Compare: 2023 No 46 s 445
 - 5 Natural environment plan may specify allocation methods** 10
A natural environment plan may provide for a rule in relation to a method of allocating space in the common marine and coastal area for the purposes of an activity, including a rule in relation to the public tender of authorisations or any other method of allocating authorisations.
Compare: 2023 No 46 s 446 15
 - 6 Matters to be considered before including allocation rule in natural environment plan**
(1) Before including a rule in a natural environment plan in relation to the allocation of space in a common marine and coastal area for the purposes of an activity, a regional council must— 20
 - (a) have regard to—
 - (i) the reasons for and against including the proposed rule; and
 - (ii) if the proposed rule provides for a method of allocation of space other than by a method of allocating authorisations,—
 - (A) the reasons why allocation other than by a method of allocating authorisations is justified; and 25
 - (B) how that may affect the preferential rights provided for in **clause 22**; and
 - (iii) if the proposed rule provides for a method of allocating authorisations other than by public tender,—
 - (A) the reasons why allocation other than by public tender is justified; and 30
 - (B) how this may affect the preferential rights provided for in **clause 22**; and
 - (b) be satisfied that— 35
 - (i) a rule in relation to the allocation of space is necessary or desirable in the circumstances of the region; and

- (ii) if the proposed method of allocating space is not allocation of authorisations, or the proposed allocation of authorisations is not by public tender, the proposed method is the most appropriate for allocation of space in the circumstances of the region, having regard to its efficiency and effectiveness compared with other methods of allocating space. 5
- (2) The regional council must—
- (a) prepare a report summarising the matters required by **subclause (1)**; and
- (b) make the report available for public inspection at the same time, or as soon as practicable after, the rule is included in the natural environment plan or proposed natural environment plan. 10
- (3) **Section 106** does not apply to the inclusion of a rule in accordance with **subclause (1)**.
- (4) **Subclause (1)** applies subject to an Order in Council made under **clause 10**. 15
- (5) A challenge to a rule on the ground that this clause has not been complied with may be made only in a submission under **Schedule 3 of the Planning Act 2025** (as applied to this Act by **section 94**).
- (6) **Subclause (5)** does not preclude a person who is hearing a submission or an appeal on a proposed natural environment plan from taking into account the matters stated in **subclause (1)**. 20
- Compare: 2023 No 46 s 447
- 7 Offer of authorisations for activities in common marine and coastal area in accordance with natural environment plan**
- (1) If a rule in an operative natural environment plan provides for public tendering or another method of allocating authorisations, the regional council must, by public notice and in accordance with the rule, offer authorisations for coastal permits for the occupation of space in the common marine and coastal area. 25
- (2) **Subclause (1)** applies subject to—
- (a) **subclause (3)**; and 30
- (b) any Order in Council made under **clause 10**.
- (3) A regional council must give the Minister not less than 4 months' notice before making an offer of authorisations under **subclause (1)**.
- (4) **Subclause (1)** does not apply if the Minister responsible for aquaculture must offer the authorisations under **clause 8**. 35
- Compare: 2023 No 46 s 448
- 8 Offer of authorisations by Minister responsible for aquaculture**
- If a rule in an operative natural environment plan provides for public tendering or another method of allocating authorisations in relation to which the Minister

responsible for aquaculture is the decision-maker, the Minister must, by public notice and in accordance with the rule, offer authorisations.

Compare: 2023 No 46 s 449

- 9 When applications not to be made unless applicant holds authorisation in accordance with natural environment plan** 5
- (1) **Subclause (2)** applies to space in the common marine and coastal area if a natural environment plan rule that has legal effect provides for public tendering or another method of allocating authorisations in relation to an activity in the space.
- (2) A person must not apply for a coastal permit authorising occupation of the space for the purposes of the activity unless the person is the holder of— 10
- (a) an authorisation that relates to the space and activity; or
 - (b) a coastal permit granted under an authorisation that related to the occupation of that space and the application is for the purposes of an activity that was within the scope of the authorisation. 15
- (3) **Subclause (2)** does not affect any application received by the regional council before the natural environment plan became operative or the rule in a proposed natural environment plan had legal effect.
- (4) **Subclause (2)** does not affect any application referred to in **clause 43** that is received by the regional council— 20
- (a) after a rule in a proposed natural environment plan has legal effect; but
 - (b) before the rule becomes operative.
- Compare: 2023 No 46 s 450
- 10 Power to give directions relating to allocation of authorisations for space provided for in natural environment plan** 25
- (1) This clause applies if a rule in a natural environment plan—
- (a) provides for a method for allocating authorisations; and
 - (b) provides that a regional council is responsible for the allocation of authorisations.
- (2) The Governor-General may, by Order in Council made on the recommendation of the Minister, direct the regional council— 30
- (a) not to proceed with a proposed allocation of authorisations for space in a common marine and coastal area; or
 - (b) in proceeding with a proposed allocation of authorisations for space in a common marine and coastal area, to give effect to the matters specified in the Order in Council. 35
- (3) The Minister may make a recommendation under **subclause (2)** only for 1 or more of the following purposes:

- (a) to give effect to Government policy in the common marine and coastal area:
 - (b) to preserve the ability of the Crown to give effect to any of its obligations under any agreement in principle or deed of settlement between the Crown and any group of Māori claimants or representative of any group of Māori claimants in relation to a claim arising from, or relating to, any act or omission by or on behalf of the Crown or by or under any enactment before 21 September 1992: 5
 - (c) to facilitate compliance with **clause 22**:
 - (d) to assist the Crown to comply with its obligations under the Maori Commercial Aquaculture Claims Settlement Act 2004. 10
- (4) The matters referred to in **subclause (2)(b)** include—
 - (a) the allocation method to be used:
 - (b) subject to **sections 178 and 180**, the maximum term of a coastal permit to which the authorisations available for allocation relate: 15
 - (c) the allocation, at no cost, of authorisations relating to specific spaces within a common marine and coastal area to the Crown:
 - (d) the allocation, at no cost, of authorisations relating to specific spaces in a common marine and coastal area, or a certain proportion of the authorisations proposed to be allocated, to the trustee that is representative of the entire space for which authorisations are to be offered under the proposed allocation. 20
- (5) If an Order in Council contains a direction under **subclause (4)(a)**, the order must be made before the relevant proposed natural environment plan is publicly notified. 25
- (6) If an Order in Council contains a direction under **subclause (4)(b), (c), or (d)**, the order must be made before the regional council publicly notifies the offer under **clause 7**.
- (7) Subject to **subclause (5)**, the Minister may make a recommendation under **subclause (2)** only if the Minister makes the recommendation within 3 months after receiving a notice under **clause 7(3)**. 30
- (8) An Order in Council does not affect the following if made before the Order in Council comes into force:
 - (a) a publicly notified offer of authorisations:
 - (b) an application for a coastal permit. 35

Compare: 2023 No 46 s 451

Ministerial approval of use of method of allocating authorisations

11 Regional council may request use of allocation method

- (1) This clause applies if,—

- (a) in the opinion of the regional council, it is desirable, due to actual or anticipated high demand or competing demands for coastal permits for occupation of space in the common marine and coastal area for the purposes of 1 or more activities, that a method be used to allocate authorisations for the space; and 5
- (b) an operative natural environment plan—
 - (i) does not provide for a rule in relation to a method of allocating authorisations for the space for the purposes of the activities; or
 - (ii) does provide for a rule referred to in **subparagraph (i)**, but the council considers that the rule will not enable it to manage effectively the high demand or the competing demands for coastal permits for the occupation of space for the purposes of the activities. 10
- (2) The council may request the Minister to approve allocation by public tender of authorisations or another method of allocating authorisations for the space in the common marine and coastal area. 15
- (3) A request under **subclause (2)** must be made in accordance with any requirements prescribed in regulations.
- (4) On the day a request is made under **subclause (2)**, or as soon as practicable afterwards, the council must give public notice of the request that meets any requirements prescribed in regulations. 20

Compare: 2023 No 46 s 452

12 Stay on applications following request under clause 11

- (1) **Subclause (2)** applies if a regional council has made a request under **clause 11(2)**.
- (2) A person must not apply for a coastal permit to occupy any space that is the subject of the request for the purposes of an activity in the request during the period commencing on the day on which public notice of the request is given under **clause 11(4)**, and ending on the earlier of the following: 25
 - (a) the day on which the council publicly notifies under **clause 13(8)** that the request has been declined: 30
 - (b) the day on which the approval of an allocation method is notified in the *Gazette* under **clause 13(1)(c)(i)**.
- (3) If the request is approved, **clause 16** applies to applications from the date from which the approval applies.
- (4) Neither this clause nor **clause 16** affects any application received by the council before the request was made under **clause 11(2)** or any application referred to in **clause 43**. 35

Compare: 2023 No 46 s 453

13 Minister may approve use of allocation method*Minister's duties when request received under clause 11(2)*

- (1) If the Minister receives a request under **clause 11(2)** (the **request**), the Minister—
- (a) must consult relevant Ministers, including the Minister of Conservation, and including the Minister responsible for aquaculture if the request relates to aquaculture activities; and 5
 - (b) may—
 - (i) consult any other person whom the Minister considers it appropriate to consult; and 10
 - (ii) request any further information from the regional council that made the request; and
 - (c) must, within 25 working days after receiving the request,—
 - (i) by notice in the *Gazette*, approve the request—
 - (A) on the terms specified by the council in the request; or 15
 - (B) on terms that, in the opinion of the Minister, will better manage the actual or anticipated high demand or competing demands in the space; or
 - (ii) decline the request.
- (2) A failure to comply with the time limit in **subclause (1)(c)** does not prevent the Minister from making a decision on the request. 20
- (3) Any period of consultation under **subclause (1)(b)(i)** is excluded from the period specified in **subclause (1)(c)**.
- How request must be decided*
- (4) The Minister must not approve the request unless the Minister considers that— 25
- (a) there is actual or anticipated high demand or competing demands for coastal permits for occupation of the space for the purposes of the activity or activities that the request applies to; and
 - (b) the method and terms of allocation specified in the request, or any modified terms determined by the Minister, will— 30
 - (i) effectively manage the actual or anticipated high demand or competing demands identified under **paragraph (a)**; and
 - (ii) be implemented within a time frame that is, in the Minister's opinion, reasonable.
- (5) In considering whether to approve the request, the Minister must have regard to— 35
- (a) Government policy in relation to the common marine and coastal area:

- (b) the ability of the Crown to give effect to any of its obligations under any agreement in principle or deed of settlement between the Crown and any group of Māori claimants or representative of any group of Māori claimants in relation to a claim arising from, or relating to, any act or omission by or on behalf of the Crown or by or under any enactment before 21 September 1992: 5
 - (c) the need to facilitate compliance with **clause 22**:
 - (d) the ability of the Crown to give effect to its obligations under the Maori Commercial Aquaculture Claims Settlement Act 2004.
- (6) If the Minister declines the request,— 10
 - (a) the Minister must notify the council of that decision; and
 - (b) the council must as soon as practicable after receiving notice of the decision publicly notify that—
 - (i) the request was declined; and
 - (ii) applications may be made for coastal permits to occupy any space for the purposes of any activity that was the subject of the request. 15

Contents of Gazette notice

- (7) A *Gazette* notice approving the request under **subclause (1)(c)(i)**—
 - (a) must specify,—
 - (i) if the approval does not relate to a public tender, the other allocation method that is approved; and 20
 - (ii) the space and activities that the public tender or other allocation method will apply to; and
 - (iii) how and within what period the public tender or other allocation method must be implemented, including any staging of the allocation; and 25
 - (b) may also specify 1 or more of the following:
 - (i) whether the approval is for a single public tender or a single use of the allocation method or is to be used on more than 1 occasion; and 30
 - (ii) an expiry date for the approval; and
 - (iii) a date by which authorisations allocated in accordance with the public tender or other allocation method will lapse, being a date that is not more than 2 years after the date on which an authorisation is granted; and 35
 - (iv) any restrictions on transferring authorisations allocated under the public tender or other allocation method; and
 - (v) that applications received in respect of authorisations allocated under the public tender or other allocation method (together with

- any other applications for coastal permits related to the activities to which the authorisation relates) must be processed and heard together; and
- (vi) subject to **sections 178 and 180**, the maximum term of a coastal permit to which the authorisations available for allocation relate; and 5
 - (vii) that authorisations relating to specific spaces within a common marine and coastal area must be allocated to the Crown at no cost; and
 - (viii) that authorisations relating to specific spaces, or a certain proportion of the authorisations that are representative of the entire space for which authorisations are to be offered in accordance with the public tender or other allocation method, must be allocated to the trustee at no cost. 10
- Other matters* 15
- (8) A provision in an operative natural environment plan that relates to the allocation of space to which a *Gazette* notice under this clause relates does not apply during the period of the approval to the extent that it is inconsistent with the terms of the *Gazette* notice.
 - (9) An authorisation allocated in accordance with **subclause (7)(b)(viii) or clause 10(4)(d)** is a settlement asset for the purposes of the Maori Commercial Aquaculture Claims Settlement Act 2004. 20
- Compare: 2023 No 46 s 454
- 14 Period of approval to use public tender or other method to allocate authorisations** 25
- (1) An approval to use a public tender or other method to allocate authorisations applies for the period on and from the date on which the relevant *Gazette* notice is published until the earliest of the following dates:
 - (a) the date on which it is expressed in the relevant *Gazette* notice to expire or any date substituted under **subclause (3)**; or 30
 - (b) the date on which it lapses under **clause 15(2)**; or
 - (c) the date on which it is revoked by a further notice in the *Gazette* under **subclause (2)**; or
 - (d) the date on which a proposed natural environment plan is notified with an alternative allocation method for the space to which the *Gazette* notice applies. 35
 - (2) The Minister may, by notice in the *Gazette*, revoke an approval to use a public tender or other allocation method to allocate authorisations if the Minister—
 - (a) is requested to do so by the regional council; and
 - (b) considers that— 40

- (i) there is no longer actual or likely high demand or competing demands for coastal permits to occupy the space for the purposes of the relevant activity or activities; or
 - (ii) the regional council has in place other methods that will satisfactorily manage actual or likely high demand or competing demands for coastal permits to occupy the space for the purposes of the relevant activity or activities. 5
- (3) The Minister may, by notice in the *Gazette*, substitute another date in the relevant *Gazette* notice for the date on which the relevant *Gazette* notice is to expire if— 10
 - (a) the Minister receives a request from the regional council to do so; and
 - (b) the Minister considers that—
 - (i) there remains actual or likely high demand or competing demands for coastal permits to occupy the space for the purposes of the relevant activity or activities; and 15
 - (ii) the regional council does not have in place other methods that will satisfactorily manage the high demand or competing demands.

Compare: 2023 No 46 s 455

15 Regional council must offer authorisations if Minister approves

- (1) If the Minister approves the use of a public tender or other method for allocating authorisations under **clause 13(1)(c)**, the regional council must by public notice offer authorisations for coastal permits for the occupation of space in the common marine and coastal area in accordance with the terms of that approval. 20
- (2) A *Gazette* notice under **clause 13(1)(c)** lapses if the regional council does not carry out the public tender or implement the other approved allocation method within the period specified in the notice (or any extension of time specified by the Minister in a further notice under **subclause (3)**). 25
- (3) The Minister may by notice in the *Gazette* approve an extension of time for carrying out a public tender or implementing the other approved allocation method, but only if the Minister is satisfied that— 30
 - (a) the regional council has taken all reasonable steps to carry out the public tender or implement the other approved allocation method; and
 - (b) the regional council requires further time to carry out the public tender or implement the other approved allocation method.

Compare: 2023 No 46 s 456

35

16 During period of approval, no person may apply unless they hold authorisation

- (1) **Subclause (2)** applies to space in the common marine and coastal area if the Minister has approved public tendering or another method for allocating

authorisations in relation to any activity in that space by a *Gazette* notice under **clause 13(1)(c)(i)**.

- (2) During the period of the approval, no person may apply for a coastal permit authorising occupation of the space for the purposes of an activity covered by the approval unless the person is the holder of an authorisation that relates to that space and activity. 5

Compare: 2023 No 46 s 457

Authorisations

17 Authorisation does not confer right to coastal permit

- (1) The granting of an authorisation does not confer any right to the grant of a coastal permit for the space that the authorisation relates to. 10
- (2) However, if a coastal permit is granted to the holder of an authorisation, the permit must be within the terms of the authorisation, including not being granted for a period greater than the period specified in the authorisation.

Compare: 2023 No 46 s 458

15

18 Authorisation may be transferred

- (1) An authorisation or any part of it may be transferred by its holder to any other person, but the transfer does not take effect until written notice of it has been received by the regional council concerned.
- (2) This clause applies subject to any restrictions on the transfer of authorisations specified in— 20
- (a) the *Gazette* notice under **clause 13** under which the authorisations were allocated; and
 - (b) the relevant operative natural environment plan under which the authorisations were allocated. 25

Compare: 2023 No 46 s 459

19 Authorisation lapses in certain circumstances

- (1) An authorisation lapses at the close of 2 years after the day on which it is granted (or any earlier day that may be specified in the authorisation) unless **sub-clause (3)** applies. 30
- (2) **Subclause (3)** applies,—
- (a) for an authorisation for which no earlier date is specified, if,—
 - (i) before the second anniversary of the date on which an authorisation is granted, its holder has applied for a coastal permit to occupy space for the purposes of the activity that the authorisation relates to; and 35
 - (ii) on the second anniversary date,—

- (A) the consent authority has not decided whether to grant or decline the application; or
 - (B) the consent authority has made a decision, but the time for lodging appeals to the Environment Court has not expired, or an appeal has been lodged but the court has made no decision on the appeal; or
- (b) for an authorisation specified to lapse on a date earlier than 2 years after the day on which it is granted, if,—
 - (i) before the date specified in the authorisation, its holder has applied for a coastal permit to occupy space for the purposes of the activity that the authorisation relates to; and
 - (ii) on the date specified in the authorisation,—
 - (A) the consent authority has not decided whether to grant or decline the application; or
 - (B) the consent authority has made a decision, but the time for lodging appeals to the Environment Court has not expired, or an appeal has been lodged but the court has made no decision on the appeal.
- (3) The authorisation does not lapse until—
 - (a) the time for lodging an appeal in respect of the decision has expired and no appeal has been lodged; or
 - (b) an appeal has been lodged and the court has given its decision on the appeal.

Compare: 2023 No 46 s 460

20 Public notice of offer of authorisations

- (1) This clause applies to—
 - (a) a notice given by a regional council under **clause 7 or 15(1)**; and
 - (b) a notice given by the Minister responsible for aquaculture when conducting an allocation process under **clause 8**.
- (2) The notice must be made in accordance with any requirements prescribed in regulations.
- (3) This clause applies subject to an Order in Council made under **clause 10**.

Compare: 2023 No 46 s 461

21 Requirements for offers for authorisations

- (1) An offer for an authorisation must specify—
 - (a) the activity or range of activities for which the authorisation is sought; and
 - (b) the site it applies to.

- (2) In the case of a tender for authorisations, the tender must also specify—
- (a) the total remuneration offered (including any annual rental component); and
 - (b) the form of payment of the remuneration.
- (3) A tender must be accompanied by— 5
- (a) a cash deposit (being payment in advance of part of the remuneration) or equivalent security to the satisfaction of the regional council; and
 - (b) any additional information specified in the notice calling for tenders.
- (4) An offer or a tender must be accompanied by any charge payable under **section 229**. 10
- (5) If a tender is accepted under **clause 23**, the amount of any annual rental component of the remuneration payable under **subclause (2)** must be reduced by the amount of any coastal occupation charges payable under **section 302** for the occupation of the area concerned. 15
- Compare: 2023 No 46 s 462
- 22 Preferential rights of iwi**
- (1) A regional council, the Minister, or the Minister responsible for aquaculture must, when conducting a tender of authorisations under this Part, or making regulations in relation to this Part or **Part 4**, give effect to any preferential right held by iwi to purchase a proportion of authorisations. 20
- (2) **Subclause (1)** applies to the rights (**preferential rights**) that are conferred by—
- (a) section 316 of the Ngāi Tahu Claims Settlement Act 1998;
 - (b) section 119 of the Ngāti Ruanui Claims Settlement Act 2003;
 - (c) section 79 of the Ngāti Tama Claims Settlement Act 2003; 25
 - (d) section 106 of the Ngāa Rauru Kītahi Claims Settlement Act 2005;
 - (e) section 118 of the Ngāti Awa Claims Settlement Act 2005;
 - (f) section 92 of the Ngāti Mutunga Claims Settlement Act 2006.
- (3) For the purposes of **subclause (1)**, the sections of the Acts referred to in **subclause (2)** apply as if— 30
- (a) the references in those sections to the Minister of Conservation were references to the regional council or the Minister responsible for aquaculture (as applicable); and
 - (b) any references in those sections to **Part 4** were references to the relevant provisions of this Part. 35
- Compare: 2023 No 46 s 463

23 Acceptance of offer for authorisations

- (1) After considering the offers for authorisations in accordance with the relevant criteria referred to in **clause 20(2)(e)**, the regional council or the Minister responsible for aquaculture may—
 - (a) accept any offer; or 5
 - (b) reject all offers; or
 - (c) reject all offers and call for new offers; or
 - (d) negotiate with any person who made an offer with a view to reaching an agreement.
 - (2) If the offer of authorisations is a tender, the regional council or the Minister responsible for aquaculture may accept any tender or negotiate with any tenderer, whether or not the tender was the highest received. 10
 - (3) As soon as practicable after deciding to accept an offer for an authorisation or to reject all offers or after reaching an agreement, the regional council or the Minister responsible for aquaculture must give written notice of the decision and the reasons for it to every person who made an offer. 15
 - (4) If an offer is accepted or an agreement is reached, the notice under **subclause (3)** must include details of the person who made the offer and the nature of the activity that the offer or agreement relates to. 20
- Compare: 2023 No 46 s 464

24 Grant of authorisation

- (1) If the regional council accepts an offer or reaches an agreement under **clause 23** with a person who made an offer, the regional council must grant an authorisation to the person concerned.
 - (2) If the Minister responsible for aquaculture accepts an offer, that Minister must direct the regional council to grant an authorisation to the person concerned. 25
- Compare: 2023 No 46 s 465

25 Tender money

- (1) If the holder of an authorisation obtains a coastal permit authorising the holder to undertake an activity for which the authorisation was granted, the regional council must forward to the Minister 50% of the remuneration received under the tender. 30
- (2) The Minister must cause the money to be paid into a Crown Bank Account in accordance with the Public Finance Act 1989.
- (3) If an authorisation granted to a successful tenderer has lapsed under **clause 19**, the regional council must, as soon as possible, refund the remuneration to the tenderer. 35

- (4) If a tenderer who has failed to obtain an authorisation forwarded a payment to the regional council under **clause 21(3)**, the regional council must, as soon as possible, refund the payment to the tenderer.
Compare: 2023 No 46 s 466
- 26 Use of tender money** 5
- The regional council must apply its share of the remuneration to perform its functions and responsibilities under this Act in the coastal marine area in its region.
Compare: 2023 No 46 s 467
- Ministerial powers in relation to applications for coastal permits to undertake aquaculture activities in common marine and coastal area* 10
- 27 Regional council may request suspension of receipt of applications to occupy common marine and coastal area for purposes of aquaculture activities**
- (1) A regional council may request the Minister responsible for aquaculture to suspend receipt of applications for coastal permits to occupy space in a common marine and coastal area for the purposes of aquaculture activities if— 15
- (a) it identifies actual or anticipated high demand, or competing demands, for those permits and considers that—
- (i) the provisions of the operative natural environment plan will not enable the demand to be managed effectively; and 20
- (ii) the suspension is desirable to enable the natural environment plan to be amended or other measures available under this Act to be used to manage the demand; or
- (b) it identifies an actual or emerging biosecurity concern relating to aquaculture activities and considers that— 25
- (i) the provisions of the operative natural environment plan will not enable the biosecurity concern to be managed effectively; and
- (ii) the suspension is desirable to enable the natural environment plan to be amended or other measures available under this Act or other legislation to be used to manage the biosecurity concern. 30
- (2) A request for a suspension must—
- (a) specify—
- (i) the space in the common marine and coastal area that it is proposed the suspension will apply to; and 35
- (ii) the aquaculture activities that it is proposed the suspension will apply to; and

- (iii) the planning or other measure that the council proposes to implement to manage the identified demand or biosecurity concern; and
 - (iv) the proposed duration of the suspension, which must be not more than 12 months; and
- (b) be accompanied by information about— 5
 - (i) the actual or anticipated high demand or competing demands for coastal permits for occupation of the space for the purposes of the aquaculture activities covered by the request; or
 - (ii) the actual or emerging biosecurity concern.
- (3) A regional council must give public notice of a request for suspension on the day the request is made or as soon as practicable after the request is made. 10
- (4) A public notice under **subclause (3)** must include—
 - (a) the matters specified in **subclause (2)(a)**; and
 - (b) a statement to the effect of **clause 29(2) and (3)**.
- (5) To avoid doubt, this clause may apply in relation to an aquaculture activity, 1 or more classes of aquaculture activities, or all aquaculture activities. 15

Compare: 2023 No 46 s 468

28 Minister responsible for aquaculture may suspend receipt of applications

- (1) The Minister responsible for aquaculture may, at their own initiative, suspend receipt of applications for coastal permits to occupy space in a common marine and coastal area for the purposes of aquaculture activities if that Minister— 20
 - (a) identifies actual or anticipated high demand or competing demands for those permits and considers that—
 - (i) the provisions of the operative natural environment plan will not enable the demand to be managed effectively; and 25
 - (ii) the suspension is desirable—
 - (A) to enable the operative natural environment plan to be amended or for other measures available under this Act to be used to manage the demand; or
 - (B) for that Minister to use other measures available under the Maori Commercial Aquaculture Claims Settlement Act 2004 for the purpose of upholding the Crown's settlement obligations under that Act in the region; or 30
 - (b) identifies an actual or emerging biosecurity concern relating to aquaculture activities and considers that— 35
 - (i) the provisions of the operative natural environment plan will not enable the biosecurity concern to be managed effectively; and

- (ii) the suspension is desirable to enable the operative natural environment plan to be amended or other measures available under this Act or other legislation to be used to manage the biosecurity concern.
- (2) Before issuing a suspension, the Minister responsible for aquaculture— 5
- (a) must consult the regional council; and
 - (b) must consult the Minister; and
 - (c) may consult any other person that the Minister responsible for aquaculture considers appropriate.
- (3) The Minister responsible for aquaculture must issue the suspension by notice in the *Gazette*, which must specify— 10
- (a) the space and aquaculture activities that the suspension on applications will apply to; and
 - (b) the date on which the notice expires, which must not be more than 12 months after the date of the *Gazette* notice. 15
- (4) To avoid doubt, this clause may apply in relation to an aquaculture activity, 1 or more classes of aquaculture activities, or all aquaculture activities.
- Compare: 2023 No 46 s 469
- 29 Effect on applications of request under clause 27**
- (1) **Subclause (2)** applies if a regional council has made a request under **clause 27(1)**. 20
- (2) A person must not apply for a coastal permit to occupy any space that is the subject of the request for the purposes of an aquaculture activity during the period commencing on the day on which public notice of the request is given under **clause 27(3)(a)**, and ending on,— 25
- (a) if the request is declined, the day on which the regional council publicly notifies under **clause 31(6)** that the request has been declined; or
 - (b) if the request is granted, the date on which the *Gazette* notice issued by the Minister responsible for aquaculture under **clause 31(1)(c)** in response to the request expires. 30
- (3) Neither this clause nor **clause 31(6)** affects—
- (a) any application received by the regional council before the request was made under **clause 27(1)**;
 - (b) any application to which **clause 43** applies;
 - (c) any application made in accordance with an authorisation. 35
- Compare: 2023 No 46 s 470

30 Effect on applications of suspension at initiative of Minister responsible for aquaculture

- (1) A person must not apply for a coastal permit to occupy any space that is the subject of a *Gazette* notice issued by the Minister responsible for aquaculture under **clause 28** for the purposes of an aquaculture activity during the period commencing on the day on which the *Gazette* notice was issued and ending on the date on which the *Gazette* notice expires. 5
- (2) Neither this clause nor **clause 31** affects—
- (a) any application received by the regional council before the date of *Gazette* notice issued by the Minister responsible for aquaculture under **clause 28**: 10
 - (b) any application to which **clause 43** applies:
 - (c) any application made in accordance with an authorisation.

Compare: 2023 No 46 s 471

31 Minister responsible for aquaculture may suspend applications on request under clause 27 15

- (1) If the Minister responsible for aquaculture receives a request under **clause 27(1)**, that Minister—
- (a) must consult the Minister; and
 - (b) may— 20
 - (i) consult any other person whom the Minister responsible for aquaculture considers it appropriate to consult; and
 - (ii) request any further information from the regional council that made the request; and
 - (c) must, within 25 working days after receiving the request,— 25
 - (i) approve the request by notice in the *Gazette*—
 - (A) on the terms specified by the regional council in the request; or
 - (B) on terms that in the opinion of the Minister responsible for aquaculture will better manage the actual or anticipated high demand or competing demands in the space or the bio-security concerns; or 30
 - (ii) decline the request.
- (2) A failure to comply with the time limit in **subclause (1)(c)** does not prevent the Minister responsible for aquaculture from making a decision on the request. 35
- (3) Any period of consultation under **subclause (1)(b)(i)** is excluded from the period specified in **subclause (1)(c)**.

- (4) The Minister responsible for aquaculture must not approve the request unless they consider that—
- (a) there are—
 - (i) actual or likely high demand or competing demands for coastal permits for occupation of the space for the purposes of the aquaculture activities that the request applies to; or 5
 - (ii) actual or emerging biosecurity concerns relating to the aquaculture activities; and
 - (b) the planning or other measure that is proposed, or any modified terms determined by the Minister responsible for aquaculture, will— 10
 - (i) effectively manage the high demand or competing demands or biosecurity concerns; and
 - (ii) be implemented within a time frame that is, in the Minister’s opinion, reasonable.
- (5) A *Gazette* notice under **subclause (1)(c)(i)** must specify— 15
- (a) the space and aquaculture activities that the suspension on applications will apply to; and
 - (b) the date on which the notice expires, which must not be more than 12 months after the date of the *Gazette* notice.
- (6) If the Minister responsible for aquaculture declines a request made under **clause 27(1)**,— 20
- (a) that Minister must notify the regional council of the decision to decline the request; and
 - (b) the regional council must, as soon as practicable after receiving notice under **paragraph (a)**, publicly notify that— 25
 - (i) the request was declined; and
 - (ii) applications may be made for coastal permits to occupy any space for the purposes of any aquaculture activity that was the subject of the request.
- (7) The Minister responsible for aquaculture must notify the Minister of a decision to issue a *Gazette* notice, or to decline a request for a suspension of receipt of applications. 30
- Compare: 2023 No 46 s 472
- 32 Subsequent requests for direction in relation to suspension of receipt of applications** 35
- (1) The Minister responsible for aquaculture may, at their own initiative or at the request of the regional council under **clause 27**, issue a further *Gazette* notice under **clause 31** before the expiry of a notice issued under that clause if—
- (a) that Minister considers that there remain—

- (i) actual or likely high demand or competing demands for coastal permits to occupy the space for the relevant aquaculture activity or activities; or
 - (ii) biosecurity concerns relating to aquaculture activities; and
 - (b) that Minister considers there are no planning or other measures in place that will satisfactorily manage the demands or biosecurity concerns; and 5
 - (c) that Minister is satisfied that more time is needed to put in place measures to manage the demands or biosecurity concerns.
 - (2) **Clauses 27 to 31** apply with any necessary modifications to a request for a further suspension of receipt of applications. 10
- Compare: 2023 No 46 s 473

Processing and hearing together of applications for coastal permits for aquaculture activities

- 33 Regional council may request direction to process and hear together applications for permits for purpose of aquaculture activities** 15
- (1) A regional council may request the Minister responsible for aquaculture to direct it to process and hear together applications for coastal permits to occupy space in a common marine and coastal area for the purposes of aquaculture activities if the council considers—
 - (a) that processing and hearing together of those applications would be more efficient and would enable better assessment and management of cumulative effects of those permits; and 20
 - (b) the natural environment plan does not provide adequately for efficient processing, assessment, and management of the cumulative effects of those permits. 25
 - (2) The regional council's request must—
 - (a) specify—
 - (i) the space in the common marine and coastal area that it is proposed the direction will apply to; and
 - (ii) the aquaculture activities that it is proposed the direction will apply to; and 30
 - (iii) the applications or classes of applications for coastal permits that it is proposed the direction will apply to; and
 - (b) be accompanied by information about why it would be more efficient and would enable better assessment and management of the cumulative effects of those permits if the direction were made. 35

Compare: 2023 No 46 s 474

34 Minister responsible for aquaculture may decide at own initiative to give direction

- (1) The Minister responsible for aquaculture may, at their own initiative, decide to give a direction to the regional council to process and hear together applications for coastal permits to occupy space in a common marine and coastal area for the purposes of aquaculture activities if the Minister is of the opinion that the matters referred to in **clause 33(1)(a) and (b)** apply. 5

- (2) The decision must contain the information described in **clause 33(2)**.

Compare: 2023 No 46 s 475

35 Direction to process and hear applications together 10

- (1) If the Minister responsible for aquaculture receives a request for a direction under **clause 33**, that Minister—

- (a) must consult the Minister; and
- (b) may consult any other person whom the Minister responsible for aquaculture considers it appropriate to consult; and 15
- (c) may request any information or further information from the regional council; and
- (d) must decide, within the 25-day period, to give a direction or decline the request; and
- (e) must notify the decision to the regional council, the Minister. 20

- (2) If the Minister responsible for aquaculture decides under **clause 34** to give a direction at their own initiative,—

- (a) this clause applies, other than **subclause (1)(d)** and **subclauses (5) to (7)**; and
- (b) that Minister must consult with the affected regional council. 25

- (3) The Minister responsible for aquaculture must not give a direction unless—

- (a) that Minister considers it will facilitate efficient processing and better assessment and management of the cumulative effects of the applications that are the subject of the direction; and
- (b) the direction complies with **clause 36** (which relates to the content of the direction). 30

- (4) The Minister responsible for aquaculture must give the direction by *Gazette* notice.

- (5) A failure to comply with **subclause (1)(d)** within the 25-day period does not prevent the Minister responsible for aquaculture from giving a direction or declining a request. 35

- (6) Any period of consultation carried out under **subclause (1)(b)** is excluded from the 25-day period.

- (7) In this clause, **25-day period** means 25 working days after the Minister responsible for aquaculture receives a request from the regional council or makes a decision under **clause 34**.

Compare: 2023 No 46 s 476

36 Content of direction 5

- (1) A direction given under **clause 35** must require the regional council to process and hear together applications for coastal permits to occupy the common marine and coastal area for the purposes of aquaculture activities (together with any other applications for coastal permits related to the aquaculture activities)— 10
- (a) on the terms specified by the regional council under **clause 33(2)(a)** (in the request); or
 - (b) on terms, that in the opinion of the Minister responsible for aquaculture, will facilitate efficient processing, assessment, and management of the cumulative effects of those permits. 15
- (2) The direction must specify—
- (a) the space in the common marine and coastal area that the direction applies to; and
 - (b) the aquaculture activities that the direction applies to; and
 - (c) the applications or classes of applications to which the direction applies. 20
- (3) The direction may apply to applications or classes of applications that (without limitation) include—
- (a) applications made on or after the commencement date; or
 - (b) applications made but not determined before the commencement date; or
 - (c) applications defined by reference to their contents (for example, by the size of the space they relate to). 25
- (4) The direction may not apply to applications or classes of applications—
- (a) in respect of which the regional council or the Minister responsible for aquaculture has determined, before the commencement date, to hold a hearing and the hearing has commenced or been completed; or 30
 - (b) in respect of which the regional council or the Minister responsible for aquaculture has determined, before the commencement date, that no hearing is required; or
 - (c) to which **clause 43** applies; or
 - (d) made more than 12 months after the commencement date. 35
- (5) The direction may specify that an application for a coastal permit—
- (a) that is made after the commencement date; and

- (b) to which the direction does not apply—
must not be processed and heard until decisions have been made and notified on all of the applications to which the direction applies.
- (6) In this clause, **commencement date** means the date on which the direction comes into force (as specified in the *Gazette* notice). 5
Compare: 2023 No 46 s 477
- 37 Regional council must comply with direction**
- (1) A regional council given a direction under **clause 35** must comply with the direction.
- (2) The regional council must process and hear together applications to which the direction applies— 10
- (a) on and from the commencement date of the direction (as specified in the *Gazette* notice); and
- (b) in accordance with the terms of the direction (as specified in the *Gazette* notice). 15
Compare: 2023 No 46 s 478
- Processing and hearing together of applications for coastal permits*
- 38 Application of clauses 39 to 41**
- Clauses 39 to 41** apply if a regional council is required to process and hear together any applications or class of applications for coastal permits to occupy space in the common marine and coastal area under— 20
- (a) a rule in a natural environment plan (*see clause 4*); or
- (b) a *Gazette* notice under **clause 13** (approving a request to use an allocation method); or
- (c) a *Gazette* notice under **clause 35** (given at the request of the regional council or at the initiative of the Minister responsible for aquaculture). 25
Compare: 2023 No 46 s 479
- 39 Interpretation**
- In this clause and **clauses 40 and 41**,—
- affected application**, in relation to a PHT requirement,— 30
- (a) means an application for a coastal permit to occupy space in the common marine and coastal area for the purposes of 1 or more activities that is required to be processed and heard together with another application or applications under the PHT requirement; and
- (b) includes any other applications for coastal permits that are related to the application referred to in **paragraph (a)** and that are subject to the PHT requirement 35

PHT requirement means a requirement that an application be processed and heard together with another application or applications as provided in a rule or *Gazette* notice referred to in **clause 38**.

Compare: 2023 No 46 s 480

- 40 Processing of affected applications** 5
- (1) **Sections 130 to 152** apply in respect of each affected application that is subject to a PHT requirement.
- (2) The regional council must, as soon as practicable after the latest date on which the period for submissions closes on an affected application to which the PHT requirement relates, advise each applicant of the names and contact details of the other affected applicants. 10
- (3) **Section 153(a) and (b)** apply in respect of any affected application that the regional council is required to process and hear together with other affected applications.
- Compare: 2023 No 46 s 482 15
- 41 Hearing of affected applications**
- The provisions of this Act that relate to the hearing and making of decisions on a coastal permit apply to the affected applications with the following modifications:
- (a) if a hearing is to be held in respect of any affected application,— 20
- (i) a hearing must be held for all affected applications; and
- (ii) all affected applications must be heard together; and
- (b) the date for the commencement of the hearing must be within 25 working days after the latest closing date for submissions on an affected application to which the PHT requirement relates; and 25
- (c) decisions on the affected applications are, subject to **section 135(4)**, to be made in the order in which the applications were lodged; and
- (d) notice of the decision on each affected application must be given within 30 working days after the end of the hearing or, if no hearing is held, within the period within which a hearing would have been required to be held under **paragraph (b)**; and 30
- (e) **paragraph (c)** is subject to **clauses 43 and 44**.

Compare: 2023 No 46 s 483

Part 2

Order in which applications by existing consent holders are to be processed

42 Application

- (1) This Part applies only to applications for coastal permits to occupy space in the common marine and coastal area for the purposes of aquaculture activities. 5
 - (2) However, this Part does not apply to an application if, at the time the application is made, an operative natural environment plan provides for a method of allocating authorisations for the space and activity. 10
- Compare: 2023 No 46 s 486

43 Processing applications for existing permit holders

- (1) This clause applies if—
 - (a) a person holds a coastal permit to occupy space in the common marine and coastal area for the purposes of aquaculture activities; and
 - (b) the permit referred to in **paragraph (a)** (the **existing coastal permit**)— 15
 - (i) is in force at the time of any application under **paragraph (c)**; and
 - (ii) applies in relation to space in the common marine and coastal area in which aquaculture is not a prohibited activity; and
 - (c) the holder of the existing coastal permit (the **existing permit holder**) 20
 makes an application for a new coastal permit that is—
 - (i) for occupation of some or all of the same space; and
 - (ii) for the purposes of the same or another aquaculture activity; and
 - (iii) accompanied by any other applications for coastal permits related to the carrying out of the aquaculture activity; and 25
 - (d) the application and any related applications are—
 - (i) made to the appropriate consent authority; and
 - (ii) made—
 - (A) at least 6 months before the expiry of the existing coastal permit; or 30
 - (B) in the period that begins 6 months before the expiry of the existing coastal permit and ends 3 months before the expiry of the existing coastal permit, and the authority, in its discretion, allows the holder to continue to operate.
- (2) If this clause applies, then— 35

- (a) the applications must be processed and determined before any other application for a coastal permit to occupy the space that the permit applies to; and
- (b) no other application to occupy the space that the application relates to may be accepted before the determination of the application; and 5
- (c) the existing permit holder may continue to operate under the existing coastal permit until—
 - (i) a new coastal permit is granted and all appeals are determined; or
 - (ii) a new coastal permit is declined and all appeals are determined.

Compare: 2023 No 46 s 487

10

44 Applications for space already used for aquaculture activities

- (1) This clause applies to an application for a coastal permit to occupy space in the common marine and coastal area for the purposes of aquaculture activities if—
 - (a) the application relates to space that is subject to a permit referred to in **clause 43**; and 15
 - (b) the application is made by a person who is not the existing permit holder.
- (2) The application must be held by the consent authority without processing until 3 months before the expiry of the permit.
- (3) While the application is being held under **subclause (2)**, the consent authority must not accept any other applications by persons other than the existing permit holder to occupy that space until after the application being held under **subclause (2)** is determined or has lapsed. 20
- (4) After receiving an application referred to in **subclause (1)**, the consent authority must notify the existing permit holder—
 - (a) of the application; and 25
 - (b) that the holder can make an application in accordance with **clause 43(1)(c)**.
- (5) If an application to which **clause 43(1)(c)** applies is made, then the application referred to in **subclause (1)** remains on hold until that application is determined. 30
- (6) If the application to which **clause 43(2)** applies is granted, then the application referred to in **subclause (1)** lapses.
- (7) If no application to which **clause 43(2)** applies is made before the date that is 3 months before expiry of the relevant permit, then the application being held under **subclause (2)** must be processed and determined in accordance with this Act. 35
- (8) However, the application may be processed and determined before the expiry of the 3-month period referred to in **subclause (7)** if the existing permit

holder notifies the consent authority in writing that the holder does not propose to make an application under **clause 43(1)(c)**.

Compare: 2023 No 46 s 488

45 Additional criteria for considering applications for permits for space already used for aquaculture activities 5

- (1) When considering an application under **clause 43** that relates to the same aquaculture activity, a consent authority must consider all relevant information available in relation to the existing coastal permit, including any available monitoring data.
- (2) When considering an application to which **clause 43** and **clause 44(7) or (8)** applies, a consent authority may consider the matters in **section 162(1) and (3)**. 10

Compare: 2023 No 46 s 489

Part 3

Aquaculture areas 15

46 Interpretation

In this Part, unless the context otherwise requires,—

application means an application for a coastal permit to occupy space in the common marine and coastal area for aquaculture activities

aquaculture area rules means rules in a natural environment plan that provide for or relate to aquaculture activities in an aquaculture area 20

chief executive means the chief executive of the Ministry responsible for the administration of the Fisheries Act 1996

reservation means a decision by the chief executive under section 186E of the Fisheries Act 1996 that they are not satisfied that the aquaculture activities provided for within the aquaculture area will not have an undue adverse effect on fishing 25

stock has the meaning given in section 2 of the Fisheries Act 1996.

Compare: 2023 No 46 s 490

47 Request for aquaculture area decision 30

If a natural environment plan prescribes aquaculture areas and provides aquaculture area rules, a person may request the chief executive, in accordance with any requirements prescribed in regulations, to make an aquaculture area decision in respect of—

- (a) an aquaculture area; and 35
- (b) any aquaculture activities that may be carried out in the aquaculture area.

Compare: 2023 No 46 s 491

48 Aquaculture area subject to quota management system reservation

- (1) If the chief executive makes a reservation relating to stock that is subject to the quota management system,—
- (a) the part of the aquaculture area to which the reservation relates is closed for applications during the period (the **waiting period**)— 5
 - (i) commencing on the date of the aquaculture area decision; and
 - (ii) ending on the date that is 6 months later or, if an extension under section 186ZI of the Fisheries Act 1996 is granted, 9 months later; and
 - (b) if an aquaculture agreement or a compensation declaration relating to the reservation is registered under the Fisheries Act 1996 and the waiting period is completed,— 10
 - (i) the terms of the agreement or declaration must be made available by the negotiator in accordance with section 186ZEA(2) of the Fisheries Act 1996; and 15
 - (ii) each applicant must demonstrate in their application that the negotiator agrees that they have met the terms of the agreement or declaration; and
 - (iii) if the application is granted, it commences in accordance with **section 175**; and 20
 - (c) if no aquaculture agreement or compensation declaration relating to the reservation is so registered, the application (other than an application for an authorisation) must proceed in accordance with **section 133**.

- (2) In this clause,—

aquaculture agreement means an aquaculture agreement registered in accordance with section 186ZH of the Fisheries Act 1996 25

compensation declaration means a compensation declaration registered under section 186ZHA of the Fisheries Act 1996.

Compare: 2023 No 46 s 492

49 Aquaculture area subject to reservation 30

An application that is granted to occupy space in an aquaculture area that is subject to a reservation must commence in accordance with **section 177** if the reservation relates to—

- (a) recreational fishing or customary fishing; or
- (b) commercial fishing in relation to stocks and species not subject to the quota management system. 35

Compare: 2023 No 46 s 493

Part 4

Coastal tendering relating to certain activities

50 Application

- (1) This Part applies to the following activities in the coastal marine area:
- (a) removing any sand, shingle, shell, or other natural material: 5
 - (b) reclaiming or draining any foreshore or seabed.
- (2) This Part does not apply to applications for coastal permits to authorise the occupation of a coastal marine area.

Compare: 2023 No 46 s 495

51 Interpretation

10

In this Part, unless the context otherwise requires,—

authorisation means an authorisation granted by the Minister under **clause 61**

Order in Council means an Order in Council made under **clause 52**.

Compare: 2023 No 46 s 496

15

52 Order in Council may require holding of authorisation

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, direct that a consent authority must not grant a coastal permit for a specified part of the marine and coastal area (other than for any specified freehold land) that would, if granted, authorise the permit holder to undertake an activity to which this Part applies, unless the applicant holds an authorisation for that activity. 20
- (2) The Minister must not make a recommendation—
- (a) unless—
 - (i) they consider that there are, or are likely to be, for an area to which it is proposed that the Order in Council relate, competing demands for the use of that area for all or any of the activities to which this Part applies; and 25
 - (ii) the Minister is satisfied that the Order in Council gives effect to any preferential right held by iwi to purchase a proportion of authorisations listed in **clause 22(2)**: 30
 - (b) that relates to the reclamation or drainage of any foreshore or seabed in the coastal marine area of any region until a proposed natural environment plan of a combined plan has been prepared and notified under this Act for that region. 35
- (3) An Order in Council expires on the second anniversary of the date on which it comes into force.

Compare: 2023 No 46 s 497

53 Application of Order in Council

An Order in Council does not apply to or affect—

- (a) any application for a coastal permit made before the date on which the Order in Council comes into force:
- (b) any application, whether made before or after the date on which the Order in Council comes into force, for a coastal permit to do something—
 - (i) that otherwise would contravene **section 20, 21, 22, or 23**; or
 - (ii) that otherwise would contravene **section 18** (other than something described in **clause 50(1)** that is the subject of the Order in Council):
- (c) any application for a coastal permit to which **section 181(a)** applies and any coastal permit granted as a result of any such application:
- (d) any of the following in force or being carried out on the date on which the Order in Council comes into force:
 - (i) a coastal permit:
 - (ii) a permitted activity in the coastal marine area:
 - (iii) another lawful activity.

Compare: 2023 No 46 s 498

54 Publication, etc, of Order in Council

The Minister must, as soon as practicable,—

- (a) cause a copy of every Order in Council to be served on the appropriate regional council; and
- (b) cause a notice of the making of the Order in Council and its effect to be served on—
 - (i) the Minister for the Environment:
 - (ii) every territorial authority whose district or any part of whose district is situated within the region to which the Order in Council relates:
 - (iii) the tangata whenua of that region, through iwi authorities.

Compare: 2023 No 46 s 499

55 Particulars of Order in Council to be endorsed in natural environment plan

On receiving a copy of an Order in Council, the regional council must endorse particulars of it in the natural environment plan, but the endorsement does not form part of the natural environment plan.

Compare: 2023 No 46 s 500

56 Effect of Order in Council

Except as otherwise provided in **clause 53**, if an Order in Council is in force for any part of the coastal marine area, a consent authority must not grant a coastal permit authorising any activity to which this Part applies unless—

- (a) the applicant for that permit holds an authorisation for the activity; or 5
- (b) the Order in Council does not require such an authorisation to be held.

Compare: 2023 No 46 s 501

57 Calling of public tenders for authorisations

- (1) If an Order in Council is in force for any part of the coastal marine area, the Minister may, at any time by a publicly notified tender, offer authorisations for the whole or any portion of that part for all or any of the activities to which the Order in Council applies. 10
- (2) The public notice of every offer must be made in accordance with any requirements prescribed in regulations.
- (3) The Minister may amend, revoke, or replace any notice before the time by which tenders must be received expires. 15
- (4) In conducting a tender under this clause, the Minister must give effect to any preferential right to which **clause 22(1)** applies, as if they were conducting a tender under **clause 22**. 20

Compare: 2023 No 46 s 502

58 Requirements of tender

- (1) Every tender for an authorisation must specify—
 - (a) the activity or range of activities for which the authorisation is sought; and
 - (b) for an authorisation to remove any sand, shingle, shell, or other natural material, the maximum period of any proposed coastal permit, and the maximum amount of material proposed to be extracted under the permit; and 25
 - (c) the total remuneration offered, including—
 - (i) any initial payment for the authorisation: 30
 - (ii) any royalty for the extraction of material, and any proposed formula for adjustment of royalty.
- (2) The tender must be accompanied by—
 - (a) the prescribed fee (if any) and, if an initial payment for the authorisation is offered, a cash deposit of that payment or equivalent security to the satisfaction of the Minister; and 35

- (b) any additional information specified in the public notice calling for tenders.

Compare: 2023 No 46 s 503

59 Acceptance of tender, etc

- (1) The Minister may, after having regard to the matters specified in **subclause (2)**, in their discretion,—
 - (a) accept any tender, whether or not it is the highest tender; or
 - (b) enter into private negotiations with any tenderer, whether or not that tenderer offered the highest tender, with a view to reaching an agreement; or
 - (c) reject all tenders and call for new tenders under **clause 57**.
- (2) The matters concerned are—
 - (a) the interests (including the financial interests) of the Crown in the coastal marine area; and
 - (b) the financial and other circumstances of the tenderers; and
 - (c) any other matters the Minister considers relevant.
- (3) If the Minister decides to accept a tender or reject all tenders, the Minister—
 - (a) must without delay give written notification of the decision to the appropriate regional council and every tenderer; and
 - (b) must include reasons for the decision and the details of the name of the successful tenderer and the nature of the activity to which the tender relates.
- (4) If the Minister reaches an agreement with a tenderer under **subclause (1)(b)**, the Minister must without delay give written notification to the appropriate regional council and every other tenderer of the name of the person with whom agreement was reached and the nature of the activity to which the agreement relates.

Compare: 2023 No 46 s 504

60 Notice of acceptance of tender

- (1) Every tender accepted in accordance with **clause 59** must be by written notice of acceptance given by the Minister to the successful tenderer.
- (2) At the same time as giving any written notice of acceptance, the Minister must also give written notice to every other tenderer of the failure of their tender and, on request, return all documents submitted with each unsuccessful tender.

Compare: 2023 No 46 s 505

61 Grant of authorisation

- (1) If the Minister gives notice of acceptance of a tender or enters into an agreement satisfactory to the Minister under **clause 59(1)(b)**, the Minister must

grant a written authorisation, in any form they think appropriate, to the successful tenderer or the person with whom the agreement was entered into.

- (2) The Minister must cause a copy of every authorisation to be given to the appropriate regional council.

- (3) **Clauses 17 to 19** apply to an authorisation granted under this clause. 5

Compare: 2023 No 46 s 506

62 Tender money

- (1) If a person to whom an authorisation has been granted forwarded an initial payment to the Minister under **clause 58(2)**, the money becomes the property of the Crown and, on granting the authorisation, the Minister must cause that money to be paid into a Crown Bank Account in accordance with the Public Finance Act 1989. 10

- (2) If an authorisation granted to a person to whom **subclause (1)** applies has lapsed under **clause 19**, the Minister must cause 80% of the initial payment to be refunded to that person from a Crown Bank Account. 15

- (3) If any tenderer who has failed to obtain an authorisation forwarded an initial payment to the Minister under **clause 58(2)**, the Minister must as soon as practicable, cause that money to be refunded to that tenderer.

Compare: 2023 No 46 s 510

Part 5

20

Continuation of coastal permits

63 Part 5 applies in relation to coastal permits extended under sections 165ZFHC and 165ZZC of Resource Management Act 1991

This Part applies in relation to coastal permits extended under sections 165ZFHC and 165ZZC of the Resource Management Act 1991 that are in force and have not been surrendered on the date on which this clause comes into force. 25

Restrictions on section 186 reviews of conditions of extended coastal permits

64 Restrictions on section 186 review of conditions of extended coastal permits 30

- (1) This clause applies until the specified transition date to a coastal permit, the extension of which is continued by section 165ZFHC of the Resource Management Act 1991.

- (2) A consent authority must not give notice under **section 186(1)** of its intention to review the conditions of the permit unless— 35

- (a) the notice is given under **section 186(1)(c)**; or
(b) the following criteria are met:

- (i) the permit expressly allows for a review of the conditions for the purposes of an adaptive management approach; and
 - (ii) the review is to be carried out for those purposes only; and
 - (iii) the review is to be carried out at a time specified in the permit for that purpose. 5
- (3) In **subclause (2), adaptive management approach**—
 - (a) means a systematic and iterative process of decision-making that aims to reduce and manage uncertainty about the environmental effects of an activity over time through—
 - (i) monitoring the activity and its effects; and 10
 - (ii) making changes to management in response to the results of that monitoring; and
 - (b) can include management by a staged development programme, each stage proceeding only when the monitoring of the biological or physical effects of the previous stage demonstrates that the adverse effects— 15
 - (i) are within limits prescribed in the provisions of the relevant coastal permit; and
 - (ii) are reversible.
- (4) To avoid doubt, this clause does not affect a review of conditions required under **section 186(2)**. 20
Compare: 1991 No 69 s 165ZFHHA

Review of conditions applying to extended coastal permits

65 Power to undertake review

- (1) A consent authority may review the conditions of any coastal permit to which this Part applies. 25
- (2) This Part is in addition to, and does not affect the application of,—
 - (a) **section 185**, which provides for the holder of a coastal permit to apply to change or cancel any condition of a coastal permit; and
 - (b) **section 186**, which—
 - (i) provides for the consent authority to review the conditions of a coastal permit; but 30
 - (ii) until the specified transition date, is subject to the restrictions in **section 64**; and
 - (c) **section 188**, which sets out requirements for notices of reviews under **section 187**; and 35
 - (d) **section 191**, which preserves the power of the Environment Court to change or cancel a coastal permit by an enforcement order.

- (3) A review undertaken under this Part—
- (a) must commence not later than the specified transition date; and
 - (b) must not be undertaken more than once in relation to any coastal permit; and
 - (c) must not amend the duration of a coastal permit extended under section 165ZFHC of the Resource Management Act 1991, or change the species or consented area to which the coastal permit relates. 5
- (4) Despite **section 229**, a consent authority must bear its own costs of a review undertaken under this Part, other than any costs arising from a request by the Director-General under **clause 67(3)** for information not held by the consent authority in its normal course of business. 10

Compare: 1991 No 69 s 165ZFHI

66 Purpose of review

The purpose of undertaking a review is to better promote the sustainable management of the natural and physical resources associated with the marine farm, as long as the review is undertaken in a way that does not prevent the permit holder from carrying out the aquaculture activity to which the coastal permit relates. 15

Compare: 1991 No 69 s 165ZFHI

67 Concurrence of Director-General required for review to proceed 20

- (1) Before a consent authority may undertake a review under this Part, it must provide a proposal to the Director-General of the Ministry for Primary Industries (the **Director-General**) that sets out how the consent authority considers the proposed review meets the purpose of a review under this Part.
- (2) Not later than 20 working days after receiving a proposal, the Director-General must— 25
- (a) decide whether to concur with the consent authority that the proposal is consistent with the purpose of the review; and
 - (b) notify the relevant consent authority in writing of that decision.
- (3) For the purposes of making that decision, the Director-General may request the relevant consent authority and permit holders to provide information in writing to the Director-General not later than 20 working days after the request is received. 30
- (4) The information requested—
- (a) must be provided as requested, in the case of a request to the consent authority; and 35
 - (b) may be provided in the case of a request to a permit holder.

- (5) The time that the Director-General may need to obtain information from the relevant consent authority and permit holders is in addition to the 20 working days specified in **subclause (2)**.
- (6) If the information is not received in full within the time specified in **subclause (3)**, the Director-General may decide whether to concur with the review proposal under **subclause (2)(a)**, taking into account the information received within that time. 5
- Compare: 1991 No 69 s 165ZFHK
- 68 Process applying to review**
- (1) Not later than 20 working days after a consent authority has received written notice of the Director-General's concurrence with the proposed review, the consent authority may initiate a review of the conditions of an extended coastal permit by notifying that intention to— 10
- (a) any of the following groups or persons if the extended coastal permit applies in their rohe: 15
- (i) iwi authorities:
- (ii) post-settlement governance entities:
- (iii) ngā Hapū o Ngāti Porou, as defined in section 10 of Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019:
- (iv) iwi and hapū that are party to a Mana Whakahono ā Rohe under this Act: 20
- (v) customary marine title groups (within the meaning of the Marine and Coastal Area (Takutai Moana) Act 2011) that—
- (A) hold customary marine title in an area under that Act; or
- (B) have applied under that Act for customary marine title but whose application has not yet been determined; and 25
- (b) the permit holder.
- (2) Groups or persons notified under **subclause (1)** may make submissions on the proposed review to the relevant consent authority—
- (a) within 20 working days after limited notification is given under **subclause (1)**; and 30
- (b) in accordance with **section 131**.
- (3) A consent authority undertaking a review under this Part must not hold a hearing as part of that review, and nothing in **sections 153** applies to a review under this Part. 35
- Compare: 1991 No 69 s 165ZFHL

69 Decision on review

- (1) A consent authority that undertakes a review under this Part must, not later than 2 years after initiating the review, decide whether to add to, amend, or make no change to, any condition of the coastal permit under review.
- (2) In making that decision, the consent authority must— 5
 - (a) apply **section 189**, as far as it is relevant to a review under this Part (and with any necessary modifications); and
 - (b) consider any submissions received under **clause 68(2)**.
- (3) The consent authority must, as soon as is reasonably practicable, give written notice of the outcome of the review to the persons notified if they made a submission (*see clause 68(1) and (2)*). 10

Compare: 1991 No 69 s 165ZFHM

70 Right of appeal

- (1) The following persons may appeal to the Environment Court against the whole or part of any decision made by the consent authority in the review of conditions under this Part: 15
 - (a) the permit holder; and
 - (b) any person or group who was notified under **clause 68(1)** and who made a submission under **clause 68(2)**.

- (2) **Section 173** applies to an appeal under this clause. 20

Compare: 1991 No 69 s 165ZFHN

71 Final right of appeal

There is a final right of appeal on a question of law to the High Court, subject to **clauses 77 to 82 of Schedule 9 of the Planning Act 2025**.

Compare: 1991 No 69 s 165ZFHO 25

*Port company coastal permits***72 Interpretation**

In **clauses 73 to 80**, unless the context otherwise requires,—

holder means a port company that holds a section 165ZZC coastal permit

port company and **port related commercial undertaking** have the same meanings as in section 2(1) of the Port Companies Act 1988 30

section 165ZZC coastal permit and **permit** mean a coastal permit that was continued under section 165ZZC of the Resource Management Act 1991.

Compare: 1991 No 69 s 165ZZB

*Review of section 165ZZC coastal permits***73 Requirement to undertake review**

- (1) Each consent authority in whose area of jurisdiction a port company holds a section 165ZZC coastal permit must undertake a review of the permit in accordance with this Part (*see clause 75*). 5
- (2) This clause is in addition to—
- (a) **clauses 65 to 71**, which provide for—
- (i) a consent authority to review the conditions of a coastal permit; and
- (ii) the holder of a coastal permit to apply to the relevant consent authority to change or cancel any condition of a coastal permit; and 10
- (b) **section 191**, which preserves the power of the Environment Court to change or cancel a coastal permit by an enforcement order.
- Compare: 1991 No 69 s 165ZZD 15

74 Purpose and scope of review

- (1) The purpose of a consent authority's review of a section 165ZZC coastal permit is to identify—
- (a) any adverse environmental effects of the occupation of the coastal marine area authorised by the permit; and 20
- (b) whether conditions need to be imposed or amended to avoid, remedy, or mitigate those effects.
- (2) A consent authority may identify and provide, as the consent authority considers necessary for the purposes of the review, for—
- (a) new conditions to be included in a section 165ZZC coastal permit; and 25
- (b) existing conditions to be modified.
- (3) However, a consent authority—
- (a) must not, in relation to a section 165ZZC coastal permit, provide for the inclusion of a new condition or modification of an existing condition that— 30
- (i) would change the size of the permit area or its location; or
- (ii) would prevent the holder from occupying the permit area to manage and operate port related commercial undertakings; but
- (b) may, if the holder agrees, provide for the inclusion of a new condition or modification of an existing condition that— 35
- (i) permits activities to be undertaken in any specified part of the permit area; or

- (ii) prohibits activities from being undertaken in any specified part of the permit area.
- (4) **Sections 168 and 169** apply, subject to this clause, to a review of a section 165ZZC coastal permit.
- Compare: 1991 No 69 s 165ZZE

5

Notice and other procedural requirements

75 Notice and other requirements relevant to review

- (1) Not later than 30 September 2027, each consent authority in whose area of jurisdiction a port company holds a section 165ZZC coastal permit must initiate a review of the permit by serving a limited notice of the review on the parties described in **clause 76**. 10
- (2) Each party who is served notice is entitled to make a written submission on the review, including proposing new or modified conditions for the permit (*see clause 77*).
- (3) A review must be undertaken in a way that— 15
- (a) does not prevent a holder from managing and operating port related commercial undertakings; and
 - (b) is efficient and causes as little disruption as possible to the management and operation of those port related commercial undertakings.
- (4) A consent authority must not— 20
- (a) give public notice that a review is being initiated (but must give limited notice); or
 - (b) hold a hearing on the submissions received.
- (5) A review required by this Part must be completed, and a decision issued, not later than 2 years after the date on which the consent authority initiates the review. 25

Compare: 1991 No 69 s 165ZZF

76 Parties that must be given limited notice

The limited notice required by **clause 75(1)** must be served on—

- (a) each of the following, to the extent that their area of interest overlaps with, or is within, the area of the relevant section 165ZZC coastal permit: 30
 - (i) iwi authorities:
 - (ii) post-settlement governance entities:
 - (iii) ngā hapū o Ngāti Porou, as defined in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019: 35

-
- (iv) any iwi or hapū that are party to an existing or initiated Mana Whakahono ā Rohe that applies in the whole or a part of the area of the section 165ZZC coastal permit:
 - (v) customary marine title groups (within the meaning of the Marine and Coastal Area (Takutai Moana) Act 2011)— 5
 - (A) who hold customary marine title under that Act in the whole or a part of an area to which the section 165ZZC coastal permit relates; or
 - (B) who have applied under that Act for customary marine title but whose applications have not yet been determined: 10
 - (vi) any iwi or hapū that are party to an existing joint management agreement; and
 - (b) the Director-General of Conservation; and
 - (c) the permit holder.
- Compare: 1991 No 69 s 165ZZG 15
- 77 Submissions on review**
- If the parties listed in **clause 76** decide to make a submission, they must lodge their written submissions with the consent authority not later than 20 working days after receiving the notice served under **clause 75**.
- Compare: 1991 No 69 s 165ZZH 20
- 78 Decision on review**
- A consent authority's decisions on its review of a section 165ZZC coastal permit must—
- (a) take into account all submissions received under **clause 77**; and
 - (b) be consistent with the purpose of this Act. 25
- Compare: 1991 No 69 s 165ZZI
- Rights of appeal*
- 79 Appeal rights**
- (1) The following persons or groups may appeal to the Environment Court against the whole or a part of a decision made by the consent authority on its review of a section 165ZZC coastal permit: 30
 - (a) the holder of the permit; and
 - (b) any person or group notified of the review under **clause 75** and who made a submission under **clause 77**
 - (2) **Section 173** applies to an appeal made under this clause. 35
- Compare: 1991 No 69 s 165ZZJ

80 Final right of appeal

- (1) There is a final right of appeal to the High Court on a question of law against a decision of the Environment Court under **clause 79**.
- (2) **Clauses 77 to 82 of Schedule 9 of the Planning Act 2025** apply to any appeal under this clause.

5

Compare: 1991 No 69 s 165ZZK

Schedule 4

Water conservation orders

s 12

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Purpose and meaning

- | | | |
|----------|--|----------|
| 1 | Purpose of water conservation orders | 5 |
| (1) | The purpose of a water conservation order is to recognise and sustain— | |
| (a) | outstanding amenity or intrinsic values that are provided by waters in their natural state: | |
| (b) | if waters are no longer in their natural state, the amenity or intrinsic values of those waters that in themselves warrant protection because they are considered outstanding. | 10 |
| (2) | A water conservation order may provide for any of the following: | |
| (a) | the preservation as far as possible in its natural state of any water body that is considered to be outstanding: | |
| (b) | the protection of characteristics that any water body has or contributes to, and that are considered to be outstanding,— | 15 |

- (i) as a habitat for terrestrial or aquatic organisms:
 - (ii) as a fishery:
 - (iii) for its wild or other natural characteristics:
 - (iv) for scientific and ecological values:
 - (v) for recreational or historical purposes: 5
 - (c) the protection of characteristics that any water body has or contributes to, and that are considered to be of outstanding significance to Māori.
- Compare: 2023 No 46 s 364; 1991 No 69 s 199
- 2 Meaning of water conservation order**
- 1 A **water conservation order** is an order that— 10
- (a) is made under **clause 13** for any of the purposes set out in **clause 1**; and
 - (b) imposes restrictions or prohibitions on the exercise of regional councils' powers under **section 222(4)(c) and (d)** in relation to water.
- (2) The restrictions or prohibitions include those that relate, in particular, to— 15
- (a) the quantity, quality, rate of flow, or level of a water body; and
 - (b) the maximum and minimum levels or flow or range of levels or flows, or the rate of change of levels or flows to be sought or permitted for a water body; and
 - (c) the maximum allocation for abstraction consistent with the purposes of the order; and 20
 - (d) the maximum contaminant concentrations and loading consistent with the purposes of the order; and
 - (e) the ranges of temperature and pressure in a water body.
- Compare: 2023 No 46 s 365; 1991 No 69 s 200 25
- 3 Legal effect of water conservation order**
- (1) A water conservation order does not affect or restrict any permit granted or any lawful use established in respect of a water body before the order is made.
- (2) If a water conservation order is operative, the relevant consent authority—
- (a) must not grant a water permit, coastal permit, or discharge permit if the grant of that permit would be inconsistent with any restriction or prohibition or any other provision of the order: 30
 - (b) must not grant a water permit, a coastal permit, or a discharge permit to discharge water or contaminants into water unless the grant of such a permit or the combined effect of the grant of such a permit and existing water permits and discharge permits and existing lawful discharges into the water or taking, use, damming, or diversion of the water is such that 35

the provisions of the water conservation order can remain without change or variation:

- (c) must, in granting any water permit, coastal permit, or discharge permit, impose any conditions that are necessary to ensure that the provisions of the water conservation order are not compromised: 5
- (d) must undertake, in relation to the order, the functions relating to monitoring specified in **section 227**.

Compare: 2023 No 46 s 382; 1991 No 69 s 217

4 How to apply for water conservation order

- (1) Any person may, on payment of any prescribed fee, apply to the Minister to make a water conservation order for a water body. 10
- (2) The application must—
 - (a) identify the water body for which an order is sought; and
 - (b) state the reasons for the application, referring to the matters set out in **clauses 1, 2, and 10**, as far as they are relevant; and 15
 - (c) describe the provisions that, in the applicant's opinion, should be included in a water conservation order and the effect that the provisions would have on the water body.
- (3) The Minister may, by notice in writing, require the applicant to supply any further information relating to the application that the Minister considers necessary. 20

Compare: 2023 No 46 s 366; 1991 No 69 s 201

Appointment of, and process to be followed by, special tribunal

5 Appointment of special tribunal

- (1) When the Minister receives an application for a water conservation order, the Minister must, as soon as practicable,— 25
 - (a) appoint a special tribunal to hear and report on the application and notify the applicant of the decision to appoint a special tribunal; or
 - (b) reject the application and notify the applicant of the decision, giving reasons for rejecting the application. 30
- (2) Before appointing a special tribunal, the Minister must, if appropriate, consult the Minister for Māori Development, the Minister of Conservation, and the Commissioner of Crown Lands on the membership of the tribunal.

Compare: 2023 No 46 s 367; 1991 No 69 s 202

6 Administrative matters relating to special tribunal 35

- (1) A special tribunal appointed under **clause 5** must have—
 - (a) no fewer than 3, and no more than 5, members; and

- (b) a chairperson appointed by the Minister or by the members, if the Minister declines to do so.
- (2) If the Minister directs, members must be paid out of money appropriated by Parliament for the purpose, in accordance with the Fees and Travelling Allowances Act 1951,— 5
- (a) remuneration by way of fees, salary, or allowances; and
- (b) travelling allowances and expenses in accordance with that Act for time spent travelling in the service of the tribunal.
- (3) A member of a special tribunal is not liable for anything the member does or omits to do in good faith in performing or exercising the functions, duties, and powers of the tribunal. 10
- Compare: 2023 No 46 s 368; 1991 No 69 s 203
- 7 Public notification of application**
- (1) A special tribunal must, as soon as practicable after it is appointed under **clause 5**, ensure that— 15
- (a) public notice of the application is given; and
- (b) a short summary of the application is published in a daily newspaper in each of the cities of Auckland, Wellington, Christchurch, and Dunedin with details of the internet site where the notice may be accessed; and
- (c) any other public notice of the application is given that the tribunal considers appropriate; and 20
- (d) notice of the application is served on—
- (i) the applicant; and
- (ii) all relevant local authorities; and
- (iii) the relevant iwi authorities; and 25
- (iv) persons who hold relevant natural resource permits; and
- (v) any other persons that the tribunal considers appropriate.
- (2) The notices required under this clause must be in the prescribed form and must—
- (a) describe the application and where it and all relevant information the special tribunal holds may be viewed; and 30
- (b) state that any person may make a submission on the application in writing, stating their preference under **clause 8(4)**; and
- (c) enable the tribunal to consider wider matters than those raised in the application; and 35
- (d) state the closing date for the tribunal to receive submissions, which must be the 20th working day after the application is notified or a later date if an extension of time is agreed and notified under **section 319**; and

- (e) state the address for service of the tribunal and each applicant.
- (3) The special tribunal may request further information from the applicant at any reasonable time before the hearing, applying the requirements of **section 140** as if references to the consent authority were references to the special tribunal, and references to a permit were references to an order. 5
- Compare: 2023 No 46 s 369; 1991 No 69 s 204
- 8 Submissions to special tribunal**
- (1) Any person may make a submission to the special tribunal on an application notified under **clause 7**.
- (2) Submissions must be made in a form approved by the Minister for the purpose and must be served not later than the date under **clause 7(2)(d)** on— 10
- (a) the relevant local authorities in the region; and
- (b) all applicants.
- (3) The requirements of **section 319** (waiver and extension of time limits) apply.
- (4) A submitter may support the making of a water conservation order, but may prefer— 15
- (a) that an order be made over a different (but related) water body within the same catchment; or
- (b) that an order be made to protect different features and qualities of the water body from those identified in the application. 20
- (5) If **subclause (4)** applies, the submitter must endeavour, in the submission,—
- (a) to make that preference known to the tribunal; and
- (b) to specify the reasons for that preference, having regard to the purpose of a water conservation order (*see clause 1*) and the matters for consideration set out in **clause 10**. 25
- (6) A submitter who opposes the making of an order must specify why the submitter considers the proposed order is not justified, having regard to the purpose of water conservation orders (*see clause 1*) and the matters that must be considered (*see clause 10*).
- (7) If a submission does not include all the matters listed in **subclause (5)** or, if applicable, the information required by **subclause (6)**, the tribunal may still consider the submission. 30
- (8) A special tribunal may, by notice in writing, require a submitter to supply further information relating to the submission that the tribunal considers necessary. 35
- Compare: 2023 No 46 s 370; 1991 No 69 s 205

9 Hearing by special tribunal

- (1) The Minister must, without delay, provide the application and any other relevant information to the special tribunal appointed under **clause 5**.
- (2) **Sections 134 and 135 of the Planning Act 2025** apply as if references in those provisions—
 - (a) to a permit authority or a consent authority were references to a special tribunal; and
 - (b) to a natural resource permit were references to a water conservation order.
- (3) If a special tribunal directs an applicant or a submitter to provide briefs of evidence by a certain date (which must be at least 10 working days before a hearing), the hearing date must be not more than 40 working days after the closing date for submissions.
- (4) If a special tribunal does not give such direction, the hearing date must be within 25 working days after the closing date for submissions.
- (5) A hearing must be held at a place determined by the special tribunal that is near the water body to which the application relates.

Compare: 2023 No 46 s 371; 1991 No 69 s 206

10 Matters to be considered

- 1 In considering an application under this subpart, a special tribunal must have particular regard to—
 - (a) the purpose of a water conservation order; and
 - (b) the matters set out in **clause 1(2)**.
- (2) The special tribunal must also have regard to—
 - (a) the application and all submissions; and
 - (b) the needs of primary and secondary industry, and of the community; and
 - (c) the relevant provisions of every national standard, national policy direction, regional spatial plan, natural environment plan, and land use plan, and any proposed plan.

Compare: 2023 No 46 s 372; 1991 No 69 s 207

11 Special tribunal to report on application

- 1 As soon as is reasonably practicable after the close of a hearing, a special tribunal must prepare a report on the application and give notice in accordance with **subclause (2)**.
- (2) The notice required by **subclause (1)** must—
 - (a) either include a draft water conservation order, or state that the tribunal recommends that the application be declined; and
 - (b) state the reasons for the tribunal's conclusion; and

- (c) be sent to the applicant, the Minister, the regional council, the relevant territorial authorities, the relevant iwi authorities, and every person who made a submission on the application.

Compare: 2023 No 46 s 373; 1991 No 69 s 208

- 12 Appeal to Environment Court on point of law** 5
- (1) Any of the following persons may appeal to the Environment Court against a decision of a special tribunal on a question of law:
- (a) the applicant for the proposed water conservation order to which the report relates:
- (b) any person who made a submission to the special tribunal under **clause 8**: 10
- (c) any other person to whom the Environment Court grants leave to make a submission on the grounds that the person could not reasonably have been expected to know that the report of the special tribunal would affect the person or an aspect of the public interest that that person represents. 15
- (2) An appeal must be made by lodging a notice of appeal no later than 30 working days after the date of notification of the decision under **clause 11**.
- (3) A notice of appeal must be served on the persons listed in **subclause (1)**.
- (4) A decision of the Environment Court under this clause may be appealed against under **clause 28 of Schedule 2 of the Planning Act 2025**. 20

Making, and revoking or amending, water conservation order

- 13 Making of water conservation order**
- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make a water conservation order in respect of any water body.
- (2) The Minister must not make a recommendation for the purposes of **subclause (1)**— 25
- (a) except in accordance with the report of the special tribunal under **clause 11**; and
- (b) unless all appeals under **clause 12** have been determined.
- (3) A water conservation order is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 30

Compare: 2023 No 46 s 379; 1991 No 69 s 214

- 14 Minister's obligation to state reasons for not accepting recommendation**
- If a special tribunal report under **clause 11** recommends that a water conservation order be made and the Minister decides not to recommend that the Governor-General make the order, then the Minister must,— 35

- (a) within 20 sitting days after making their decision, lay before the House of Representatives a written statement setting out the reasons for their decision; and
- (b) within 20 working days after making their decision, serve the written statement on—
 - (i) the applicant; and
 - (ii) every person who made a submission to the special tribunal; and
 - (iii) every party to an appeal under **clause 12**.

5

Compare: 2023 No 46 s 380; 1991 No 69 s 215

15 Revocation or amendment of water conservation order 10

- (1) The following apply until the expiry of 2 years after the date on which a water conservation order is made:
 - (a) an application must not be made to the Minister to revoke the order; and
 - (b) the Minister must not recommend to the Governor-General that an order be made to revoke the order. 15
- (2) Except as provided in **subclause (1)**, any person may apply to the Minister to revoke or amend a water conservation order, stating the reasons for the application.
- (3) If the Minister receives an application under **subclause (2)**, the Minister may recommend that the order be amended, if— 20
 - (a) the Minister is of the opinion that the application should be accepted, but that there is no need to hold an inquiry because the amendment—
 - (i) would have only minor effect; or
 - (ii) is of a technical nature and would not prevent the order achieving any purpose for which it was made; and 25
 - (b) the original applicant for the order (if that person can be located) and the regional council agree to the amendment.
- (4) Except as provided in **subclause (3)**, an application made under **subclause (2)** for the revocation or amendment of a water conservation order must be dealt with in the same manner as an application for an order under **clause 4**. 30
- (5) An order under **subclause (3)** is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 2023 No 46 s 381; 1991 No 69 s 216

Schedule 5

Freshwater farm plans

s 125

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1 Purpose

The purpose of this schedule is to better control the adverse effects of farming on freshwater and freshwater ecosystems within specified districts, regions, or parts of New Zealand through the use of freshwater farm plans. 5

Compare: 1991 No 69 s 217A

2 Interpretation

In this schedule, unless the context otherwise requires,— 10

approved industry organisation means an industry organisation approved under **clause 13**

arable land use means the use of land to grow any of the following crops for harvest:

- (a) grain cereal, legumes, or pulse grain: 15
- (b) herbage seed:
- (c) oilseed:
- (d) maize grain, maize silage, cereal silage, or mangels:

- (e) crops grown for seed multiplication:
- (f) a crop prescribed in regulations made under **clause 15(1)(a)**
- auditor** means a person who—
- (a) is appointed under **clause 12** or by an approved industry organisation; 5
and
- (b) meets the criteria prescribed in regulations made under **clause 15(1)(j)**
- certification and audit services** means the services prescribed for the purposes of **clause 13** in regulations (if any) prescribed under **clause 15**
- certified freshwater farm plan** means a freshwater farm plan certified under **clause 8**, as amended from time to time in accordance with **clause 6(3) or 10**
(4)
- certifier** means a person who—
- (a) is appointed under **clause 12** or by an approved industry organisation; and
- (b) meets the criteria prescribed in regulations made under **clause 15(1)(j)** 15
- farm** means a farm where all or part of the farm is—
- (a) arable land use; or
- (b) horticultural land use; or
- (c) pastoral land use; or
- (d) other agricultural land use prescribed in regulations made under **clause 15(1)(b); or** 20
- (e) any combination of the above
- farm operator** means the person with ultimate responsibility for the operation of a farm
- freshwater farm plan** means a freshwater farm plan required under **clause 5** 25
- horticultural land use** means the use of land to grow food or beverage crops for human consumption (other than arable crops), or flowers for commercial supply
- pastoral land use** means the use of land for the grazing of livestock
- regulations** means regulations made under **clause 15** 30
- relevant regional council** means the regional council (as defined in **section 3**) in whose jurisdiction the farm is located
- specified instrument** means any designation, national standard, regulations made under Part 6, natural environment permit, rule in a plan, or water conservation order 35

statutory land use area threshold,—

- (a) in relation to a land use described in any of **paragraphs (a), (b), (c), and (e) of clause 5(1)**, means the area specified in that clause for that land use:
- (b) in relation to the land use described in **clause 5(1)(d)**, means the area prescribed in regulations made under **clause 15** for that land use.

Compare: 1991 No 69 s 217B

3 Application of this schedule

- (1) This schedule applies only—
 - (a) to a region, district, or part of New Zealand specified in an Order in Council under this clause; and
 - (b) on and from the date specified in the Order in Council (but *see* **clause 4**, which relates to when this schedule ceases to apply).
- (2) The Governor-General may, by Order in Council, on the recommendation of the Minister, determine—
 - (a) that this schedule applies to a specified district, region, or part of New Zealand; and
 - (b) the date on which this schedule applies to that district, region, or part of New Zealand.
- (3) The Governor-General may, by Order in Council, on the recommendation of the Minister, in relation to a region, district, or part of New Zealand to which this schedule applies,—
 - (a) disapply a statutory land use area threshold; or
 - (b) disapply a statutory land use area threshold and prescribe a higher land use area threshold in its place.
- (4) Before making a recommendation under **subclause (2) or (3)**, the Minister must—
 - (a) be satisfied that regulations are necessary to achieve the purpose of this schedule in the specified district, region, or part of New Zealand; and
 - (b) consult the Minister of Agriculture.
- (5) An order under this clause is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1991 No 69 s 217C

4 When this schedule ceases to apply

- (1) The Governor-General may, by Order in Council, on the recommendation of the Minister, amend an Order in Council under **clause 3** to—
 - (a) cease the application of this schedule to a district, region, or part of New Zealand specified in that Order in Council; and

- (b) provide for the date on which this schedule ceases to apply to the specified district, region, or part of New Zealand.
 - (2) Before making a recommendation under **subclause (1)**, the Minister must—
 - (a) be satisfied that regulations are no longer necessary to achieve the purpose of this schedule in the specified district, region, or part of New Zealand; and 5
 - (b) consult the Minister of Agriculture.
 - (3) An order under this clause is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 10
- Compare: 1991 No 69 s 217CA

5 Farm must have freshwater farm plan if it meets land use threshold

- (1) A farm must have a freshwater farm plan if—
 - (a) 50 or more hectares of the farm is pastoral or arable; or
 - (b) 50 or more hectares of the farm is viticultural or orcharding land use; or
 - (c) 5 or more hectares of the farm is horticultural land use other than viticultural or orcharding land use; or 15
 - (d) a prescribed area of the farm is other agricultural land use prescribed in regulations made under **clause 15(1)(c)**; or
 - (e) 50 or more hectares of the farm is a combination of 2 or more of the land uses set out in **paragraphs (a) to (d)**; or 20
 - (f) the farm holds a Dairy Supply Number.
 - (2) However,—
 - (a) if an order made under **clause 3(3)(a)** disapplies a statutory land use area threshold, a farm is not subject to that threshold; and
 - (b) if an order made under **clause 3(3)(b)** disapplies a statutory land use area threshold and prescribes a higher land use area threshold in its place, a farm is subject to the higher threshold. 25
 - (3) A freshwater farm plan applies to the entire farm. 30
- Compare: 1991 No 69 s 217D

6 Main duties of farm operators

- (1) A farm operator who is required to have a freshwater farm plan must submit the plan for certification if—
 - (a) the farm is undertaking activities identified in activity-based criteria prescribed in regulations; or
 - (b) the farm is located in a catchment prescribed in regulations; or 35
 - (c) the operator is required to submit the freshwater farm plan for certification to meet other regulatory requirements.

- (2) A farm operator of a farm that is required to have a freshwater farm plan must—
- (a) prepare a freshwater farm plan in accordance with this schedule and regulations; and
 - (b) ensure that the farm operates in compliance with the freshwater farm plan; and 5
 - (c) arrange for the farm to be audited in accordance with this schedule and regulations for compliance with the freshwater farm plan.
- (3) A farm operator must keep the certified freshwater farm plan fit for purpose by— 10
- (a) amending the plan as necessary to reflect any changes in the farm; and
 - (b) amending the plan as necessary to comply with this schedule and regulations.
- (4) A farm operator must amend and recertify a certified freshwater farm plan if any circumstances prescribed by regulations apply. 15
- (5) A farm operator must comply with the same freshwater farm plan certification requirements under this Act as a farm operator referred to in **subclause (1)** if—
- (a) the farm operator is not required under **subclause (1)** to have the farm's freshwater farm plan certified; but 20
 - (b) the farm operator chooses to have the farm's freshwater farm plan certified.

Compare: 1991 No 69 s 217E

7 Contents of freshwater farm plan

- A freshwater farm plan must— 25
- (a) identify any adverse effects of activities carried out on the farm on freshwater and freshwater ecosystems and any relevant human health or environmental limits to which those adverse effects on freshwater may contribute; and
 - (b) specify requirements that— 30
 - (i) are appropriate for the purpose of avoiding, minimising, remedying, or of offsetting or compensating when appropriate and enabled in a plan, the adverse effects of those activities on freshwater and freshwater ecosystems; and
 - (ii) are clear and measurable; and 35
 - (c) demonstrate how any outcomes prescribed in regulations are to be achieved; and
 - (d) comply with any other requirements in regulations; and

- (e) comply with **clause 14**.

Compare: 1991 No 69 s 217F

8 Certification of freshwater farm plan

- (1) A farm operator who must, under **clause 6(1)**, submit a freshwater farm plan for certification must do so within the prescribed time frame. 5
- (2) The certifier must certify a freshwater farm plan if the certifier is satisfied that the plan complies with the requirements in **clause 7**.
- (3) The certifier must, as soon as practicable, notify the relevant regional council—
 - (a) that the freshwater farm plan has been certified; and 10
 - (b) the date on which it was certified.
- (4) This clause applies, with any necessary modifications, to a certified freshwater farm plan that is required by regulations to be amended and recertified.

Compare: 1991 No 69 s 217G

9 Audit of farm for compliance with freshwater farm plan 15

- (1) A farm operator must—
 - (a) arrange, within the prescribed time frame, for an auditor to audit the farm for compliance with the freshwater farm plan; and
 - (b) arrange for further audits to be carried out at the frequency required by regulations. 20
- (2) The audit must be completed in the manner prescribed in regulations.
- (3) The farm operator must provide the auditor with reasonable access to the farm (or any part of it) for the purpose of any audit inspection.

Compare: 1991 No 69 s 217H

10 Functions of regional councils 25

- (1) For the purposes of this schedule, a regional council has the following functions:
 - (a) to enforce the observance of the requirements of this schedule and regulations to the extent that its powers under this Act enable it to do so; and
 - (b) to monitor compliance by farm operators with their duties under this schedule and with any requirements in regulations; and 30
 - (c) to receive notifications of freshwater farm plans that have been certified; and
 - (d) to appoint certifiers and auditors under **clause 12**; and
 - (e) to receive audit reports and related notifications from auditors; and 35
 - (f) to monitor the delivery of certification or audit services, or both, by approved industry organisations in the council's region for compliance

with this schedule and with any applicable requirements prescribed in regulations.

- (2) A regional council may do all or any of the following:
- (a) require a farm operator to produce a freshwater farm plan for inspection:
 - (b) require information from an approved industry organisation that the council considers reasonably necessary for carrying out its functions under this clause: 5
 - (c) notify the Minister of any significant or persistent concerns regarding the performance under this schedule of an approved industry organisation operating in the council's region, including concerns arising in the course of the council's exercise of its functions under **subclause (1)(f)**. 10

Compare: 1991 No 69 s 217I

11 Records that must be kept by regional council

A regional council must keep and maintain, in relation to each farm in its jurisdiction, a record of— 15

- (a) the date that each farm that is required under **clause 5(1)** to have a freshwater farm plan was last audited for compliance with the plan; and
- (b) if the farm's freshwater farm plan is required under **clause 6(1) or (5)** to be certified,—
 - (i) whether the farm's freshwater farm plan is certified; and 20
 - (ii) if the farm's freshwater farm plan is certified, the date the plan was last certified; and
- (c) any other information required by regulations.

Compare: 1991 No 69 s 217J

12 Regional council must appoint certifiers and auditors 25

- (1) A regional council must—
- (a) appoint 1 or more certifiers; and
 - (b) appoint 1 or more auditors.
- (2) A regional council may make an appointment under this clause only if satisfied that criteria prescribed in regulations have been met. 30

Compare: 1991 No 69 s 217K

13 Minister may approve industry organisation to provide certification or audit services

- (1) The Minister may, on application, approve an industry organisation to provide certification or audit services, or both, under this schedule to its members— 35
- (a) if the Minister is satisfied that the organisation meets any applicable eligibility requirements prescribed in regulations; and

- (b) after consulting regional councils and the Minister of Agriculture.
- (2) An approved industry organisation may appoint certifiers or auditors if it is satisfied that the applicable requirements have been met as prescribed in regulations.
- (3) The Minister may revoke an industry organisation's approval— 5
 - (a) if the Minister is satisfied that the applicable requirements for revocation have been met, as prescribed in regulations; and
 - (b) after consulting regional councils, the Minister of Agriculture, and the industry organisation.
- (4) An approval or a revocation of approval of an industry organisation may apply 10
 - either nationally or in respect of 1 or more regions.
- (5) Any appointment of certifiers or auditors that was made by an approved industry organisation under **subclause (2)** ceases to the extent that the industry organisation's approval is revoked under **subclause (3)**.
- (6) The Minister may request from an industry organisation information that the 15
 - Minister considers reasonably necessary before deciding to approve the organisation or revoke its approval.

Compare: 1991 No 69 s 217KA

14 Relationship between freshwater farm plan and specified instruments

- (1) A freshwater farm plan may contain a requirement that— 20
 - (a) relates to an activity carried out on the farm (an activity) even if there is no similar requirement relating to that activity in a provision of a specified instrument; or
 - (b) restricts an activity more than a provision of a specified instrument.
- (2) However, if a provision of a specified instrument restricts an activity more than 25
 - a requirement of a freshwater farm plan, the provision of the specified instrument prevails.
- (3) To avoid doubt, compliance with a requirement of a certified freshwater farm plan—
 - (a) does not of itself authorise a person to undertake an activity: 30
 - (b) may be specified or included as a requirement or condition in any specified instrument relating to an activity.

Compare: 1991 No 69 s 217L

15 Regulations relating to freshwater farm plans

- (1) The Governor-General may, by Order in Council made on the recommendation 35
 - of the Minister after consulting the Minister of Agriculture, make regulations that—

-
- (a) prescribe crops for the purpose of the definition of arable land use in **clause 2**:
 - (b) prescribe agricultural land uses for the purpose of the definition of farm in **clause 2**:
 - (c) prescribe the area of land described in **clause 5(1)(d)** (in relation to agricultural land use prescribed under **paragraph (b)**): 5
 - (d) prescribe the kinds of farm activities or catchments in respect of which a certified freshwater farm plan is required:
 - (e) provide for the content of a freshwater farm plan, including (without limitation) specifying— 10
 - (i) any requirements, including actions, criteria, methods, or thresholds for the purpose of identifying, measuring, avoiding, minimising, remedying, or of offsetting or compensating when appropriate and enabled in a plan, any adverse effects of activities carried out on the farm on freshwater and freshwater ecosystems; and 15
 - (ii) outcomes that must be achieved for the purpose of avoiding, minimising, remedying, or of offsetting or compensating when appropriate and enabled in a plan, those adverse effects on freshwater and freshwater ecosystems; and
 - (iii) any requirements, including actions, criteria, methods, thresholds, or outcomes for the purpose of achieving relevant human health or environmental limits. 20
 - (iv) any other information that must be included in the plan for the purpose of this schedule:
 - (f) provide for the form and manner in which a freshwater farm plan that must be certified is certified, including (without limitation) prescribing— 25
 - (i) time frames that must be complied with by the farm operator and certifier; and
 - (ii) any fees payable by the farm operator or the manner of calculating those fees: 30
 - (g) prescribe the circumstances in which a certified freshwater farm plan must be amended and recertified:
 - (h) prescribe requirements that must be met for the approval of industry organisations under **clause 13** or the revocation of their approval, including any further obligations for approved industry organisations: 35
 - (i) provide for the form and manner in which a farm must be audited for compliance with a freshwater farm plan, including (without limitation) prescribing—
 - (i) the time frame by which a farm must be audited; and 40

- (ii) the frequency at which those audits must be carried out; and
- (iii) the period after which the auditor must provide their final report; and
- (iv) any matters that an auditor must take into account when considering whether the farm achieves compliance with the freshwater farm plan; and 5
- (v) the information that the farm operator must provide to the auditor for the purpose of the audit; and
- (vi) any fees payable by the farm operator or the manner of calculating those fees: 10
- (j) prescribe criteria that apply to the appointment of a person as an auditor or certifier and their continuation in that role:
- (k) require auditors, certifiers, and farm operators to supply prescribed information to regional councils for the purpose of **clause 10**:
- (l) prescribe information that a regional council must keep in relation to farms in its jurisdiction: 15
- (m) prescribe infringement offences for the contravention of, or non-compliance with, a provision of this schedule or of any regulations made under this clause:
- (n) provide for any other matters that are contemplated by, or necessary for giving full effect to, this schedule and for its due administration. 20
- (2) Regulations under this clause may apply generally or to specified districts, regions, or parts of New Zealand.
- (3) Regulations under this clause may apply to all certifiers or auditors generally, or may apply only to certifiers and auditors appointed— 25
 - (a) by a regional council under **clause 12(1)**; or
 - (b) by an approved industry organisation under **clause 13(2)**.
- (4) Regulations under this clause may incorporate material by reference under Part 4 of Schedule 2 (which applies as if references in that schedule to a national instrument were references to regulations under this clause). 30
- (5) Regulations under this clause are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1991 No 69 s 217M

Schedule 6

Statutory acknowledgements

ss 3, 146, 149

Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008	
Ahuriri Hapū Claims Settlement Act 2021	5
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	10
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	15
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	20
Ngāti Apa (North Island) Claims Settlement Act 2010	
Ngāti Awa Claims Settlement Act 2005	
Ngāti Hauā Claims Settlement Act 2014	
Ngāti Hinerangi Claims Settlement Act 2021	
Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022	25
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	30
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	35

Ngati Porou Claims Settlement Act 2012	
Ngāti Pūkenga Claims Settlement Act 2017	
Ngāti Rangi Claims Settlement Act 2019	
Ngāti Rangiteaorere Claims Settlement Act 2014	
Ngāti Rangitahi Claims Settlement Act 2022	5
Ngāti Rangiwewehi Claims Settlement Act 2014	
Ngati Ruanui Claims Settlement Act 2003	
Ngati Tama Claims Settlement Act 2003	
Ngāti Tamaoho Claims Settlement Act 2018	
Ngati Toa Rangitira Claims Settlement Act 2014	10
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	15
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	20
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	25
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	30
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	35

Schedule 7

Amendments to other legislation

s 336

Part 1

Amendments to Acts

5

Fast-track Approvals Act 2024 (2024 No 56)

In section 5(1)(e)(ii), 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**”. 10

In section 5(1)(l)(ii), replace “section 15B of the Resource Management Act 1991” with “**section 246** of the Natural Environment Act **2025**”.

In section 5(1)(l)(iii), replace “section 15C of the Resource Management Act 1991” with “**section 247** of the Natural Environment Act **2025**”. 15

In section 22(7)(b), replace “Resource Management Act 1991” with “Natural Environment Act **2025**”.

In section 30(3)(a), replace “section 124C(1)(c) or 165ZI of the Resource Management Act 1991” with “**section 184 or clause 44 of Schedule 3** of the Natural Environment Act **2025**”. 20

Replace section 30(4)(b)(i) with:

- (i) lodge an application for a natural resource consent 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 48(1)(b)(i), replace “Resource Management Act 1991” with “Natural Environment Act **2025**”. 25

In section 95(1)(b) and (4)(b), replace “section 124(3) or 165ZH(2)(c) of the Resource Management Act 1991” with “**section 164(3)** of the Planning Act **2025** or **section 181(a)** of the Natural Environment Act **2025** which applies that provision, or **clause 43(2)(c) of Schedule 3** of the Natural Environment Act **2025**”. 30

Maori Commercial Aquaculture Claims Settlement Act 2004 (2004 No 107)

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 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 Sched-** 35

Maori Commercial Aquaculture Claims Settlement Act 2004 (2004 No 107)—
continued

ule 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), 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**". 5

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**". 10

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), replace "resource consent" with "natural resource permit". 15

In section 16A(2)(b), replace "a resource consent has been cancelled under section 116A(3) or (7) of the Resource Management Act 1991" with "a natural resource permit has been cancelled under **section 177(3) or (7)** of the Natural Environment Act **2025**".

In section 16A(3), replace "section 165S of the Resource Management Act 1991" with "**clause 18 of Schedule 3** of the Natural Environment Act **2025**". 20

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) 25

In section 9(1), insert in their appropriate alphabetical order:

bespoke plan provision has the meaning given in **section 3** of the Natural Environment Act **2025**

identified permitted activity means an activity that is identified in a natural environment plan or a proposed natural environment plan as subject to **section 103** of the Natural Environment Act **2025** 30

natural environment plan has the meaning given in **section 3** of the Natural Environment Act **2025**

permitted activity has the meaning given in **section 3** of the Natural Environment Act **2025** 35

proposed natural environment plan has the meaning given in **section 3** of the Natural Environment Act **2025**

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)—continued

spatial plan committee has the meaning given in **section 3(1) of the Planning Act 2025**

In section 9(1), replace the definition of **RMA permission right** with:

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

5

In section 11(6), replace “regional plans, and district plans” with “natural environment plans, and land use plans”.

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**”.

In section 23(4), replace “Part 10 of the Natural and Built Environment Act 2023” with “**Schedule 7 of the Planning Act 2025**”.

10

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”.

15

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(7), replace “section 166 of the Resource Management Act 1991” with “**clause 9 of Schedule 5 of the Planning Act 2025**”.

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**”.

20

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(1) of the Planning Act 2025**”.

25

Replace section 52(1) with:

- (1) A protected customary right may be exercised under a protected customary rights order or an agreement without a permit, despite—
- (a) any prohibition, restriction, or imposition that would otherwise apply in or under **sections 18 to 26** of the Natural Environment Act **2025**; and
 - (b) any limit, regulation, or rule set in or required by a national policy direction or national standards that may restrict or prohibit the exercise of that right.

30

In section 52(2)(a), replace “section 64A of the Resource Management Act 1991” with “**section 321 of the Natural Environment Act 2025**”.

35

In section 52(2)(b), 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 55(3)(a), replace “the Resource Management Act 1991” with “the Natural Environment Act **2025**”.

In section 55(3)(b), replace “section 330A of the Resource Management Act 1991” with “**section 302** of the Natural Environment Act **2025**”.

In section 55(3)(b), replace “section 330” with “**section 301**” in each place. 5

In section 62(1)(a), delete “a Resource Management Act 1991 (RMA)”.

In section 62A(3), replace “section 88 of the Resource Management Act 1991” with “**section 130** of the Natural Environment Act **2025**”.

In section 63, definition of **accommodated activities**, replace “an RMA permission right” with “a permission right”. 10

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 “the Resource Management Act 1991” with “the Natural Environment Act **2025**”. 15

In section 63, definition of **emergency activity**, paragraph (c)(vi), replace “section 330 of the Resource Management Act 1991” with “**section 301** of the Natural Environment Act **2025**”.

In section 64(1)(b), replace “an RMA permission right” with “a permission right”. 20

In section 64(2)(e), replace “the Resource Management Act 1991” with “the Natural Environment Act **2025**”.

In the cross-heading above section 66, replace “*RMA permission right*” with “*Permission right*”.

Replace section 66 with: 25

66 Scope of permission right

- (1) A permission right applies to activities that are—
 - (a) to be carried out under a natural resource permit, to the extent that the permit is for an activity to be carried out within a customary marine title area; and
 - (b) identified permitted activities, to the extent that the activities are to be carried out within a customary marine title area.
- (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 the grant or exercise of a permit for an accommodated activity.

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- (5) A permission right, or permission given under such a right, does not limit the discretion of a consent authority—
- (a) to decline an application for a natural resource permit; or
 - (b) to impose conditions.
- (6) In this section, **consent authority** includes the Minister for the Environment and the Minister of Conservation exercising the powers of a consent authority under the Natural Environment Act **2025**.

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In the heading to section 67, delete “**RMA**”.

In section 67(1) and (6), replace “an RMA permission right” with “a permission right”.

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In section 67(1)(b), replace “resource consent” with “natural resource permit or identified permitted activity”.

In section 67(2)(a)(ii), replace “consent authority” with “local authority”.

Replace section 67(3) with:

- (3) Unless the customary marine title group has already notified its decision to the applicant under subsection (2), it must do so not later than 40 working days after—
- (a) it receives a notice from the applicant that the applicant has been granted the relevant natural resource permit (whether or not the applicant had previously notified the customary marine title group of the application); or
 - (b) it receives a request from the applicant for permission in respect of an identified permitted activity.

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In section 67(5), replace “section 116 of the Resource Management Act 1991” with “**section 175** of the Natural Environment Act **2025**”.

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In the heading to section 68, delete “**RMA**”.

Replace section 68(1) with:

- (1) A person wishing to undertake an identified permitted activity or the holder of a natural resource permit for an activity in a customary marine title area to which a permission right applies must not commence the activity unless the relevant customary marine title group has given permission under **section 66(2)** for that activity.
- (1A) The following activities to which a permission right applies must not be commenced unless the relevant customary marine title group has given permission under **section 66(2)** for that activity.:
- (a) an activity in a customary marine title area authorised by a natural resource permit;
 - (b) an identified permitted activity.

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Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)—continued

In section 68(2)(b), replace “a right of objection under section 357 or 357A of the Resource Management Act 1991” with “a right of review under **clauses 14 and 24 of Schedule 10 of the Planning Act 2025**”.

In section 69(1), replace “an RMA permission right” with “a permission right”.

Replace section 70(1) with:

(1) Subsection (3) applies only if the following, to which a permission right applies, occurs in a customary marine title area:

(a) an activity authorised by a natural environment permit is undertaken without the permission of the customary marine title group; or

(b) an identified permitted activity is undertaken without the permission of the customary marine title group.

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 74** 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**”.

Replace section 85(5)(d) with:

(d) the Natural Environment Act **2025**.

After section 86(1)(b), insert:

(ba) the spatial plan committee with jurisdiction in the region to which the planning instrument relates; and

In section 91(2)(b)(i), replace “the Resource Management Act 1991” with “the Natural Environment Act **2025**”.

In section 91A, replace “section 360B of the Resource Management Act 1991” with “**section 311** of the Natural Environment Act **2025**”.

In section 92, replace the definition of **regional document**, in its appropriate alphabetical order with:

natural environment plan means any of the following:

(a) a natural environment plan (within the meaning given in **section 3** of the Natural Environment Act **2025**);

(b) a proposed natural environment plan (within the meaning given in **section 3** of that Act)

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)—continued

In section 93(2), (6) and (10)(b), replace “the Resource Management Act 1991” with “the 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**”.

In section 93(5)(a), replace “in accordance with Schedule 1 of the Resource Management Act 1991” with “as defined in **section 3** of the Natural Environment Act **2025**”. 5

In section 93(9)(a), replace “Part 5 of the Resource Management Act 1991” with “**Part 2** of the Natural Environment Act **2025**”.

In section 93(9)(b), replace “Schedule 1 of that Act” with “**Schedule 3 of the Planning Act 2025**”. 10

After section 93(9), insert:

(9A) Despite **section 96** of the Natural Environment Act **2025**, a regional council may include a bespoke plan provision in a natural environment plan or proposed natural environment plan contrary to a rule in national standards to carry out its obligations under this section. 15

(9B) **Sections 106 and 108** of the Natural Environment Act **2025** do not apply if a regional council includes, to carry out its obligations under this section,—
 (a) a bespoke plan provision in a natural environment plan or proposed natural environment plan contrary to a rule in national standards; or 20
 (b) a provision on a specified topic.

In section 93(11), replace “clause 5 of Schedule 1 of the Resource Management Act 1991” with “**clause 10 of Schedule 3 of the Planning Act 2025**”.

In section 93(12), replace “Part 2 of Schedule 1 of the Resource Management Act 1991” with “**Part 2 of Schedule 3 of the Planning Act 2025**”. 25

In section 93(12)(a), replace “Part 2” with “**Part 2**”.

In section 93(12)(a), replace “clause 25” with “**clause 51**”.

In Schedule 2, Part 1, clause 1, replace “the Resource Management Act 1991 for any resource consents” with “the Natural Environment Act **2025** for any natural resource permits”. 30

In Schedule 2, Part 1, clause 6(b), delete “RMA”.

In Schedule 2, Part 1, clause 10(a), delete “RMA”.

In Schedule 2, Part 1, clause 10(d), replace “resource consents necessary for the deemed accommodated activity under the Resource Management Act 1991” with “natural resource permits necessary for the deemed accommodated activity under the Natural Environment Act **2025**”. 35

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