

Appendix: Compilation of key drafting changes required to the Bills

The following table outlines, in tracked changes to the Bills (as introduced to the House), the key substantive changes described in EDS's submission. They do not represent comprehensive changes or corrections to the entirety of the Bills. Where it is not practical or useful to provide specific tracked changes (eg where large sections are excised in their entirety, or where changes are largely consequential and require numerous amendments to cross-references) these changes have been described.

The Bills' clauses have been ordered according to the themes in EDS's submission (the order in which they have been discussed), rather than the order in which they appear in the Bill. This means that related changes to the NEB and Planning Bill have been grouped together.

Where changes are needed to the same clauses for different reasons (ie they are relevant to multiple themes, like limits and standing), all changes to a clause are presented where it first appears in the table. Cross-references to the relevant explanation in the submission are provided.

Clause	Page reference to discussion in submission	Drafting change (where appropriate) or description of change
Regulatory relief		
Planning Bill, Schedule 3, Part 4	Pages 7-17; 21-24; 44	Delete in entirety
Planning Bill, cl 92	Pages 7-17; 21-24; 44	Obligations relating to regulatory relief in Schedule 3 Part 4 of Schedule 3 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.
Planning Bill, cl 81	Pages 7-17; 21-24; 44	81 Provisions in land use plan (1) A land use plan— (a) must include objectives, policies, and rules; and (b) must include a relief framework if required by section 92; and ...
NEB, cl 111	Pages 7-17; 21-24; 44	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:
NEB, cl 307(1)(za)	Pages 7-17; 21-24; 44	(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes: ... (za) providing methodologies to support the preparation and implementation of relief frameworks under section 111:
Planning Bill, Schedule 3, cl 34	Pages 7-17; 21-24; 44	34 Appeal on provision of relief framework (1) A submitter may appeal to the Environment Court against a local authority's decision to include a relief framework provision in a proposed plan: (2) However, a submitter may only appeal under this clause if they referred to the subject matter of the decision in their submission: (3) In this clause, relief framework provision means a provision in a relief framework:
Planning Bill, Schedule 3, cl 57	Pages 7-17; 21-24; 44	57 What this Part does (1) This Part specifies when a rule in a proposed plan has legal effect. (2) This Part— (a) does not apply to objectives, policies, designations, a relief framework , or methods in a proposed plan (being provisions other than rules); and ...
Planning Bill, Schedule 10, cl 23	Pages 7-17; 21-24; 44	Regulatory relief 23 Review of decisions granting regulatory relief (1) The tribunal may review an objection lodged under clause 74 of Schedule 3 against a local authority's decision in considering an application for a review under clause 72 or 73 of that schedule: (3) In undertaking such a review, the tribunal's primary considerations are whether the local authority has correctly applied the relief framework in the plan to the relevant property: (4) In making a determination, the tribunal must— (a) review whether the local authority has assessed the materiality of the impact of the specified rule on the relevant property in accordance with the relief framework included in the plan for the district or region; and

		<p>(b) consider whether an alternative relief mechanism would be more appropriate in the circumstances of the relevant property;</p> <p>(5) If the tribunal concludes that the local authority did not apply its relief framework correctly, the tribunal may specify other relief, but only to the extent that what the tribunal specifies is available under the operative land use plan.</p>
NEB, cl 98	Pages 7-17; 21-24; 44	<p>98 Types of provisions in natural environment plan</p> <p>(1) A natural environment plan—</p> <p>(a) must include objectives, rules, and policies; and</p> <p>(b) must include a relief framework if required by section 111; and</p>
NEB, cl 122	Pages 18-24	<p>122 Environment Court may give directions in respect of land subject to controls</p> <p>(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.</p> <p>(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 render severely impair the reasonable use of that interest in land incapable of reasonable use, may challenge the provision on those grounds—</p> <p>(a) in a submission made under Schedule 3 of the Planning Act 2025 in respect of a proposed natural environment plan; or</p> <p>(b) in a change request under clause 49 of Schedule 3 of the Planning Act 2025 in respect of a natural environment plan.</p> <p>(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—</p> <p>(a) being satisfied that the provision—</p> <p>(i) would make any land incapable of reasonable usewould severely impair the reasonable use of land; and</p> <p>(ii) would place an unfair and unreasonable burden on any person who has an interest in the landplaces an unfair and unreasonable burden on any person who has an interest in that land; and</p> <p>(b) having regard to—</p> <p>(i) subpart 2 of Part 2; and</p> <p>(ii) the effect of subsection (1).; and</p> <p>(iii) Part 4 of Schedule 3 of the Planning Act 2025; and</p>

		<p>(c) taking into account any relief provided under Part 4 of Schedule 3 of the Planning Act 2025 in relation to the land:</p> <p>(4) The Environment Court may direct the local authority to do 1 or more of the following:</p> <p>(a) at the local authority's election,—</p> <p>(i) modify, delete, or replace the provision in the plan or proposed plan in the manner directed by the court; or</p> <p>(ii) acquire all or part of an estate or interest in the land under the Public Works Act 1981, as long as—</p> <p>(A) the person with the estate or interest in the land or part of it agrees; and</p> <p>(B) the requirements of subsection (5) are met:</p> <p>(b) make a monetary payment:</p> <p>(c) waive or reduce local government rates or fees for planning consent applications:</p> <p>(d) grant similar or alternative development rights elsewhere:</p> <p>(e) offer alternative parcels of land in exchange for the affected site:</p> <p>(f) provide access to targeted grant programmes for restoration, fencing, planting, or other mitigation activities <u>for managing environmental effects or enhancing the natural environment</u>.</p> <p>(5) The local authority must not elect a direction under subsection (4)(a)(ii) unless—</p> <p>(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)—</p> <p>(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</p> <p>(ii) the provision or proposed provision remained in substantially the same form; and</p> <p>(b) the person with the estate or interest in the land consents to the giving of the direction.</p> <p>(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.</p> <p>(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.</p> <p>(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):</p>
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		<p>(89) In this section, <i>reasonable use</i>, in relation to land, includes-excludes the use or potential use of the land for any activity where:</p> <p>(a) the actual or potential effects on any natural resource or on any person (other than the applicant) would not be significant; or</p> <p>(b) there is the possibility of breaching an environmental limit.-</p>
Planning Bill, cl 105	Pages 18-24	<p>105 Environment Court may give directions in respect of land subject to controls</p> <p>(1) An interest in land is deemed not to be taken or injuriously affected by reason of any provision in a land use plan unless otherwise provided for in this Act.</p> <p>(2) Despite subsection (1), a person with an interest in land to which a provision of a land use plan or a proposed <i>land use</i> plan applies, and who considers that the provision would severely impair the reasonable use of render that interest in land <i>incapable of reasonable use</i>, may challenge the provision on those grounds—</p> <p>(a) in a submission made under Part 1 of Schedule 3 in respect of a proposed <i>land use</i> plan; or</p> <p>(b) in a change request under clause 49 of Schedule 3 in respect of a <i>land use</i> plan.</p> <p>(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—</p> <p>(a) being satisfied that the provision—</p> <p>(i) would make any land incapable of reasonable use-would severely impair the reasonable use of land; and</p> <p>(ii) would places an unfair and unreasonable burden on any person who has an interest in that land; and</p> <p>(b) having regard to—</p> <p>(i) subpart 2 of Part 2 (including the effect of section 17(1)); and</p> <p>(ii) the effect of subsection (1) of this section; and</p> <p>(iii) Part 4 of Schedule 3; and</p> <p>(c) taking into account any relief provided under Part 4 of Schedule 3 in relation to the land.</p> <p>(4) The Environment Court may direct the local authority to do 1 or more of the following:</p> <p>(a) at the local authority's election,—</p> <p>(i) modify, delete, or replace the provision in the plan, proposed plan, or private plan change in the manner directed by the court; or</p> <p>(ii) acquire all or part of an estate or interest in the land under the Public Works Act 1981, as long as—</p>

		<p>(A) the person with the estate or interest in the land or part of it agrees; and</p> <p>(B) the requirements of subsection (5) are met:</p> <p>(b) make a monetary payment:</p> <p>(c) waive or reduce local government rates or fees for planning consent applications:</p> <p>(d) grant similar or alternative development rights elsewhere:</p> <p>(e) offer alternative parcels of land in exchange for the affected site:</p> <p>(f) provide access to targeted grant programmes for restoration, fencing, planting, or other mitigation activities <u>for managing environmental effects or enhancing the environment</u>.</p> <p>(5) The local authority must not elect a direction under subsection (4)(a)(ii) unless—</p> <p>(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)—</p> <p>(i) had acquired the estate or interest in the land before the date on which the provision was first notified or otherwise included in the relevant plan or proposed plan; and</p> <p>(ii) the provision remained in substantially the same form; and</p> <p>(b) the person with the estate or interest in the land consents to the giving of the direction.</p> <p>(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.</p> <p>(7) Nothing in subsections (3) to (6) limits the powers of the Environment Court under clause 48 of Schedule 9 on an appeal under Schedule 3.</p> <p>(8) Part 4 of Schedule 3 does not provide relief for any matter to which subsection (1) may apply, but is relevant for the purposes of this section to the extent that any relief provided under that subpart must be taken into account for the purposes of subsection (3).</p> <p>(89) In this section,—</p> <p><i>provision of a plan or proposed plan</i> does not include a designation or proposed designation <i>reasonable use</i>, in relation to land, includes <u>excludes</u> the use or potential use of the land for any activity where:</p> <p>(a) the actual or potential effects on any land use or on any person (other than the applicant) would not be significant; or:</p> <p>(b) <u>there is the possibility of breaching an environmental limit.</u></p>
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Environmental limits

NEB, cl 11

Pages 25-31 (environmental limits); 75-77 (scope)

11 Goals

(1) All persons exercising or performing functions, duties, or powers under this Act must ensure that environmental limits are defended, in order to protect human health and safeguard the life-supporting capacity of air, water, land and soil, and ecosystems.

(2) Subject to sub-section (1), a All persons exercising or performing functions, duties, or powers under this Act must seek to achieve the following goals, subject to sections 12 and 69:

(a) to enable the use and development of natural resources within environmental limits people and communities to provide their social, economic, cultural and environmental wellbeing:

(b) to safeguard the life-supporting capacity of air, water, soil, and ecosystems:

(c) to protect human health from harm caused by the discharge of contaminants:

(bd) to achieve ~~no~~ net ~~gain~~ loss in indigenous biodiversity:

(ce) to manage the effects of natural hazard associated with the use or protection of natural resources through proportionate and risk-based planning:

(df) to provide for Māori interests through—

(ei) Māori participation in the development of national instruments, spatial planning, and natural environment plans; and

(ii) the identification and protection of sites of significance to Māori (including, wāhi tapu, water bodies, or sites in or on the coastal marine area); and

(iii) enabling the development and protection of identified Māori land:-

(f) to reduce the emission of greenhouse gases:

(g) to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna:

(h) to promote the efficient use and development of natural and physical resources (including energy), including those with finite characteristics:

(i) to sustain the potential for natural resources to meet the needs of future generations:

(j) to enhance the quality of the natural environment and protect its intrinsic values.

(3) Unless provided for elsewhere in this Act or the Planning Act 2025, the goals in this section are the only goals that are relevant to decisions made under this Act.

<p>Planning Bill, cl 11</p>	<p>Pages 25-31 (environmental limits); 75-77 (scope)</p>	<p>11 Goals</p> <p>(1) All persons exercising or performing functions, duties, or powers under this Act must seek to achieve the following goals subject to <u>subsection (2) and</u> sections 12 and 45:</p> <p>(a) to ensure that land use does not unreasonably affect others, including by separating incompatible land uses:</p> <p>(b) to support and enable economic growth and change<u>the social economic, cultural and environmental wellbeing of people and communities</u> by enabling the <u>environmentally sustainable and efficient</u> use and development of land:</p> <p>(c) to create well-functioning <u>and healthy</u> urban and rural areas:</p> <p>(d) to enable competitive urban land markets by making<u>ensure that</u> land <u>is</u> available to meet current and expected demand for business and residential use and development:</p> <p>(e) to plan and provide for infrastructure to meet current and expected demand:</p> <p>(f) to maintain <u>and enhance</u> public access to and along the coastal marine area, lakes, and rivers <u>(including for the purpose of recreation)</u>:</p> <p>(g) to <u>preserve and</u> protect from inappropriate development <u>(including subdivision)</u> the identified values and characteristics of—</p> <p>(i) areas of high natural character within the coastal environment, wetlands, and lakes and rivers and their margins:</p> <p>(ii) outstanding natural features and landscapes, <u>especially those that are outstanding</u>:</p> <p>(iii) sites of significant historic heritage, <u>especially those that are significant</u>:</p> <p>(h) to safeguard communities from the <u>adverse</u> effects of natural hazards through proportionate and risk-based planning:</p> <p>(i) to provide for Māori interests through—</p> <p>(i) Māori participation in the development of national instruments, spatial planning, and land use plans; and</p> <p>(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 <u>and other taonga</u>); and</p> <p>(iii) enabling the development and protection of identified Māori land:-</p> <p><u>(j) to reduce emissions of greenhouse gas emissions through the control of land;</u></p> <p><u>(k) to enhance and integrate the natural environment into urban and rural environments;</u></p> <p><u>(l) to safeguard highly productive land for future generations.</u></p>
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		<p>(2) The goals in subsection (1) are subject to the goals in section 11(1) of the Natural Environment Act 2025. In subsection (1)(g), <i>identified</i> means identified in a national instrument, plan, or proposed plan.</p> <p>(3) In subsection 1(c), <i>well-functioning</i> urban environments include those which, at a minimum:</p> <p>(a) have or enable a variety of homes that:</p> <p>(i) meet the needs, in terms of type, price, and location, of different households; and</p> <p>(ii) enable Māori to express their cultural traditions and norms; and</p> <p>(b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and</p> <p>(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and</p> <p>(d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and</p> <p>(e) support reductions in greenhouse gas emissions; and</p> <p>(f) are resilient to the likely current and future effects of climate change</p>
NEB, cl 69	Pages 25-31	<p>69 Matters to consider when making national instrument</p> <p>(1) This section applies to the Minister when making a national instrument.</p> <p>(2) The Minister must have regard to the following principles:</p> <p>(a) achieving compatibility between the goals is to be preferred over achieving one goal at the expense of another:</p> <p>(b) <u>other than the goals in section 11(1) of this Act</u>, not all goals need to be achieved in all places at all times:</p> <p>(c) any conflicts within the proposed national instrument should be resolved in that document as far as reasonably practicable.</p> <p><u>(2A) For the avoidance of doubt, subsection (2)(a) does not authorise a national instrument to prefer the achievement of a goal at the expense of the goals in section 11(1) of this Act.</u></p> <p>(3) The Minister must consider all submissions received as a result of the process established under section 70.</p> <p>(4) The Minister’s consideration of any adverse effects—</p> <p>(a) must be appropriate to the nature of the proposed national instrument; and</p> <p>(b) is subject to sections 14 and 15(1).</p>

		<p>(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.</p> <p>(6) The Minister must also consider—</p> <p>(a) how the proposed national instrument will be monitored and reviewed; and</p> <p>(b) any other matter the Minister considers relevant that is consistent with achieving the goals in cl 11.</p>
NEB, cl 78	Pages 25-31	<p>78 Purpose of national policy direction</p> <p>(1) The purpose of a national policy direction is to do 1 or both of the following:</p> <p>(a) to particularise the goals of this Act and direct how they must be achieved; or</p> <p>(b) to help resolve conflicts between the goals in section 11 (2) of this Act and those in section 11 of the Planning Act 2025.</p> <p>(2) The purpose in subsection (1)(a) is the primary purpose of national policy direction.</p> <p>(3) A national policy direction for the purpose in subsection (1)(b) may be made under either Act.</p> <p>(4) The Minister must be satisfied that any proposed national policy direction is for a purpose specified in subsection (1).</p>
NEB, cl 81	Pages 27-29	<p>81 National policy direction to resolve conflicts between goals in both Acts</p> <p>(1) If the purpose of a proposed national policy direction is to help resolve conflicts between the goals in section 11 (2) and the goals in section 11 of the Planning Act 2025—</p> <p>(a) the Minister may consider any or all of the goals of either Act in that section; and</p> <p>(b) the Minister must consider ensure—</p> <p>(i) whether that the proposal enables development to occur only within environmental limits; and</p> <p>(ii) the current and long-term impacts s of the proposal on people and natural environment are given particular regard.</p> <p>(2) In this section, long-term impact means an impact spanning 2 or more human generations.</p>
NEB, cl 80	Pages 29-30	<p>80 National policy direction may restrict how goals may be achieved</p> <p>(1) A national policy direction may—</p> <p>(a) require that compliance with its objectives, policies, or directives is are the only ways s in which a goal may be achieved;</p> <p>(b) restrict how a specified key instrument achieves a goal.</p>

		<p>(2) Before making a direction under this section, the Minister must be satisfied that—</p> <p>(a) the direction does not unreasonably restrict the ability of local authorities to undertake their functions and responsibilities to manage natural resources; and</p> <p>(b) the restrictions imposed by the direction in respect of a goal does not unreasonably restrict the achievement of other goals; and</p> <p>(c) the direction will not result in severe significant or irreversible adverse effects to people and/or the natural environment;</p> <p>(d) the direction will not make a breach of an environmental limit more likely.-</p> <p>(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.</p> <p>(4) For the avoidance of doubt, local government functions and responsibilities, and the achievement of other goals, can be restricted under subsections (2)(a) and (b) to any extent necessary for the purpose of achieving the goals in section 11(1).</p>
NEB, cl 13	Page 30 (environmental limits); 84 (procedural principles)	<p>13 Procedural principles</p> <p>(1) A person exercising or performing functions, powers or duties under this Act must take all practicable steps to—</p> <p>(a) ensure all documents are succinct and use plain language that can be readily understood by the public;</p> <p>(b) act in a timely and cost-effective manner;</p> <p>(c) act proportionately to the scale and significance of the matter;</p> <p>(d) ensure they have enough information to understand the implications of their decision (if any), after considering—</p> <p>(i) the cost and feasibility of obtaining the information; and</p> <p>(ii) the scale and significance of the matter to which the decision relates;</p> <p>(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;</p> <p>(f) avoid unnecessary repetition in key instruments.</p> <p>(2) Subsection (1)(e) does not allow use and development to be enabled if it would be inconsistent with the goals in section 11(1).</p> <p>(3) A person exercising or performing functions, powers or duties under this Act must:</p> <p>(a) favour caution and environmental protection if available information is uncertain or inadequate; and</p>

		<p>(b) have regard to the polluter-pays principle.</p> <p>(3) <i>Polluter pays principle</i> means the principle that those who produce pollution should bear the costs of managing it to prevent harm to human health and the environment.</p>
NEB, cl 46	Pages 36-39	<p>46 Purpose of environmental limits</p> <p>The purpose of an environmental limit is to—</p> <p>(a) protect human health (human health limits); or</p> <p>(b) protect the life-supporting capacity of the natural environment <u>for current and future generations</u> (ecosystem health limits).</p>
NEB, cl 45	Pages 32-33; 37	<p>...</p> <p><i>life-supporting capacity of the natural environment</i> means the ability of ecosystems of the natural environment—</p> <p>(a) to support and sustain a diverse range of indigenous life over time; and</p> <p><u>(b) to the extent it is consistent with subsection (a), to support and sustain species (other than pest species) that are important to the structure and functioning of an ecosystem:</u></p> <p><u>(c) to maintain or improve the conservation status of species listed as threatened, at risk, rare or data-deficient in the New Zealand Threat Classification System or indigenous species that are considered vulnerable or irreplaceable:</u></p> <p>(d) to be resilient</p> <p>...</p> <p><u><i>New Zealand Threat Classification System</i> means the system administered by the Department of Conservation to assess the threat status of indigenous species of plants and animals.</u></p>
NEB, cl 49	Pages 32-33	<p>49 Where human health limits must be set</p> <p>(1) The Minister must set human health limits for attributes within each of the following domains:</p> <p>(a) freshwater:</p> <p>(b) coastal water:</p> <p>(c) land and soil:</p> <p>(d) air.</p> <p>(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.</p> <p><u>(3) Human health limits may be set for any other domain or attribute if it is consistent with the purpose of environmental limits.</u></p>

	Pages 32-33; 37	<p>50 Where ecosystem health limits must be set</p> <p>(1) A regional council must set ecosystem health limits for attributes in each of the following domains:</p> <p>(a) freshwater:</p> <p>(b) coastal water:</p> <p>(c) land and soil:</p> <p>(d) indigenous biodiversity, <u>including species listed as threatened, at risk, rare or data-deficient in the New Zealand Threat Classification System or indigenous species that are considered vulnerable or irreplaceable:</u></p> <p><u>(e) estuaries:</u></p> <p><u>(f) wetlands:-</u></p> <p>(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.</p> <p>(3) An ecosystem health limit for the domain of air may be set by a regional council only if directed by national standards.</p> <p><u>(4) Ecosystem health limits must be set for the following attributes:</u></p> <p><u>(a) [appropriate attributes to be legislated upon further scientific advice]</u></p> <p><u>(5) Ecosystem health limits may be set for any other domain or attribute if it is consistent with the purpose of environmental limits.</u></p>
NEB, cl 51	Pages 32-37 (environmental limits); 84 (procedural principles)	<p>51 How ecosystem health limits must be set in plans</p> <p>(1) A regional council must set ecosystem health limits in its natural environment plans.</p> <p>(2) When setting an ecosystem health limit, a regional council—</p> <p>(a) must follow the methodology specified in national standards for setting the limit; and</p> <p>(b) if there is no methodology specified, may determine and follow its own methodology for setting the limit; <u>and:-</u></p> <p><u>(c) must seek and have particular regard to written advice provided by the independent limits review panel established under section 50A; and</u></p> <p><u>(d) must establish a safety margin within environmental limits (to account for uncertainties, natural variability, errors, or unexpected events).</u></p> <p>(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.</p>

		<p>(4) If a regional council must not propose, and proposes or an independent hearings panel must not recommends, an ecosystem health limit that is less stringent than the minimum acceptable level specified in an ecosystem health limit specified in national standards made under section 54(3)(b). for that ecosystem health limit, the council or panel must prepare a justification report.</p>
NEB, cl 50A (new)	Pages 34-36	<p>50A Independent limits review panel</p> <p>(1) The Minister must appoint a limits review panel.</p> <p>(2) The function of the panel is to provide advice to the Minister and regional councils on the setting of environmental limits, including methodologies for setting environmental limits.</p> <p>(3) When appointing members of the panel, the Minister must be satisfied that the panel, collectively, has knowledge and expertise in relation to—</p> <p>(a) life-supporting capacity of the natural environment;</p> <p>(b) the interplay between the natural environment and the protection of human health;</p> <p>(c) environmental science and mātauranga Māori;</p> <p>(e) environmental and natural resource management.</p> <p>(4) The Minister may set terms of reference for the panel.</p>
NEB, cl 52	Page 84 (procedural principles)	<p>52 Criteria for decisions relating to environmental limits</p> <p>...</p> <p>(5) Despite subsection (4), a lack of full scientific certainty is no reason to delay making a decision under this section. to prevent significant or irreversible harm to the natural environment.</p>
NEB, cl 53	Pages 36-39	<p>53 Developing human health limits</p> <p>(1) Before setting a human health limit in a national standard, the Minister must be satisfied that—</p> <p>(a) the proposed limit will protect human health to an acceptable standard; and</p> <p>(b) the proposed limit will, as a minimum, prevent significant or irreversible harm to people and communities.</p> <p>(2) When specifying the standard to which human health must be protected, the Minister must consider—</p> <p>(a) at tthe goals of this Act and any national policy direction in accordance with section 12(4); and</p> <p>(b) the relevant health guidelines published or advised by the Ministry of Health or the Minister of Health; and</p>

		<p>(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</p> <p>(d) the impact of the proposed limit in accordance with section 56.</p> <p>...</p> <p><u>(4) Before setting a human health limit in a national standard, the Minister must seek written advice from the independent limits review panel and have particular regard to that advice.</u></p>
NEB, cl 54	Pages 36-39	<p>54 Specifying methodologies for setting ecosystem health limits</p> <p>(1) The Minister must make national standards that specify a methodology that regional councils must follow when setting an ecosystem health limit.</p> <p>(2) Before making the national standards, the Minister must, in addition to the requirements of section 52—</p> <p>(a) consider the existing capacity of the natural environment to withstand or recover from pressure and disturbances in accordance section 57; and</p> <p><u>(b) seek written advice from the independent limits review panel and have particular regard to that advice; and</u></p> <p>(b) consider the impact of the proposed methodology in accordance with section 56; and</p> <p>(c) be satisfied that the methodology supports the purpose of the ecosystem health limits (to protect the life-supporting capacity of the natural environment).:-</p> <p>(3) National standards—</p> <p>(a) may specify whether an ecosystem health limit must be expressed only as a state attribute or a stress attribute; and</p> <p>(b) may specify minimum acceptable levels for ecosystem health limits; but</p> <p>(c) must not determine an ecosystem health limit itself.</p> <p>(4) However, a lack of scientific certainty is no reason to delay making the national standards or not to make the standards.</p>
NEB, cl 55	Pages 36-39	<p>55 Developing ecosystem health limits</p> <p>(1) Before determining an ecosystem health limit, a regional council must, in addition to the requirements of section 52,—</p> <p>(a) consider the existing capacity of the natural environment to withstand or recover from pressure and disturbances in accordance with section 57; and</p> <p>(b) <u>be satisfied that the proposed limit will, as a minimum, prevent harm to people or the natural environment that is significant or irreversible; and consider the impact of the proposed limit in accordance with section 56; and</u></p>

		<p>(c) be satisfied that the proposed limit achieves the purpose of ecosystem health limits.</p> <p>(2) However, a lack of scientific certainty is no reason to delay making the standard or not to make the standard.</p>
NEB, cl 56	Pages 36-39	<p>56 Assessing impact of proposed environmental limit or methodology</p> <p>A consideration of the impact of a proposed environmental limit or methodology requires an assessment of—</p> <p>(a) the positive, adverse, actual, potential, and cumulative effects of the proposed limit or methodology on either of the following (as applicable):</p> <p>(i) on the life-supporting capacity of the natural environment:</p> <p>(ii) human health:</p> <p>(b) the needs or aspirations of communities for the economy, society, and the natural environment:</p> <p>(c) the magnitude and spatial extent of—</p> <p>(i) any over-allocation of national resources; and</p> <p>(ii) any natural resources likely to be available for allocation as a result of the proposed limit or methodology:</p> <p>(d) the implications of the proposed limit for the current and future use of natural resources and the benefits associated with that use:</p> <p>(e) the efficacy and cost of available methods to manage effects within the proposed limit:</p> <p>(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:</p>
NEB, cl 58	Page 34	<p>58 National standards must set management units or methodologies</p> <p>(1) National standards must, in relation to a domain or an attribute associated with an environmental limit,—</p> <p>(a) set management units; or</p> <p>(b) prescribe methodologies by which regional councils must identify and set management units.</p> <p>(2) Every environmental limit must be associated with a management unit.</p> <p>(3) National standards that set human health limits may prescribe methodologies for regional councils to identify where the human health limits apply.</p> <p>(4) The size and location of the management unit must—</p> <p>(a) be appropriate to achieve the purpose of the environmental limit; and</p>

		<p>(b) be determined <u>only</u> by reference to scientific knowledge and evidence <u>(including mātauranga Māori)</u>.</p> <p>(5) To avoid doubt, subsection (4)(b) is in addition to section 59.</p>
NEB, cl 60	Pages 46-50	<p>60 Tools for managing resources to which limits apply</p> <p>(1) A regional council must manage every natural resource that is subject to an environmental limit.</p> <p>(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:</p> <p>(a) a cap on resource use;</p> <p>(b) an action plan;</p> <p>(c) both paragraphs (a) and (b).</p> <p>(3) A regional council must give first preference to only using<u>use only</u> a cap on resource use unless—</p> <p>(a) the council considers, in accordance with any criteria prescribed in regulations, that it is not effective or feasible to do so; or</p> <p>(b) national standards direct otherwise.</p> <p>(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.</p>
NEB, cl 61	Pages 46-50; 56-59	<p>61 National standards may require action plan, cap on resource use, or both</p> <p>For the purpose of ensuring compliance with an environmental limit or remedying a breach of an environmental limit, national standards—</p> <p>(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</p> <p>(b) may specify—</p> <p>(i) the process for setting a cap on resource use; and</p> <p>(ii) how and when a cap on resource use must be set; and</p> <p>(b) may specify—</p> <p>(i) minimum requirements for the content of the action plan; and</p> <p>(ii) the process for developing the action plan; and</p> <p>(iii) how and when the action plan must be implemented and monitored.</p>
NEB, cl 62	Pages 46-50	<p>62 Cap on resource use</p> <p>(1) A cap on resource use—</p>

		<p>(a) describes the maximum amount of resource use that can occur without breaching an environmental limit; and</p> <p>(b) must be included within a natural environment plan using the process in Schedule 3 of the Planning Act 2025; and</p> <p>(c) informs-sets the maximum quantum of resource use that a regional council may allocate through <u>natural environment plans and natural resource rules</u> and permits; and</p> <p>(d) must be given effect to in natural environment plan rules and complied with in decisions on natural resource permits:</p> <p>(ee) may be expressed in terms of—</p> <p>(i) a land use (such as the <u>nature or</u> extent of an activity);</p> <p>(ii) an input (such as an amount of fertilizer that may be applied);</p> <p>(iii) an output (such as the volume or rate of contaminant discharge, for example, an annual nitrogen discharge cap);;</p> <p>(iv) any other action (such as a take or diversion of freshwater) controlled under subpart 2 of Part 2 of this Act; and</p> <p>(d) may apply to all or part of a management unit.</p> <p>(2) A regional council must publish caps set on resource use on its internet site.</p>
NEB, cl 63	Pages 46-50	<p>63 General content of action plans</p> <p>(1) An action plan may set out matters relating to—</p> <p>(a) decision-making on applications for natural resource permits; and</p> <p>(b) the review of conditions of permits; and</p> <p>(c) the preparation of rules in a natural environment plan; and</p> <p>(d) caps on resource use.</p> <p>(2) An action plan must—</p> <p>(a) set out any other matters required by national standards; and</p> <p>(b) be consistent with national standards.</p> <p>(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.</p> <p>(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 if needed to reflect the natural environmental plan or provisions that have become operative.</p>

NEB, cl 64	Pages 46-50; 56-59	<p>64 Considerations before action plans can include controls on land use or inputs</p> <p>(1) This section applies if a regional council prepares an action plan for one of the following purposes:</p> <ul style="list-style-type: none"> (a) to avoid breaching an environmental limit; (b) to remedy a breach of an environmental limit. <p>(2) An action plan must not include controls on land use or inputs unless the regional council satisfied that the following measures will not be sufficient to achieve the purpose of the action plan:</p> <ul style="list-style-type: none"> (a) national standards; (b) existing rules in a natural environment plan; (c) freshwater farm plans; (d) non-regulatory measures. <p>(3) In this section, <i>controls on land use or inputs</i> 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).</p>
NEB, cl 65	Pages 46-50; 56-59	<p>65 Requirements for action plans to remedy breach of environmental limits</p> <p>If the purpose of an action plan prepared by a regional council is to remedy a breach of an environmental limit,—</p> <ul style="list-style-type: none"> (a) the council must set a date by which compliance with the limit must be achieved (the <i>target date</i>); and (b) if the target date is more than 10 years after the commencement of the action plan,— <ul style="list-style-type: none"> (i) the plan must contain a series of interim limits at intervals of no more than 5 years; and (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 <u>and be consistent with the purpose of the environmental limit</u>.
NEB, cl 66	Pages 54-56	<p>66 Avoiding breach of environmental limit</p> <p>(1) A regional council must avoid breaching an environmental limit.</p> <p>(2) A regional council must evaluate the likelihood of a limit being breached if—</p> <ul style="list-style-type: none"> (a) there is <u>sufficient reasonable</u> evidence that the limit is likely to be of a possibility of a breached in the <u>short</u>, medium orto long term future; or

		<p>(b) there are activities authorised under this Act or other legislation that—</p> <p>(i) are carried out within a management unit; and</p> <p>(ii) are likely tomay give rise to a breach of the limit.</p> <p>(3) If a regional council is satisfied that <u>there is a possibility of</u> a breach of an environmental limit is likely to occur, the council must—</p> <p>(a) take action to avoid the breach by <u>changing its natural environment plan (including rules) if that would be effective in preventing the breach: and</u></p> <p>(aa) preparing an action plan or changing its natural environment plan; and</p> <p>(b) take any other action the council considers necessary <u>necessary</u> to avoid breaching the environmental limit, including—</p> <p>(i) making or changing a cap on resource use:</p> <p>(ii) preparing or changing a rule in a natural environment plan:</p> <p>(iii) reviewing the conditions (specified in the plan) that apply to natural resource permits and making any necessary adjustments:</p> <p>(iii) reviewing the conditions of an existing permit and making any necessary adjustments;</p> <p>(iv) establishing a safety margin within environmental limits (to account for uncertainties, natural variability, errors, or unexpected events):</p> <p>(v) widening that safety margin:</p> <p>(vi) changing the way that natural resources are allocated, <u>including by reducing total allocation</u>.</p> <p>(4) In this section, sufficient <u>reasonable</u> evidence includes—</p> <p>(a) evidence of trends in the state of the natural environment over time; or</p> <p>(b) forecasts informed by modelling or evaluation.</p>
NEB, cl 67	Pages 56-59	<p>67 Breach of environmental limits</p> <p>(1) A breach of an environmental limit must be managed in accordance with the requirements of this subpart.</p> <p><u>(1A) A breach of an environmental limit includes where the state of a management unit is already in breach when that limit is set in the first natural environment plan.</u></p> <p>(2) A regional council must publicly notify, in accordance with any requirements in national standards made under this subpart,—</p> <p>(a) any breach of an environmental limit; and</p> <p>(b) the cause and extent of the breach.</p> <p>(3) If an environmental limit is breached or is likely to be breached, a regional council must—</p>

		<p>(a) prepare an action plan detailing how the council will manage natural resource use to remedy the breach; and</p> <p>(b) establish or review and, if it would be effective in remedying the breach, reduce any relevant cap on resource use in a natural environment plan; and</p> <p>(ba) if it would be effective in remedying the breach, prepare or change a rule in its natural environment plan.</p> <p>(c) take any other action the council considers necessary to remedy the breach, including—</p> <p>(i) setting a cap on resource use, if it has not been set; or</p> <p>(ii) preparing or changing a rule in a natural environment plan; or</p> <p>(iii) reviewing the conditions of any existing permit and making any necessary adjustments; or</p> <p>(iv) changing the way that natural resources are allocated (including by reducing total allocation.</p> <p>(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.</p>
Planning Bill, cl 89	Pages 40; 49-50	<p>89 Requirements for justification reports</p> <p>(1) This section sets out the requirements for a justification report required under clause 11 of Schedule 3 for a draft of a proposed <u>land use</u> plan that contains a bespoke plan provision or a provision on a specified topic.</p> <p>...</p>
Planning Bill, cl 90	Pages 40; 49-50	<p>90 Requirements for further justification reports</p> <p>(1) A further justification report required under clause 26 or 27 of Schedule 3 for a proposed <u>land use</u> plan—</p> <p>...</p>
Planning Bill, cl 87	Pages 43-50	<p>87 Requirements for evaluation reports</p> <p>(1) An evaluation report required under clause 10 of Schedule 3 for a draft of a proposed plan must set out how the draft proposed plan implements—</p> <p>(a) the relevant spatial plan; and</p> <p>(b) any applicable national policy direction; and</p> <p>(c) any applicable goal to the extent permitted by section 12(4).</p> <p>(2) The evaluation report must—</p>

		<p>(a) summarise the territorial authority's reasons for selecting any standardised plan provision from a national standard, if a national standard authorises or requires the territorial authority to choose between any 2 or more alternative standardised plan provisions; and</p> <p>(b) state how, if at all, the draft has been influenced by—</p> <p>(i) pre-notification consultation (see clause 5 of Schedule 3); and</p> <p>(ii) any other engagement with local communities.</p> <p><u>(c) explain how the draft is consistent with environmental limits.</u></p> <p>(3) The evaluation report—</p> <p>(a) must contain sufficient detail to identify the key content in a draft proposed plan; but</p> <p>(b) is not required to individually address every objective, policy, rule, or method in the draft.</p>
Planning Bill, Schedule 2, cl 2	Pages 42-43	<p>2 Contents of regional spatial plans</p> <p>(1) A regional spatial plan—</p> <p>(a) must identify and provide for the mandatory matters listed in clause 3; and</p> <p>(b) may identify and provide for any other matters in accordance with subclause (3).</p> <p>(2) A regional spatial plan must be consistent with—</p> <p>(a) environmental limits; and</p> <p>(b) national instruments; and</p> <p>(c) any water conservation order that applies in the region.</p> <p>(3) A regional spatial plan must provide for the matters referred to in subclause (1)(b) and <u>clause (3)(c)-(i)</u>—</p> <p>(a) only to the extent that the spatial plan committee considers that they are of strategic importance to the district, region, or country; and</p> <p>(b) consistent with national instruments.</p> <p>(4) A regional spatial plan must set out the actions that are critical for the implementation of the plan.</p>
Planning Bill, Schedule 2, cl 3	Page 43	<p>3 Contents of regional spatial plans: mandatory matters</p> <p>(1) The mandatory matters referred to in clause 2(1)(a) are as follows:</p> <p>(a) constraints on the use and development of land and the coastal marine area, including natural hazards, highly productive land, significant natural areas, <u>areas of high natural character</u>, and outstanding natural features and landscapes:</p> <p>(b) the spatial implications of environmental limits:</p> <p>...</p>

		(5) The spatial implications of environmental limits includes the identification of areas where land use change is anticipated to be required.
Planning Bill, Schedule 1, cl 2	Pages 41-43 (environmental limits); 90-91 (transition)	<p>2 Explainer</p> <p>(1) When this Act and the Natural Environment Act 2025 receive Royal assent,—</p> <p>(a) activity under the Acts will be focussed on making national instruments and preparing planning instruments; and</p> <p>(b) the RMA continues to apply.</p> <p>(2) The transition period will start 1 month after Royal assent. During this period—</p> <p>(a) the RMA continues to apply subject to the amendments made to it in Part 1 of Schedule 11; and</p> <p>(b) national instruments will be issued, <u>environmental limits will be established</u>, regional spatial plans will be notified and decided, and land use plans and <u>the remaining provisions of</u> natural environment plans will be prepared (in that order).</p> <p>(3) When the Minister is satisfied that the plans making up the combined plan for each region have been notified, an Order in Council will be made that specifies the transition date. That Order in Council brings an end to the transition period by—</p> <p>(a) repealing the RMA; and</p> <p>(b) bringing into force the remaining provisions of the Act; and</p> <p>(c) giving legal effect to all land use plans and natural environment plans.</p> <p>(4) This clause is only a guide.</p>
Planning Bill, Schedule 1, cl 5	Pages 40; 49-50.	<p>5 First key instruments under this Act and Natural Environment Act 2025</p> <p>First set of national instruments under both Acts to be issued</p> <p>(1) No later than 9 months after Royal assent—</p> <p>(a) the national policy direction under this Act must be issued; and</p> <p>(b) the national policy direction under the Natural Environment Act 2025 must be issued.</p> <p>(2) After the first national policy direction is issued under this Act,—</p> <p>(a) national standards setting the evidence base supporting combined plans required by section 58 must be issued within 9 months after Royal assent:</p> <p>(b) national standards on standardised provisions required by section 58 must be issued within 18 months after Royal assent.</p> <p>(3) After the first national policy direction is issued under the Natural Environment Act 2025—</p>

		<p>(a) national standards required by section 6.5(a), (b), and (d) of that Act must be issued within 9 months after Royal assent <i>[this cross-reference is unclear, but it needs to include human health limits, methodologies for establishing ecosystem limits, national ecosystem limits, and guidance for constraints mapping in spatial plans]</i>; and</p> <p>(b) national standards required by section 6.5(c) of that Act must be issued within 18 months after Royal assent; and</p> <p>(c) national standards required by section 6.8(1)(b) of that Act must be issued within 9 months after Royal assent.</p> <p><u>Environmental limits to be set</u></p> <p><u>(3A) After the first national policy direction is issued under the Natural Environment Act 2025, ecosystem health limits for each region-</u></p> <p><u>(a) must, via a natural environment plan, be publicly notified within-</u></p> <p><u>(i) 15 months after Royal assent; or</u></p> <p><u>(ii) 6 months after the first national policy direction is issued; and</u></p> <p><u>(b) must be decided within 6 months after it is publicly notified.</u></p> <p><u>Regional spatial plan to be notified</u></p> <p>(4) After the first national policy direction is issued under this Act, a draft regional spatial plan for each region—</p> <p>(a) must be publicly notified within—</p> <p>(i) 15 months after Royal assent; or</p> <p>(ii) 6 months after the first national policy direction is issued; and</p> <p>(b) must be decided (in accordance with sections 22 and 23) within 6 months after it is publicly notified.</p> <p><u>(4A) A regional spatial plan has no legal effect until the transition period ends under clause 4 of Schedule 5 of this Act.</u></p> <p><u>Joint preparation of environmental limits and spatial plans</u></p> <p><u>(4AA) The preparation of a draft spatial plan under clause 5(4) and the preparation of environmental limits under clause 5(3A) must occur in an integrated manner.</u></p>
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		<p>Land use plan and other provisions in natural environment plan to be notified</p> <p>(5) Within 9 months after a regional spatial plan for a region is decided,—</p> <p>(a) each territorial authority in that region must notify a land use plan for public submissions; and</p> <p>(b) each regional council must notify the remaining provisions of aa natural environment plan for public submissions.</p> <p>(6) However, a territorial authority that is located in 2 or more regions must notify a land use plan for public submissions within 9 months after the last relevant regional spatial plan is decided.</p>
Planning Bill, Schedule 2, cl 19	Page 42	<p>19 Minister may make decisions on recommendations relating to certain matters</p> <p>(1) The Minister may make a decision on a recommendation made under clause 17 if the recommendation relates to—</p> <p>(a) a matter that will have a significant positive or negative impact on the delivery, use, performance, or cost or cost-effectiveness of existing or planned infrastructure or other assets that are owned or funded (in whole or part) by central government; or</p> <p>(b) infrastructure or a matter that will support or impact a matter of national interest included in national instruments, a government policy statement, or other national plan or strategy:</p> <p>(2) Subclause (1) does not apply to a recommendation made under clause 17 on a proposed designation that has been notified in the draft regional spatial plan:</p> <p>(3) If the Minister intends to make a decision under subclause (1), the Minister must notify the local authorities and the spatial plan committee of that intention and provide them a time frame within which the Minister will make the decision on the recommendation:</p> <p>(4) The Minister must—</p> <p>(a) decide whether to accept or reject the recommendation within the time frame provided under subclause (3); and</p> <p>(b) for a rejected recommendation, decide an alternative solution, which—</p> <p>(i) may or may not include elements of both the draft regional spatial plan as notified and the independent hearings panel's recommendation in respect of that part of the draft plan; but</p> <p>(ii) must be within the scope of the submissions:</p> <p>(5) When deciding whether to accept or reject a recommendation, the Minister must consider whether their decision is consistent with the requirements of this Act that are—</p> <p>(a) related to the contents of spatial plans; and</p>

		<p>(b) relevant to that decision.</p> <p>(6) The Minister must make a decision on a recommendation made under clause 17 within 12 months of the date on which the draft regional spatial plan was notified.</p> <p>(7) If the Minister and local authorities make a decision on a recommendation made under clause 17 and the decisions conflict, the Minister's decision prevails.</p> <p>(8) The Minister must—</p> <p>(a) publicly notify their decision under subclause (1) on an internet site in a way that sets out the following information:</p> <p>(i) whether they accept the recommendation of the independent hearings panel; or</p> <p>(ii) whether they reject the recommendation of the independent hearings panel and the reasons for doing so; and</p> <p>(iii) the alternative solution for any rejected recommendation; and</p> <p>(b) notify each local authority in the region, the spatial planning committee, and each designating authority affected by the decisions of the Minister under subclause (1) of the information referred to in paragraph (a).</p>
Planning Bill, Schedule 2, cl 24	Page 42	<p><i>[Note: the following change applies if Schedule 2, cl 19 of the Planning Bill is not deleted]</i></p> <p>24 Appeal to Environment Court on point of law</p> <p>(1) A person who submitted on a draft regional spatial plan may appeal to the Environment Court against a decision on an independent hearings panel recommendation on a question of law.</p> <p><u>(1A) A decision referred to in subclause (1) includes a decision of the Minister under clause 19 of Schedule 2 of this Act.</u></p> <p>(2) Notice of the appeal must be given in accordance with clause 37 of Schedule 3.</p>
Planning Bill, Schedule 2, cl 25	Page 42	<p><i>[Note: the following change applies if Schedule 2, cl 19 of the Planning Bill is not deleted]</i></p> <p>25 Appeal to Environment Court on merits</p> <p>(1) A person who submitted on a draft regional spatial plan may appeal to the Environment Court in respect of a decision to reject the independent hearings panel's recommendation relating to infrastructure.</p> <p><u>(1A) A decision referred to in subclause (1) includes a decision of the Minister under clause 19 of Schedule 2 of this Act.</u></p>

		<p>(2) However, a person may appeal under subclause (1) only if the person referred to the matter in the person's submission on the draft regional spatial plan.</p> <p>(3) Notice of the appeal must be given in accordance with clause 37 of Schedule 3.</p>
NEB, cl 92	Page 44	<p>92 Purpose of natural environment plan</p> <p>The purpose of the preparation, implementation, and administration of a natural environment plan is to—</p> <p>(aa) establish and defend environmental limits;</p> <p>(a) enable and regulate the use, protection, and enhancement of natural resources within a region; and</p> <p>(b) assist regional councils in carrying out their functions and responsibilities under this Act.</p>
NEB, cl 15	Page 45-46 (environmental limits); 85 (effects thresholds)	<p>15 Considering adverse effects of activities</p> <p>(1) A person exercising or performing functions, powers, or duties under this Act who is considering the effects of an activity—</p> <p>(a) must consider how—</p> <p>(i) first, adverse effects are to be avoided, minimised, or remedied <u>or mitigated</u>, where practicable; or</p> <p>(ii) <u>secondly,</u> adverse effects are to be offset or compensated, where appropriate.</p> <p>(b) must not consider a less than minor adverse effect <u>effects that are negligible</u> unless the cumulative effect of 2 or more such effects create effects that are greater than less than minor.</p> <p>(2) A national instrument may specify, <u>subject to subsections (1)(a) and (c)</u>—</p> <p>(a) how, and in what order, adverse effects are to be avoided, minimised, or remedied, <u>mitigated</u>, offset, or compensated; and</p> <p>(b) when it is practicable for adverse effects to be avoided, minimised, or remedied <u>or mitigated</u>; and</p> <p>(c) when it is appropriate for adverse effects to be offset or compensated, and</p> <p>(d) where specific effects are managed under this Act and under the Planning Act 2025.</p> <p>(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.</p> <p>(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.</p>

		<p>(5) In this section, a <i>less than minor adverse effect</i> means an adverse effect that is acceptable and reasonable in the receiving environment with any change being slight or barely noticeable.</p> <p>(3) Offsetting and compensation is appropriate only after steps to avoid, minimise, remedy and mitigate adverse effects have been demonstrated to have been sequentially exhausted.</p> <p>(4) It is not appropriate for effects on biodiversity to be offset or compensated if:</p> <p>(a) the indigenous biodiversity affected is threatened, at risk or irreplaceable;</p> <p>(b) there are no technically feasible or socially acceptable options for securing gains within acceptable time frames;</p> <p>(c) they are uncertain, unknown, or little understood but potentially significantly adverse or irreversible”</p>
NEB, cl 106	Pages 46-50 (environmental limits); 65 (public participation and standing)	<p>106 Requirements for evaluation reports</p> <p>(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—</p> <p>(aa) the purpose of environmental limits; and</p> <p>(a) the relevant spatial plan; and</p> <p>(b) any applicable national policy direction; and</p> <p>(c) any applicable goal to the extent permitted by section 12(4).</p> <p>(2) The evaluation report must—</p> <p>(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</p> <p>(ab) explain the regional council’s reasons for not preparing a bespoke rule;</p> <p>(b) state how, if at all, the draft has been influenced by—</p> <p>(i) pre-notification consultation (see clause 5 of Schedule 3 of the Planning Act 2025); and</p> <p>(ii) any other engagement with local communities.</p> <p>(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.</p> <p>(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 examine and explain why the following measures are not sufficient to ensure compliance with the limit:</p> <p>(a) non-regulatory methods specified in an action plan:</p>

		<p>(b) freshwater farm plans;</p> <p>(c) any rules in an operative natural environment plan;</p> <p>...</p>
NEB, cl 107	Pages 46-50 (environmental limits); 65 (public participation and standing)	<p>107 Requirements for further evaluation reports</p> <p>(1) A further evaluation report required under clause 26 or 27 of Schedule 3 of the Planning Act 2025 for a proposed plan—</p> <p>(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</p> <p>(b) is not required if the significant change is the replacement of a bespoke plan provision with a standardised plan provision;</p> <p>(2) A further evaluation report must—</p> <p>(a) be prepared in accordance with section 106(1) to (4); and</p> <p>(b) contain a level of detail that corresponds to the scale and significance of the changes.</p>
NEB, cl 3	Pages 8-19 (regulatory relief); 46-50 (environmental limits); 63-66 (public participation and standing)	<p>specified topic means any of the following topics:</p> <p>(a) a significant natural area;</p> <p>(b) a site of significance to Māori;</p> <p>(c) terrestrial indigenous biodiversity</p>
Planning Bill, Schedule 3, cl 11	Pages 46-50 (environmental limits); 63-66 (public participation and standing)	<p>11 Justification report</p> <p>(1) Before notifying for submissions a proposed land use plan that contains a bespoke plan provision or a provision on a specified topic, a territorial authority must—</p> <p>(a) prepare a justification report on those provisions in accordance with section 89; and</p> <p>(b) have particular regard to the justification report when deciding whether to proceed to notify the proposed land use plan with those provisions for submissions.</p> <p>(2) Before notifying for submissions a proposed natural environmentland use plan that contains a bespoke plan provision or; a provision on a specified topic;or a provision to which section 51(4) of the Natural Environment Act 2025 applies, a regional council must—</p> <p>(a) prepare a justification report on those provisions in accordance with section 89 of this Act (for a proposed land use plan) or section 108 of the Natural Environment Act 2025 (for a proposed natural environment plan); and</p> <p>(b) have particular regard to the justification report when deciding whether to proceed to notify the proposed plan with those provisions for submissions.</p>

		<p>(3) If the chief executive conducts an assessment under clause 12 and provides any feedback on the provisions covered by a justification report, the local authority must update the justification report to state how, if at all, that feedback has influenced its proposals for those provisions.</p>
NEB, cl 108	Pages 46-50 (environmental limits); 63-66 (public participation and standing)	<p>108 Requirements for justification reports</p> <p>(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—</p> <ul style="list-style-type: none"> (a) a bespoke provision; or (b) a provision on a specified topic; or (c) a provision to which section 51(4) applies (which relates to less stringent ecosystem health limits). <p>(2) In relation to a bespoke provision, a justification report must—</p> <ul style="list-style-type: none"> (a) justify why the provision is either— <ul style="list-style-type: none"> (i) expressly authorised by a national instrument; or (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 (f) state how, if at all, the draft has been influenced by— <ul style="list-style-type: none"> (i) pre-notification consultation (see clause 5 of Schedule 3 of the Planning Act 2025); and (ii) any other engagement with local communities. <p>(3) In relation to a provision on a specified topic, a justification report must—</p> <ul style="list-style-type: none"> (a) identify which specified topic the provision relates to; and (b) justify why the provision is not precluded by national instruments; and (c) describe the area to which the provision applies; and (d) assess the extent to which the provision is appropriate in relation to the cultural or natural values associated with that area; and

		<p>(e) describe the key data and evidence that has informed the proposed provision, including the spatial application of the proposed provision; and</p> <p>(f) include the matters in subsection (2)(b) to (e):</p> <p>(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.</p> <p>(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.</p>
NEB, cl 109	Pages 46-50 (environmental limits); 63-66 (public participation and standing)	<p>109 Requirements for further justification reports</p> <p>(1) A further justification report required under clause 26 or 27 of Schedule 3 of the Planning Act 2025 for a proposed plan—</p> <p>(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</p> <p>(b) is not required if the significant change is the replacement of a bespoke plan provision with a standardised plan provision.</p> <p>(2) A further justification report must—</p> <p>(a) be prepared in accordance with section 108(1) to (4); and</p> <p>(b) contain a level of detail that corresponds to the scale and significance of the changes.</p>
NEB, cl 110	Pages 46-50 (environmental limits); 63-66 (public participation and standing)	<p>110 Failure to properly prepare evaluation report or justification report</p> <p>(1) A proposed plan or any provision in it—</p> <p>(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</p> <p>(b) may only be challenged in a submission on the proposed plan made in accordance with Schedule 3 of the Planning Act 2025.</p> <p>(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.</p>
Planning Bill, cl 80	Pages 50-51	<p>80 Core obligations when preparing and deciding land use plan</p> <p>(1) This section sets out the core obligations that apply when—</p> <p>(a) a territorial authority is making a decision on a matter that a national instrument expressly authorises it to make, in relation to if and how it incorporates a standardised plan provision into its plan or proposed plan (see sections 48 and 78); and</p> <p>(b) a territorial authority is preparing or deciding a bespoke plan provision (see section 79).</p>

		<p>(2) A territorial authority must make its decisions in accordance with its responsibilities and functions under sections 184 and 185 so that the resulting land use plan implements—</p> <ul style="list-style-type: none"> (a) the national policy direction; and (b) any national standard; and (c) any relevant provision in a regional spatial plan. <p>(3) However, subsection (2)(c) does not apply in relation to a provision in a regional spatial plan to the extent that the territorial authority is satisfied that—</p> <ul style="list-style-type: none"> (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 (b) there has been a significant change in circumstances or in the physical environment since that provision was decided (for example, a major environmental or economic event). <p>(4) The territorial authority must—</p> <p><u>(aa) ensure that a land use plan or proposed land use plan is consistent with environmental limits set under the Natural Environment Act 2025; and</u></p> <ul style="list-style-type: none"> (a) have particular regard to— <ul style="list-style-type: none"> (i) the evaluation report required by clause 10 of Schedule 3; and (ii) any justification report required by clause 11 of Schedule 3; and (iii) any further evaluation report or further justification report required by clause 26 or 27 of Schedule 3; and (b) have regard to— <ul style="list-style-type: none"> (i) any statutory acknowledgement that applies to the area to which the proposed land use plan or private plan change applies; and (ii) any relevant planning document recognised by an iwi authority and lodged with the territorial authority; and (c) have regard to any of following to the extent that it has a bearing on land use activities in the district and is within the territorial authority's responsibilities: <ul style="list-style-type: none"> (i) the extent to which the land use plan needs to be consistent with— <ul style="list-style-type: none"> (A) any land use plan or proposed land use plan of an adjacent territorial authority; (B) the provisions of any natural environment plan or proposed natural environment plan that apply to the parts of the coastal marine area that are adjacent to the district of the territorial authority; (ii) any relevant project area and project objectives (as those terms are defined in section 9 of the Urban Development Act 2020), if section 98 of that Act applies;
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		<p>(iii) 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);</p> <p>(iv) any adaptation plan prepared under the Climate Change Response Act 2002.</p> <p>(5) The territorial authority must comply with—</p> <p>(a) any direction of the Minister under section 203; and</p> <p>(b) any requirements in this subpart; and</p> <p>(c) any regulations.</p>
Planning Bill, cl 101	Page 51	<p>101 Disputes relating to whether land use plan implements national instruments or regional spatial plan</p> <p>(1) This section applies if there is a dispute about whether a land use plan implements — (aa) is consistent with environmental limits; or</p> <p>(a) implements a national policy direction; or</p> <p>(b) implements a national standard; or</p> <p>(c) implements any relevant provision of a regional spatial plan.</p> <p>(2) The Minister, the territorial authority responsible for the land use plan, or the spatial plan committee responsible for the regional spatial plan may refer the dispute to the Environment Court.</p> <p>(3) If, after considering the dispute, the Environment Court considers that the land use plan does not implement or is not in accordance consistent with (as the case requires) environmental limits, the relevant provisions of a national instrument or the regional spatial plan, the court must order the territorial authority to amend the plan in accordance with section 47(4) or (5) (as applicable).</p> <p>(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.</p>
Planning Bill, Schedule 3, cl 52(d)	Page 51-52	<p>52 Grounds for rejecting request</p> <p>(1) A local authority may reject all or part of a change request only on 1 or more of the following grounds:</p> <p>(a) the request or part of the request is frivolous or vexatious;</p> <p>(b) within the last 2 years, the substance of the request or part of the request has been considered and given effect to, or rejected by, the local authority or the Environment Court;</p> <p>(c) the request or part of the request is not in accordance with sound planning practice:</p>

		<p>(d) the request or part of the request would make—</p> <p>(i) the land use plan inconsistent with subpart 3 or 4 of Part 2 or subpart 2 of Part 3 of this Act; or</p> <p>(ii) the natural environment plan inconsistent with subpart 3, 4, or 5 of Part 2 or subpart 2 of Part 3 <u>of</u> the Natural Environment Act 2025:</p> <p>...</p> <p><u>(2) A local authority must reject all or part of a change request if the request or part of the request would breach an environmental limit or make a breach of an environmental limit likely.</u></p>
NEB, cl 164	Pages 52-54	<p>164 Matters for which permit must not be granted</p> <p>A permit authority must not grant a natural resource permit if—</p> <p>(a) it is contrary to—</p> <p>(i) clause 3 of Schedule 4:</p> <p>(ii) any regulations:</p> <p>(iii) a wāhi tapu condition included in a customary marine title order or agreement:</p> <p>(iv) section 55(2) of the Marine and Coastal Area (Takutai Moana) Act 2011:</p> <p>(b) it should have been notified and was not:</p> <p>(c) granting the permit maywould result in the breach of an environmental limit, unless the breach is authorised by—</p> <p>(i) national standards made under section 86; or</p> <p>(ii) a water services standard.</p>
NEB, cl 86	Pages 52-54	<p>86 National standards relating to significant infrastructure that breach environmental limits</p> <p>(1) National standards may establish a consenting pathway for significant infrastructure activities that breach or are likely to breach environmental limits.</p> <p>(2) Before making national standards establishing a consenting pathway under this section, the Minister must be satisfied that—</p> <p>(a) the pathway is available only to categories of infrastructure activity with significant public benefits; and</p> <p>(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</p> <p>(c) users of the pathway will be required to—</p> <p>(i) minimise any breach of environmental limits as much as reasonably possible; and</p>

		<p>(ii) manage the environmental effects of the entire activity (not just the effects related to a breach of an environmental limit);</p> <p>(3) National standards may specify detailed requirements relating to the matters in subsection (2);</p> <p>(4) When developing national standards under this section, the Minister must consider—</p> <p>(a) the wider implications for natural resource use; and</p> <p>(b) the likely opportunity costs associated with allowing the pathway to be used instead of requiring compliance with environmental limits; and</p> <p>(c) the criteria and considerations in subpart 4 that applied to the making of those environmental limits;</p> <p>(5) National standards may be made under this section despite 85.</p>
Public participation and standing		
NEB, cl 146	Pages 62-63	<p>146 Notification requirements if section 145 does not apply</p> <p>(1) This section applies if an application for a natural resource permit is not publicly notified under section 145.</p> <p>...</p> <p>(6) However, if targeted notification does not occur under subsection (5), a permit authority must publicly notify the application—</p> <p>(a) if it determines that the activity will have or is likely to have significant more than minor adverse effects on natural resources or people in accordance with section 148; and</p> <p>(b) either—</p> <p>(i) there are no affected persons; or</p> <p>(ii) it is not possible, or it is impractical, to identify all affected persons.</p>
NEB, cl 152	Pages 62-63	<p>152 Submissions on applications</p> <p>(1) If an application for a natural resource permit is publicly notified, the following persons <u>any person</u> may make a submission about it to the permit authority in the manner described in section 132 of the Planning Act 2025. ;</p> <p>(a) a qualifying resident of the region to which the application relates;</p> <p>(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.</p> <p>...</p>

Planning Bill, Schedule 3, cl 17	Pages 63-66	<p>17 Who may make submissions on proposed plan notified for public submissions</p> <p>Submissions on proposed plan notified for public submissions</p> <p>(1) The following persons<u>Any person</u> may make a submission to the local authority on a proposed plan that is notified for public submissions.†</p> <p>(a) a qualifying resident of—</p> <p>(i) the district of the territorial authority (for a proposed land use plan); or</p> <p>(ii) the region of the regional council (for a proposed natural environment plan);</p> <p>(b) a person who has an interest in the proposed plan greater than the interest that the general public has;</p> <p>(c) a nearby local authority;</p> <p>(d) the local authority itself.</p> <p>...</p>
Planning Bill, Schedule 3, cl 32	Pages 63-66	<p>32 Appeal on standardised plan provision or provision or matter excluded from proposed plan</p> <p>(1) A submitter may appeal to the Environment Court against a local authority's decision under clause 27 to—</p> <p>(a) include a standardised plan provision in a proposed plan; or</p> <p>(b) exclude a provision or matter from a proposed plan.</p> <p>(2) However, a submitter may only appeal under this clause if they referred to the subject matter of the decision in their submission.</p> <p>(3) The right of appeal under this clause is limited to a question of law.</p> <p>(4) Subclause (3) does not apply to the extent that an appeal relates to—</p> <p>(a) the spatial application of a provision on a specified topic; or</p> <p>(b) whether the local authority has complied with section 80(3) of this Act (for a proposed land use plan) or section 97(3) of the Natural Environment Act 2025 (for a proposed natural environment plan).</p>
Planning Bill, Schedule 3, cl 33	Pages 63-66	<p>33 Appeal on bespoke provision</p> <p>(1) A submitter may appeal to the Environment Court against a local authority's decision under clause 27 to include, <u>or not include</u>, a bespoke plan provision in a proposed plan.</p> <p>(2) However, a submitter may only appeal under this clause if they referred to the subject matter of the decision in their submission.</p>

NEB, cl 97	Pages 41-42 (environmental limits); 85-86 (water conservation orders)	<p>97 Core obligations when preparing and deciding natural environment plan</p> <p>...</p> <p>(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—</p> <p>...</p> <p>(c) gives effect to is not inconsistent with any relevant water conservation order.</p> <p>(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—</p> <p>(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</p> <p>(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).</p> <p><u>(3A) For the purposes of subclauses (3)(a) and (b), a new or amended environmental limit amounts to new information and a significant change in circumstance.</u></p>
NEB, cl 85	Pages 40-41 (environmental limits); 66-68 (public participation and standing)	<p>85 Minister must ensure national standards enables resource use only within environmental limits</p> <p>(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.</p> <p>(2) The Minister must assess the proposed national standards to identify any reasonably foreseeable adverse risks of that an environmental limit mays being breached.</p> <p>(3) The Minister ensure that any risks identified are addressed in the proposed national standards to avoid breaching an environmental limit, including—</p> <p>(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</p> <p>(b) directing regional councils to undertake forecasting or monitoring; and</p> <p>(c) providing a means by which an activity class may be changed to avoid breaching the limit.</p> <p><u>(3A) For the avoidance of doubt, the measures referred to in subsection (3) do not require the preparation of a justification report under section 108 or a further justification report under section 109.</u></p> <p><i>[Note: Cl 85(3A) to be included only if requirements for justification reports remain in the Bill. Elsewhere we have recommended removing them entirely]</i></p> <p>(4) The Minister must—</p>

		<p>(a) undertake monitoring and evaluation of national standards or enable it to be undertaken; and</p> <p>(b) review existing national standards in light of performance monitoring and to account for new environmental limits <u>and update them without unreasonable delay.</u></p> <p><u>(5) If an activity has significant adverse effects on the environment, national standards must not –</u></p> <p><u>(a) allow the activity, unless it states that a natural resource permit is required for the activity; or</u></p> <p><u>(b) state that the activity is a permitted activity.</u></p>
NEB, cl 100A (new)	Pages 66-68	<p>100A Rules about discharges</p> <p><u>(1) Before a regional council includes in a natural environment plan a rule that allows as a permitted activity—</u></p> <p><u>(a) a discharge of a contaminant or water into water; or</u></p> <p><u>(b) a discharge of a contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water—</u></p> <p><u>the regional council shall be satisfied that none of the following effects are likely to arise in the receiving waters, after reasonable mixing, as a result of the discharge of the contaminant (either by itself or in combination with the same, similar, or other contaminants):</u></p> <p><u>(c) the production of conspicuous oil or grease films, or scums or foams;</u></p> <p><u>(d) any conspicuous change in the colour or visual clarity;</u></p> <p><u>(e) any emission of objectionable odour;</u></p> <p><u>(f) the rendering of fresh water unsuitable for consumption by farm animals;</u></p> <p><u>(g) any significant adverse effects on aquatic life.</u></p> <p><u>(2) Before a regional council includes in a regional plan a rule requiring the adoption of the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of any discharge of a contaminant, the regional council shall be satisfied that, having regard to—</u></p> <p><u>(a) the nature of the discharge and the receiving environment; and</u></p> <p><u>(b) other alternatives, including a rule requiring the observance of minimum standards of quality of the environment—</u></p> <p><u>the inclusion of that rule in the plan is the most efficient and effective means of preventing or minimising those adverse effects on the environment.</u></p>

NEB, cl 32	Pages 66-68	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: (a) subject to section 100A , 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 (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 cumulative effect without breaching an environmental limit: ...
NEB, cl 116	Pages 66-68	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 No rule may be included in a natural environment plan which authorises as a permitted activity any aquaculture activity in the coastal marine area.
Planning Bill, Schedule 2, cl 25	Pages 65-66	25 Appeal to Environment Court on merits (1) A person who submitted on a draft regional spatial plan may appeal to the Environment Court in respect of a decision to reject the independent hearings panel's recommendation relating to infrastructure . (2) However, a person may appeal under subclause (1) only if the person referred to the matter in the person's submission on the draft regional spatial plan. (3) Notice of the appeal must be given in accordance with clause 37 of Schedule 3.
Scope		
Planning Bill, cl 14	Pages 70-75	14 Effects outside the scope of this Act (1) A person exercising or performing a function, duty, or power under this Act who is considering the effects of an activity must disregard— (a) the internal and external layout of buildings on a site (for example, the provision of private open space) except to the extent there is a public interest justification :

		<p>(b) negative <u>trade competition</u> effects of development on trade competitors, including on competing providers of input goods and services:</p> <p>(c) retail distribution effects:</p> <p>(d) the demand for or financial viability of a project unless it is a matter to which section 11(1)(b) or (d) <u>or (e)</u> relates:</p> <p>(e) the visual amenity of a use, development, or building in relation to its character, appearance, aesthetic qualities, or other physical feature <u>except to the extent there is a public interest justification</u>:</p> <p>(f) the following matters:</p> <p>(i) the type of residential use; and</p> <p>(ii) the social and economic status of future residents of a new development:</p> <p>(g) views from private <u>(but not public)</u> property:</p> <p>(h) the effect on landscape:</p> <p>(i) the effect of setting a precedent:</p> <p>(j) any matter where the land use effects of an activity are dealt with <u>adequately</u> under other legislation.</p> <p>(2) This section does not restrict the management of—</p> <p>(a) areas of high natural character within the coastal environment, wetlands, lakes, rivers, and their margins:</p> <p>(b) outstanding natural landscapes and features:</p> <p>(c) sites of significant historic heritage:</p> <p>(d) sites of significance to Māori:</p> <p>(e) the effects of natural hazards.</p>
Issues in the marine environment		
Planning Bill, cl 17A (new)	Pages 78-79	<p><u>17A Restrictions on land use in the coastal marine area</u></p> <p><u>...</u></p> <p><u>(1) For the purposes of regional council jurisdiction under cl 184(3) of this Act, 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:</u></p> <p><u>(a) reclaim or drain any part of the foreshore or seabed:</u></p> <p><u>(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:</u></p>

		<p>(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):</p> <p>(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:</p> <p>(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:</p> <p>(f) introduce or plant any exotic or introduced plant in, on, or under the foreshore or seabed.</p> <p>(2) The instruments referred to in subsection (1) are—</p> <p>(a) a national rule; or</p> <p>(b) a rule in a plan and any rule in a proposed plan that has legal effect; or</p> <p>(c) a water services standard.</p>
NEB, cl 113	Pages 79-80	<p>113 Requirements for rules that control fishing</p> <p>(1) This section applies to rules that control fishing within the coastal marine area.</p> <p>(2) A regional council must not include a rule in a plan that controls fishing within the coastal marine area unless—</p> <p>(a) the rule is included in the proposed plan when it is notified for submissions; or</p> <p>(b) the rule applies within an area to which a rule described in paragraph (a) applies.</p> <p>(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.</p> <p>(14) If a regional council includes a rule in a plan that controls fishing in the coastal marine area,—</p> <p>(a) the rule must not classify fishing as a restricted discretionary or discretionary activity:</p> <p>(b) the rule may classify fishing as a prohibited activity in an area:</p> <p>(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.</p>
Planning Bill, Schedule 3, cl 12	Pages 79-80	<p>12 Pre-notification requirement for rules in proposed natural environment plan that control fishing</p> <p>(1) Before notifying for submissions a proposed natural environment plan that contains a rule that controls fishing in any area (a proposed rule),—</p>

		<p>(a) the regional council must complete the assessment required under section 106(3) of the Natural Environment Act 2025 and give it to the relevant chief executive; and</p> <p>(b) the relevant chief executive must, within 40 working days, advise the regional council of their decision on whether they concur with the proposed rule.</p> <p>(2) The relevant chief executive must decide whether to concur with a proposed rule in the prescribed manner.</p> <p>(3) In this clause, relevant chief executive means the chief executive of the department that is responsible for administering the Fisheries Act 1996.</p>
Planning Bill, Schedule 3, cl 58	Pages 79-80	<p>58 When rules in proposed plans have legal effect</p> <p>...</p> <p>(3) However, a rule in a proposed natural environment plan described in subclause (2)(c)(i), (ii), or (iii) does not have immediate legal effect if, and to the extent that, it is a rule that controls fishing in the coastal marine area.</p>
NEB, cl 97	Page 80	<p>97 Core obligations when preparing and deciding natural environment plan</p> <p>...</p> <p>(4) The regional council must—</p> <p>...</p> <p>(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:</p> <p>(i) the Crown's <u>property</u> interest in <u>Crown-owned minerals in</u> the coastal marine area:</p> <p>...</p>
NEB, cl 310	Pages 80-81	Delete in entirety
NEB, cl 311	Pages 80-81	Delete in entirety (alongside cl 310).
NEB, Schedule 3, cl 13	Pages 80-82	<p>13 Minister may approve use of allocation method</p> <p>(5) In considering whether to approve the request, the Minister must have regard to—</p> <p>(a) The goals of this Act in section 11: Government policy in relation to the common marine and coastal area:</p> <p>(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:</p> <p>(c) the need to facilitate compliance with clause 22:</p>

		(d) the ability of the Crown to give effect to its obligations under the Māori Commercial Aquaculture Claims Settlement Act 2004.
NEB, cl 321	Page 81	<p>321 Coastal occupation charges</p> <p>(1) A regional council must consider whether establish a coastal occupation charging regime, applying to persons who occupy any part of the common marine and coastal area, in a plan should be included in a plan (if it is not already included) unless there are exceptional reasons not to do so, after having regard to—</p> <p>(a) the extent to which public benefits from the coastal marine area are lost or gained; and (b) the extent to which private benefit is obtained from the occupation of the coastal marine area.</p> <p>...</p>
NEB, Schedule 3, cl 25	Pages 81-82	<p>25 Tender money</p> <p>(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.</p> <p>(2) The Minister must cause the money to be paid into a Crown Bank Account in accordance with the Public Finance Act 1989.</p> <p>(13) 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.</p> <p>(24) 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.</p>
NEB, Schedule 3, cl 62	Pages 81-82	<i>[Appropriate changes to clauses 51-62 to provide for remuneration to be paid to the relevant regional council, and to apply it to the performance of its functions and responsibilities under the NEB in the coastal marine area in its region]</i>
NEB, Schedule 3, cl 59	Pages 81-82	<p>59 Acceptance of tender, etc</p> <p>(1) The Minister may, after having regard to the matters specified in subclause (2), in their discretion,—</p> <p>...</p> <p>(2) The matters concerned are—</p> <p>(a) the interests (including the financial interests) of the Crown in the coastal marine area; and</p>

		<p>(b) the goals of this Act in section 11 the financial and other circumstances of the tenderers; and</p> <p>(c) any other matters the Minister considers relevant.</p>
Water conservation orders		
NEB, Schedule 4, cl 2	Pages 85-86	<p>2 Meaning of water conservation order</p> <p>(1) A water conservation order is an order that—</p> <p>(a) is made under clause 13 for any of the purposes set out in clause 1; and</p> <p>(b) imposes restrictions or prohibitions on the exercise of regional councils' powers under section 222(4) (a), (c) and (d) in relation to water.</p> <p>...</p>
NEB, Schedule 4, cl 3	Pages 85-86	<p>3 Legal effect of water conservation order</p> <p>...</p> <p>(2) If a water conservation order is operative, the relevant consent authority—</p> <p>(a) must not grant a water permit, a coastal permit, a land use permit or a discharge permit if the grant of that permit would be inconsistent with any restriction or prohibition or any other provision of the order:</p> <p>(b) must not grant a water permit, a coastal permit, a land use 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 the provisions of the water conservation order can remain without change or variation:</p> <p>(c) must, in granting any water permit, coastal permit, land use permit or discharge permit, impose any conditions that are necessary to ensure that the provisions of the water conservation order are not compromised upheld:</p> <p>...</p>
NEB, Schedule 4, cl 12	Pages 85-86	[Replace clause 12 with sections 209-213 of the RMA, with appropriate consequential amendments]
NEB, Schedule 4, cl 13	Pages 85-86	<p>13 Making of water conservation order</p> <p>(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.</p> <p>(2) The Minister must not make a recommendation for the purposes of subclause (1)—</p>

		<p>(a) except in accordance with the report of the special tribunal under clause 11 (where the Environment Court has not conducted an inquiry) or where the Environment Court has conducted an inquiry, the report of the Environment Court; and</p> <p>(b) unless all appeals under clause 12 have been determined.</p> <p>(3) A water conservation order is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).</p>
Interaction with other legislation		
NEB, Schedule 7, new clause; OR Planning Bill, Schedule 11, new clause.	Pages 86-88	<p><i>[add the following amendments to Waitakere Ranges Heritage Area Act 2008. The key changes are as follows, with other consequential amendments required to correct cross-references]:</i></p> <p>9 Relationship between this Act and Resource Management Act 1991Natural Environment Act 2025</p> <p>(1) If a conflict arises between this Act and the Resource Management Act 1991Natural Environment Act 2025, or between this Act and the Planning Act, the Resource Management Act 1991 this Act prevails.</p> <p>(2) Subsection (1) does not apply to section 13(1)(a)(iii) or 15(2)(b).</p> <p>10 Regional policy statements and regional plansSpatial plans and natural environment plans</p> <p>(1) When preparing or reviewing a regional policy statementsspatial plan or regional natural environment plan that affects the heritage area, the Council must give effect to the purpose of this Act and the objectives notwithstanding anything to the contrary in the Natural Environment Act 2025.</p> <p>(2) The requirements in subsection (1) are in addition to the requirements in sections 61, 66, and 79 of the Resource Management Act 1991of the Natural Environment Act 2025.</p> <p>(3) When evaluating a proposed policy statementsspatial plan, or proposed natural environment plan, (including a plan change, or variation) that affects the heritage area, the Council must also examine whether this the statement, plan, change, or variation is the most appropriate way to achieve the objectives (having regard to the purpose of this Act).</p> <p>(4) The requirements in subsection (3) are in addition to the requirements in section 32(3) of the Resource Management Act 1991Natural Environment Act 2025.</p>

11 District plans~~Land use plans~~

(1) When preparing or reviewing a ~~district land use~~ plan that affects the heritage area, the Council must give effect to the purpose of this Act and the objectives.

(2) The requirements in subsection (1) are in addition to the requirements in ~~sections 74, 75, and 79 of the Resource Management Act 1991~~the Planning Act 2025.

(3) When evaluating a proposed ~~district plan~~land use plan; (including a plan change; or variation) that affects the heritage area, the Council must examine whether ~~the plan, change, or variation~~this is the most appropriate way to achieve the objectives (having regard to the purpose of this Act).

(4) The requirements in subsection (3) are in addition to the requirements ~~in section 32(3) of the Resource Management Act 1991~~of the Planning Act 2025.

13 Resource consents

(1) When considering an application for ~~resource consent~~natural resource permit or land use consent for a discretionary ~~or non-complying~~ activity in the heritage area, a consent authority—

(a) must have particular regard to—

(i) the purpose of this Act and the relevant objectives; and

(ii) the relevant provisions of any national ~~policy statement or New Zealand coastal policy statement~~ policy direction under the Natural Environment Act and Planning Act; and

(b) must consider the objectives having regard to any relevant policies in the ~~regional and district plans~~natural environment plan and land use plan.

(2) The requirements in subsection (1)(a)(i) are in addition to the requirements in the ~~Resource Management Act 1991~~Planning Act and Natural Environment Act.

(3) When considering an application for resource consent for a ~~controlled activity or a~~ restricted discretionary activity in the heritage area, a consent authority must consider the purpose of this Act and the relevant objectives as if they were matters specified in the plan or proposed plan over which the Council has reserved its control or has restricted the exercise of its discretion.

14 Conditions on ~~permits and resource~~ consents

		<p>(1) If a consent authority grants resource consent a natural resource permit or land use consent for an activity in the heritage area, it may impose conditions on the consent under section 108 of the Resource Management Act 1991 the Natural Environment Act or Planning Act respectively, that relate to 1 or more of the heritage features or the objectives.</p> <p>(2) Subsection 1 applies notwithstanding clause 11 of the Natural Environment Act, clause 11 of the Planning Act, and clause 14 of the Planning Act.</p> <p>[suitable amendments to sections 15 and 16 of the Act, relating to designations and declarations]</p> <p>18 Auckland spatial plan</p> <p>(1) To the extent of any inconsistency, this Act prevails over the Auckland a spatial plan prepared under section 79 of the Local Government (Auckland Council) Act 2009 the Planning Act.</p> <p>(2) When adopting or amending the a Auckland spatial plan, the Auckland Council must ensure that its provisions are not inconsistent with the purpose of this Act or the objectives</p> <p>[suitable amendments to section 28 of the Act, relating to the relationship between local area plans and the RMA]</p>
NEB, Schedule 7, new clause;	Pages 88-89	<p><i>[add the following amendments to the Hauraki Gulf Marine Park Act 2000. The key changes are as follows, with other consequential amendments required to correct cross-references]:</i></p> <p>9 Relationship of Act with Resource Management Act 1991</p> <p>(1) For the purposes of this section and section 10, the terms district plan natural environment plan, land use plan, plan, proposed plan, regional plan, regional policy statementspatial plan, natural environment permit, resource-land use consent, and New Zealand coastal policy statementnational policy direction have the same meanings as in the Resource Management Act 1991Natural Environment Act 2025 and the Planning Act 2025, and regional council and territorial authority have the same meanings as in the Local Government Act 2002.</p> <p>(2) A regional council must ensure that any part of a regional policy statementspatial plan and any part of a natural environment plan or land use plan or a regional plan that that</p>

		<p>applies to the Hauraki Gulf, its islands, and its catchments does not conflict with sections 7 and 8.</p> <p>(3) A territorial authority must ensure that any part of a district planspatial plan and any part of a land use plan that applies to the Hauraki Gulf, its islands, and catchments does not conflict with sections 7 and 8.</p> <p>(4) A consent authorityA decision-maker on a natural resource permit or land use consent must, when considering an application for a resource consentnatural resource permit or land use consent for the Hauraki Gulf, its islands, and catchments, have regard to sections 7 and 8 in addition to the matters contained in, as relevant, the Resource Management Act 1991Natural Environment Act 2025 and Planning Act 2025.</p> <p>...</p> <p>10 Creation of New Zealand coastal policy statementnational policy direction by this Act</p> <p>(1) For the coastal environment of the Hauraki Gulf, sections 7 and 8 must be treated as a New Zealand coastal policy statementnational policy direction issued under the Resource Management Act 1991Natural Environment Act and Planning Act (as relevant).</p> <p>(2) For the coastal environment of the Hauraki Gulf, if there is a conflict between sections 7 and 8 and the provisions of any New Zealand coastal policy statementnational policy direction issued under the Resource Management Act 1991Natural Environment Act 2025 or Planning Act 2025, the New Zealand coastal policy statementsections 7 and 8 prevails.</p> <p>...</p> <p>Schedule 1</p> <p>Acts to which Part 1 applies</p> <p>...</p> <p>Resource Management Act 1991 Natural Environment Act 2025 Planning Act 2025</p> <p>...</p>
NEB, cl 128	Pages 89-90	<p>128 Natural resource permit may include wildlife approval</p> <p>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.</p>

<p>NEB, Schedule 7, new clause; OR Planning Bill, Schedule 11, new clause</p>		<p><i>[add the following amendments to the Fast-track Approvals Act 2024. The key changes are as follows, with other consequential amendments required to correct cross-references]:</i></p> <p>5 Meaning of ineligible activity</p> <p>(1) In this Act, <i>ineligible activity</i> means any of the following:</p> <p>(a) an activity that—</p> <p>...</p> <p><u>(o) would breach, or would increase the risk of breaching, an environmental limit set under the Natural Environment Act 2025.</u></p> <p>...</p> <p>[Schedule 5] 17 Criteria and other matters for assessment of consent application</p> <p>...</p> <p><u>(8) No approval may be granted if it would breach an environmental limit set under the Natural Environment Act 2025.</u></p>
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