

Environment Committee response to NZPI submission on the Natural and Built Environment Bill and Spatial Planning Bill

On 27 June 2023 the Environment Committee presented its reports on the Natural and Built Environment Bill (NBE Bill) and Spatial Planning Bill (SP Bill) to parliament. These reports include the Committee's response to submissions received on the bills. A 'tracked' version of each bill accompanied the reports.

The following table indicates whether NZPI's submission recommendations on the two bills have been accepted, not accepted, or accepted in part. The ordering of the table follows the ordering of the submission. The table also highlights some new aspects in the tracked version of the bills relevant to NZPI's submission. However, the tracked bills have not been read in their entirety, so there may be other changes of interest that have not been identified in the table. Review of the bills as they progress through the parliamentary process will be an ongoing exercise.

Colour coding has been used in the table for quick reference. The key to the colour coding is below.

Key:

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| No | Not accepted |
| Part | Accepted in part |
| Yes | Accepted |
| New | Something new |

| NZPI Recommendation | | Accepted or not | Comment |
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| Commencement, savings and transition | | | |
| 1 | That the NBE Bill is amended so that time is taken to develop a complete and fit-for-purpose NPF, rather than staging the development of the NPF. | No | <p>The 6 months has been retained. First NPF notified within 6 months of Royal assent, and clearly focused on direction for RSS development (clause 30A of Schedule 6).</p> <p>New:</p> <p>Not required in first NPF, but required to be notified by 1 January 2028 (clause 30B of Schedule 6):</p> <ul style="list-style-type: none"> - environmental limits - mandatory targets - management units |

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| | | | <ul style="list-style-type: none"> - ecosystems - papakāinga - fresh fruit and vegetables - places of national importance - one other thing (possible cross-referencing error). |
| 2 | That the NBE Bill is amended as necessary so that a complete NPF includes updated National Planning Standards that include model plan provisions for universal issues such as noise, signs, earthworks, and standard zones | No | There are no changes to explicitly require this. |
| 3 | That the NBE Bill is amended so that NBE Plans can be prepared alongside RSSs. | Yes | Restriction on concurrent preparation of NBE and RSS removed (clause 2 of Schedule 7). |
| 4 | Consider implementation ‘by planning instrument’ with one time frame for all regions, rather than transition by tranching. | No | The ability to apply tranching to when NBE Act provisions apply within a region has been retained. |
| 5 | Consider giving the new plans, including RSSs, statutory weight in consenting under the RMA system. | Not clear | There are new transitional provisions relating to the NPF and RSSs having statutory weight in RMA plan-making (see notes below), but there do not appear to be any similar provisions for the effect of these new plans on consenting under the RMA. The assumption may be that the new plans will be ‘other matters’ under s104 of the RMA, without any changes required to the NBE Act. This will require further investigating to understand fully. |
| 6 | That the Select Committee recommend the Government work with NZPI to ensure the right resourcing is provided from central government to ensure the transition is as smooth and effective as possible | No | This recommendation was not made in the Select Committee’s report. |

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| NA | New | | <p>Transitional provisions have been included in Schedule 1. A summary follows:</p> <p>For plan-making under the RMA:</p> <ul style="list-style-type: none"> - Limits and targets in the NPF must be ‘had regard to’ in the preparation of RMA planning documents. - RMA planning documents must not be inconsistent with a notified or adopted RSS. <p>Key transition points:</p> <ul style="list-style-type: none"> - A region’s ‘NBEA date’ is the date the decisions version of the first plan is treated as operative, which is 10 working days after the date the plan is published. - RMA planning document reviews that have commenced before the NBE Act receives royal assent continue, but any review not completed by the time the region’s NBEA date ceases to have effect. - Adoption of RSS: very limited ability to change RMA planning documents after this date (emerging or urgent issues, or NES or NPS requirements). - Notification of major regional policy issues (NBE Plan preparation): No notification of intensification planning instruments after this date. - Consents lodged under the RMA will continue to be processed under the RMA. - Consents lodged on or after a region’s NBEA date will be processed under NBE Act. |

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| Outcomes-based planning | | | |
| 7 | That the outcomes-based system in the NBE Bill and SP Bill is strengthened, extended, and supported by a digital technology to realise the full potential of outcomes-based planning. | Part | This was an overarching recommendation. The changes to outcomes recommended by the Select Committee do not go as far as the submission requested. |
| 8 | That the outcomes in section 5 of the NBE Bill are redrafted so that they are aspirational, future-focused end-states that we are to achieve. | Part | <p>The outcomes in section 5 have been redrafted. Some of the concerns identified in our submission have been partly addressed, and others have not been addressed at all. While some improvements have been made, the outcomes are still not all future-focused end-states.</p> <p>New: three new outcomes have been included in the Bill:</p> <ul style="list-style-type: none"> - <i>The coastal marine area is used sustainably to promote the wellbeing of both present and future generations.</i> - <i>Public recreational use and enjoyment of the natural environment is maintained and enhanced.</i> - <i>The habitat of trout and salmon is protected, so far as consistent with the protection of indigenous specific.</i> |
| NA | New | | Section 5A is a new section with direction on managing conflicts between outcomes. This is an issue NZPI raised in its submission without making a particular recommendation. The direction for managing conflicts includes five considerations, and it is unclear how helpful and practical each one will actually be. One positive inclusion is (c), which directs that “conflict between or among outcomes must be identified and resolved at the highest practicable level within the NPF and plans”. |
| 9 | That ‘well-functioning urban environments’ is defined in the NBE Bill using the text from Policy 1 of the National Policy Statement on Urban Design. | No | No definition of ‘well-functioning urban environment’ has been included. |

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| 10 | That the purpose of outcomes in the system is made clear by amending section 3 of the NBE Bill in accordance with our recommended wording in paragraph 145 of this submission, including removing the label ‘for the benefit of the environment’. | Yes | The purpose of outcomes in the system has been made clear, in a different way to how we suggested. Section 5 includes the statement: “the purpose of providing system outcomes is to establish what must be achieved at the national and regional levels to ensure that the purpose of the Act is achieved”. This aligns with the request in our submission. |
| 11 | That the Select Committee recommends that current objectives in existing national direction and other RMA planning documents are redrafted so they are framed as future end-states. | No | This is not part of the Select Committee’s recommendations. |
| 12 | That the NBE Bill and SP Bill are amended so that outcomes are to be ‘achieved’. | Part | Section 5 has been changed so that the purpose of outcomes is to establish what is to be achieved. In this way, outcomes are to be achieved. ‘Provided for’ is still used, for example in new sections 3A and 5A, but this seems to be in a way that supports the overall achievement of outcomes – outcomes are provided for in plans, but their purpose is to establish what is to be achieved. |
| 13 | That all the different labels for outcomes are deleted from the NBE Bill and SP Bill and just the term ‘outcomes’ is used in every instance. | No | There are three types of outcomes referred to in the bills – system, framework and plan outcomes. |
| 14 | That the error loop between section 5 and section 223 is removed, so that the section 5 outcomes apply to consenting in the restricted situations provided for by section 223. | Part | The error loop has been removed in the redrafting of section 5, but this is of no consequence when our recommendation 15 (row below) has not been addressed. |
| 15 | That section 223 is amended so that the reference to the ‘purpose’ also includes the section 5 outcomes. | No | The purpose of the NBE Act is contained in section 3, and on a plain interpretation of section 223, the outcomes are not part of the purpose, so the issue remains. |
| 16 | That the SP Bill is amended so that outcomes replace objectives in RSSs, including in section 16. | No | This change has not been made. |
| 17 | That the relationship between achieving outcomes and activity status in section 154 NBE Bill is retained. | Yes | This relationship has been retained in the redrafted section 75AAB. |

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| 18 | That outcomes are given greater weight than effects in the substantive assessment of resource consents in section 223 NBE Bill, for example by changing section 223 so that subsection (2)(c) is removed from the list of things to 'have regard to' and included above that list and given a stronger direction such as 'have particular regard to'. | No | Outcomes have not been given greater weight than effects in the assessment of resource consents. |
| 19 | That outcomes are given greater weight than effects in the substantive assessment of notices of requirements in section 512 NBE Bill. | No | Outcomes have not been given greater weight than effects in the assessment of NORs. |
| 20 | That the permitted baseline is retained for the consideration of effects. | Yes | There has been an addition to section 223 that introduces the permitted baseline, but in a way that fits an outcomes-based system: "If the activity and any adverse effect of the activity is permitted by the NPF or plan, the consent authority must have regard to that adverse effect unless the activity is consistent with relevant outcomes". This means that if an activity is consistent with outcomes, the permitted baseline applies, but if an activity is not consistent with outcomes, the permitted baseline does not apply. This is an elegant solution to retaining the permitted baseline in an outcomes-based system. |
| 21 | That the monitoring provisions in the NBE and SP Bills are amended so that there is a requirement for a national digital strategy for the planning system, and digital requirements are incorporated alongside the other requirements for monitoring. | No | This has not been included in the revised monitoring provisions. |
| 22 | That the national-level monitoring, reporting and evaluation framework in section 836 is extended to integrate with regional-level monitoring. | Yes | There is an ability to use regulations to prescribe how monitoring is undertaken and what is monitored (new section 839A), which provides a connection between national-level and regional-level monitoring. |

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| 23 | That the requirements for regional-level monitoring, and NBE Plan effectiveness monitoring in particular, are reviewed and rationalised, including making regional planning committees the only body responsible for plan effectiveness monitoring. | Part | The provisions relating to monitoring have been consolidated in one place in the Act, in accordance with our request (see sections 836 to 839G). Some of the issues identified in the submission remain, such as each local authority being required to monitor the effectiveness of the NBE Plan. However, the monitoring provisions are generally clearer than before. |
| Managing effects | | | |
| 24 | That the term 'de minimis' is used instead of 'trivial' in the definition of 'adverse effect' in section 7 of the NBE Plan. | Yes | The term 'trivial' is still used in the NBE Bill, but a definition of 'trivial' has been added to the interpretation section: "trivial, in relation to adverse effects, means adverse effects that are no more than minimal." The Select Committee report states that 'trivial' is intended to mean 'de minimis', and that 'minimal' is used as it is the English word for 'de minimis'. In a roundabout way, this aligns with our submission request – 'trivial' means 'de minimis'. |
| 25 | That consistent language is used throughout the NBE Bill regarding management of adverse effects: avoid, minimise, remedy, offset, redress. This includes replacing 'manages adverse effects' in section 3 with 'avoids, minimises, remedies, offsets or redresses adverse effects'. | Part | There is still a distinction between managing effects under the effects management framework and managing effect in all other situations. But some clarification has been provided: <ul style="list-style-type: none"> - 'mitigate' has been removed from the consideration of effects in consenting situations, in line with our submission (section 223). The list is now: avoid, remedy, minimise, offset, or compensate. This change has <i>not</i> been made in the other sections we highlighted (section 231 and clause 6 of Schedule 10). - The effects management framework has been closely tied to managing effects on significant biodiversity areas and |

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| | | | <p>specified cultural heritage (section 427W). There is a decision-making principle that suggests it can be applied in other situations (section 6(1)(h).</p> <ul style="list-style-type: none"> - 'redress' at the end of the list has been replaced with 'compensation', which is the more familiar term. |
| Te ao Māori and Te Tiriti o Waitangi | | | |
| 26 | That the NPF include national direction on giving effect to the principles te Tiriti o Waitangi. | No | This has not been included. |
| 27 | That the NBE Bill is amended so the priority in the limbs of the definition of te Oranga o te Taiao is made clear, in a similar way to the explanation of Te Mana o Te Wai in the National Policy Statement on Freshwater Management. | No | No priority is given to the limbs of te Oranga o te Taiao. |
| 28 | That statements on te Oranga o te Taiao are given greater weight in the preparation of NBE Plans and RSSs, and more weight than statements of community outcomes and statements of environmental outcomes. | Part | Statements on te Oranga o te Taiao are now required to be had 'particular regard' to, which is in line with our submission request, but this is the same weight as statements of community outcomes and regional environmental outcomes, rather than more weight as we requested. |
| Purpose | | | |
| NA | New | | <p>The purpose section of the NBE Bill (section 3) has been redrafted. Significantly, the dual purpose for the NBE Bill has been changed to a single purpose, and protection for the environment has been clarified. NZPI's submission supported the dual purpose. We also raised the issue of protection of the environment being subservient to providing for wellbeing of people. The revised section 3 is as follows:</p> <ul style="list-style-type: none"> (1) The purpose of this Act is to uphold te Oranga o te Taiao. (2) The purpose must be achieved in a way that – <ul style="list-style-type: none"> (a) Protects the health of the natural environment; and |

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| | | | <p>(b) Subject to paragraph (a), enables the use and development of the environment in a way that promotes the well-being of both present and future generations.</p> <p>The definition of te Oranga o te Taiao is included as subsection (3) of the redrafted section 3 (it was previously in the interpretation section), and an additional limb has been added: te Oranga o te Taiao includes “the relationship between iwi and hapū and te Taiao that is based on whakapapa”.</p> |
| 29 | That section 3 of the NBE Bill is amended so that what is to be achieved is separated from how it is to be achieved, the reference to future generations is simplified, outcomes are to be ‘achieved’ and their purpose is made clear, and how effects are to be managed is made explicit. | Part | <p>The redrafting of section 3 has addressed some of our concerns:</p> <ul style="list-style-type: none"> - What is to be achieved has been separated from how it is to be achieved. There is a new section 3A that sets out the key means for achieving the purpose of the Act. - The reference to future generations has been simplified and clarified: “promotes the well-being of both present and future generations”. - The purpose of outcomes has been made clear in section 5 – they establish what is to be achieved at the national and regional levels. - How effects are to be managed has not been made explicit. |
| Decision-making principles | | | |
| 30 | That section 6 of the NBE Bill is amended so that it applies to all decision-making under the Act, including consenting. | Part | <p>The decision-making principles have been redrafted and most apply to all decision-making under the Act. However, there are still some that apply only to NPF and plan-making decisions, and not to consenting.</p> |

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| 31 | That additions are made to section 6 of the NBE Bill to incorporate a requirement to consider the interconnectedness of the natural and built environment and a requirement to achieve integration between outcomes over uses that achieve one outcome at the expense of another. | Part | No addition has been made to consider the interconnectedness of the natural and built environment. Additions have been made, in new section 5A, that provide direction for managing conflicts between outcomes, including one subsection that closely reflects NZPI's suggestion: "as a means of avoiding conflict between outcomes, achieving compatibility between or among outcomes must be preferred rather than achieving 1 outcome at the expense of another". |
| Places of national importance | | | |
| 32 | That the requirement in section 556 for every <i>plan</i> to identify each place in the region that is a place of national importance is amended to be a requirement on the NPF. | Part | A mandatory requirement has been added for the NPF to identify "every place that is a natural landscape or natural feature (including geoh heritage) that is exceptional on a national scale, and an optional ability for the NPF to identify other places of national importance (new section 427C). There is also an optional ability for the NPF to identify areas of highly vulnerable biodiversity. |
| 33 | That the limits to exemptions under s565 and s66 are clarified and rationalised. | Yes | Exemptions to the requirement that there be no more than trivial effects on places of national importance and areas of highly vulnerable biodiversity have been clarified: <ul style="list-style-type: none"> - Exemptions have been replaced with 'eligible activities'. - Rules that allow more than trivial effects can only be made for eligible activities (which are listed). - There is a list of criteria to consider before making rules for eligible activities. - Rules for eligible activities in areas of significant biodiversity and specified cultural heritage will apply the effects management framework, except as described in the next bullet. - Criteria are provided for when rules can apply an alternative way to manage effects than the effects management framework. |

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| 34 | That the provisions relating to places of national importance (Sub-part 3 of Part 8 of the NBE Bill) are relocated within the Bill to reflect their importance, either so they come before limits and targets in the NPF part of the Bill or are located within Sub-part 2 of Part 2 of the NBE Bill (duties and restrictions). | Part | The provisions relating to places of national importance have been relocated, but not in the way the submission suggested. They have been located within Part 6, which has been relabelled “Management of particular resources and areas”. While not what we suggested, it is a more obvious location than previously. |
| 35 | That the relationship between areas of highly vulnerable biodiversity and critical habitat and places of national importance is clarified. | Yes | This has been clarified: <ul style="list-style-type: none"> - Highly vulnerable biodiversity and critical habitat are <i>not</i> places of national importance. - Critical habitat is a sub-set of areas of highly vulnerable activities. |
| NA | New | | Changes have been made to what a place of national importance is. “Exceptional on a national scale” has been added as a qualifier to the originally included outstanding natural character and outstanding natural features and landscape. In addition, an area that provides public access to the coastal environment, wetland, lake or river is no longer a place of national importance. The list of places of national importance is now as follows (section 427A): <ul style="list-style-type: none"> (a) An area of the coastal environment, or a wetland, lake, or river or its margins that has exceptional natural character on a national scale (b) A natural landscape or natural feature (including geoheritage) that is identified in the NPF as being exceptional on a national scale (c) Specified cultural heritage (d) A significant biodiversity area. |
| Quality and amenity of urban areas | | | |
| 36 | That the focus of the NBE Bill on wellbeing is retained, to allow the quality and amenity of the urban environment to be the subject of national, regional and local outcomes. | Yes | Wellbeing has been retained as a central focus of the NBE Bill. |

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| Changes to existing activities | | | |
| 37 | That there is an ability for councils to recover costs for the review of existing consents imposed by the NPF. | NA | No changes were needed to allow this – it appears it is possible to recover these costs under section 821 as originally drafted. |
| 38 | That the checks and balances in sections 139 to 141 of the NBE Bill that apply to rules in plans are applied to the use of powers for reviewing and cancelling consents. | No | This is not part of the Select Committee's recommendations. |
| 39 | That the context of outcome-based planning is factored into the operation of sections 139 to 141, including by amending section 131 so that a reasonable use of land is also one that would achieve outcomes. | No | This is not part of the Select Committee's recommendations. |
| 40 | That the time period in which existing use rights expire is changed from 6 months to 12 months). | Yes | The time limit has been changed to 12 months in section 27. |
| Allocation | | | |
| 41 | That the 'may' in section 87 is changed to a 'must', so it is compulsory for the NPF to provide directions relating to the allocation principles and other matters related to allocation, including specific support for the application of section 126 to 129 of the NBE Bill. | No | The 'may' has been retained. |
| Adaptive management | | | |
| 42 | That the NBE Bill is amended so that adaptive planning is not restricted to use of conditions of consent (sections 86 and 110). | No | This is not part of the Select Committee's recommendations. |
| Infrastructure | | | |
| 43 | That the NBE Bill is amended so that the NPF is required to provide guidance on the application of the criteria for requiring authorities that provide social, cultural and environmental public benefits. | No | This is not part of the Select Committee's recommendations. |

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| Notification | | |
| <i>Note: the notification provisions of the NBE Bill have had a significant re-write, re-structure, and change in approach.</i> | | |
| 44 | That the NBE Bill is amended so that the activity status and notification provisions relating to the NPF and plan-making are relocated out of the consenting part of the Bill and into the NPF and plan-making parts of the Bill. | <div>Part</div> <p>Activity status and notification provisions have been relocated within the NBE Bill:</p> <ul style="list-style-type: none"> - Activity status and notification requirements for the NPF and plans are included in Part 3 on the NPF, under the heading 'resource consents' (sections 75AAA to 75AAD, 77A and 77B). - In the plan-making part (Part 4) there is a new cross-reference to the activity status provisions in the NPF part, and a new section on how decisions about notification of activities must be made for plans (section 108E, replicating 77B). - In the resource consenting part (Part 5) there is a new cross-reference to the activity status provisions located in the NPF part. - Notification requirements relevant to resource consenting are retained in the resource consents part (Part 5), including some aspects that are relevant to the NPF and plan-making (notification presumptions and how to identify affected parties). |
| 45 | That amendments are made so that the link between activity status and notification is used to simplify the notification provisions in the Bill. | <div>No</div> <p>The link between activity status and notification has not been used to simplify the notification provisions. New sections 77B and 108E set out the considerations at NPF and plan-making stage for whether non-notification, limited notification, or public notification is required. The criteria listed ignore the fact that similar criteria are used for determining activity status, which results in internal inconsistencies (which is what our submission point was trying to avoid).</p> <p>For example, the lefthand column of the table below shows the criteria that need to be met to be an anticipated activity. The notification presumption for anticipated activities is that they should</p> |

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| | | | <p>be processed without public notification. This presumption can be departed from in the circumstances set out in the righthand column of the table below. As can be seen, the two lists are mutually exclusive – it should be impossible for an anticipated activity to meet the criteria for public notification. This seems to make the ability to depart from the notification presumption redundant.</p> <table><tr><th>Anticipated activity classification (section 75AAB)</th><th>Public notification criteria (section 77B)</th></tr><tr><td>Does not breach limit, is consistent with outcomes; and</td><td>Inadequate info to understand if outcomes achieved or limits met; or</td></tr><tr><td>Effects can be identified and are known; but</td><td>Whether the effects of the activity are not well understood.</td></tr><tr><td>Consideration needed as to conditions to manage effects.</td><td></td></tr></table> | Anticipated activity classification (section 75AAB) | Public notification criteria (section 77B) | Does not breach limit, is consistent with outcomes; and | Inadequate info to understand if outcomes achieved or limits met; or | Effects can be identified and are known; but | Whether the effects of the activity are not well understood. | Consideration needed as to conditions to manage effects. | |
| Anticipated activity classification (section 75AAB) | Public notification criteria (section 77B) | | | | | | | | | | |
| Does not breach limit, is consistent with outcomes; and | Inadequate info to understand if outcomes achieved or limits met; or | | | | | | | | | | |
| Effects can be identified and are known; but | Whether the effects of the activity are not well understood. | | | | | | | | | | |
| Consideration needed as to conditions to manage effects. | | | | | | | | | | | |
| 46 | That amendments are made so that the ordering of the notification provisions is more logical, starting with the presumptions of notification and non-notification. | Part | The re-writing and re-structing of the notification provisions makes them easier to follow. | | | | | | | | |
| 47 | That amendments are made so that the only exemption to the presumption of notification for discretionary activities is when there is enough information to determine whether outcomes, limits or targets will be met or not. | No | The exemptions to the notification presumptions have been re-written and are discussed above in row 45. | | | | | | | | |
| 48 | That amendments are made so that the only exemption to the presumption of non-notification for controlled activities is when the additional information is needed to understand the extent of effects. | No | The exemptions to the notification presumptions have been re-written and are discussed above in row 45. | | | | | | | | |

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| <p>49 That amendments are made so that affected parties are only identified for controlled activities for the purpose of gathering information on the extent of effects, and that affected parties are only identified for discretionary activities that are not fully notified.</p> | <p>No</p> | <p>New</p> <p>The approach to identifying affected parties has changed (section 201). A two-tiered test has been introduced with a ‘more than minor’ component to it and an alternative for the permitted baseline. The new test is as follows:</p> <p><i>When determining whether a person is an affected person for the purposes of limited notification of an application for a resource consent, a decision-maker must consider whether the person:</i></p> <ul style="list-style-type: none"> <i>(i) Has an interest in the proposed activity that is greater than that of the general public; and</i> <i>(ii) Is likely to experience adverse effects that are more than minor when compared to the level of adverse effects anticipated in the NPF or the relevant plan.</i> <p>To support the consideration required by (ii), if the NPF provides for a plan or the consent authority to determine notification of an activity, the NPF must include <i>requirements or methods by which regional planning committees or consent authorities are to determine ... what is an acceptable level of adverse effects anticipated in the NPF or plan</i> (section 77A). However, the same requirement does not appear to apply to situations where the <i>NBE plan</i> provides for a consent authority to determine notification status. We have raised this with MfE officials.</p> <p>There are also changes to identifying affected parties in relation to statutory acknowledgements and protected customary rights.</p> |
| <p>50 That the purpose of notification in section 198 is clarified in accordance with NZPI’s suggested drafting.</p> | <p>Yes</p> | <p>The notification purpose has been re-drafted, and while not in the same way as suggested in the NZPI submission, the result is effectively the same.</p> |

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| 51 | That section 206 is amended so that the lack of a written approval is the only reason for limited notification. | Part | <p>New:</p> <p>A distinction has been made between the criteria for notification decisions at NPF/plan-making stage and at consenting stage.</p> <p>The table below shows the considerations for limited notification at NPF/plan-making stage (lefthand column), and at consenting stage (righthand column). At consenting stage, lack of written approval is the main consideration after the notification status/presumption.</p> <table><tr><th>NPF/Plan-making considerations</th><th>Consenting considerations</th></tr><tr><td>Whether the activity achieves or is likely to achieve relevant outcomes; and Whether the activity complies or is likely to comply with relevant limits; and Whether there are affected persons.</td><td>The activity is an anticipated activity and the presumption of non-notification applies, or the NPF or plan requires limited notification; and There are affected persons. <i>*a person is not affected if they have provided written approval.</i></td></tr></table> | NPF/Plan-making considerations | Consenting considerations | Whether the activity achieves or is likely to achieve relevant outcomes; and Whether the activity complies or is likely to comply with relevant limits; and Whether there are affected persons. | The activity is an anticipated activity and the presumption of non-notification applies, or the NPF or plan requires limited notification; and There are affected persons. <i>*a person is not affected if they have provided written approval.</i> |
| NPF/Plan-making considerations | Consenting considerations | | | | | | |
| Whether the activity achieves or is likely to achieve relevant outcomes; and Whether the activity complies or is likely to comply with relevant limits; and Whether there are affected persons. | The activity is an anticipated activity and the presumption of non-notification applies, or the NPF or plan requires limited notification; and There are affected persons. <i>*a person is not affected if they have provided written approval.</i> | | | | | | |
| 52 | That the notification provisions for proposals of national significance are updated by removing the minor effects test and replacing it with the equivalent of the updated test in the resource consents part of the Bill. | Yes | Provisions relating to proposals of national significance are now located in new Schedule 10A. Clause 80 of Schedule 10A includes a cross-reference to section 207 of the NBE Bill on notification (rather than a stand-alone set of notification provisions), which insures consistency. | | | | |
| 53 | That the Select Committee recommend guidance is provided on the availability and use of alternatives to full resource consent hearings. | No | This is not part of the Select Committee’s recommendations. | | | | |
| 54 | That further work is done on options for reducing the costs of notified consent hearings. | No | This is not part of the Select Committee’s recommendations. | | | | |

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| National Planning Framework | | | |
| 55 | That the Select Committee notes the importance of the NPF in the system and considers this in its recommendations related to both the NPF itself and the transitional arrangements. | NA | This recommendation does not request any specific changes to the NBE Bill. |
| 56 | That a definition of 'human health' is included in the NBE Bill. | Part | A definition has not been included. However, an addition has been made to section 40 that links limits relating to human health to health guidelines published or advised by the Ministry of Health or the Minister of Health. While this isn't the same as a definition, it does provide some clarity. |
| 57 | That amendments are made to section 40 NBE Bill to allow mātauranga Māori to be incorporated into limits. | No | This change has not been made. However, there has been a change made to section 53 so that mātauranga Māori can be applied in the monitoring of limits and targets. |
| 58 | That 'wellbeing' is added each time 'human health' is referenced in the limits and targets section of the NBE Bill, for example in sections 37, 40, 42. | No | This change has not been made. |
| 59 | That amendments are made to allow limits and targets to be used to manage natural hazards and climate change. | No | This opportunity has not been taken up by the Committee. |
| 60 | That amendments are made to require a national database on the current state of the natural environment to be created, maintained and made open access. | No | This is not part of the Committee's recommendations. |
| 61 | That sections 38 and 39 of the NBE Bill are amended so that the Minister is required to set limits in the NPF for the compulsory aspects of the natural environment listed in section 38. | No | While the 'may' in section 39 has been changed to a 'must', this does not achieve what NZPI requested. The Minister still has the ability to defer limit setting to plans, rather than set limits in the NPF. |

| NZPI Recommendation | | Accepted or not | Comment |
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| | New | | Two other significant changes to limits and targets are: <ul style="list-style-type: none"> - Interim limits have been removed from the bill. - 'Minimum level targets' have been replaced by 'minimum acceptable limits', with clarification that if current state is unacceptable, it should be brought up to the minimum acceptable level. |
| 62 | That the criteria and circumstances for exemptions in sections 45, 66, and 565 are narrowed and made consistent with clear parameters for Ministerial discretion. | Part | Exemptions to limits have been revised (section 44). The following key steps apply: <ul style="list-style-type: none"> - The NPF must prescribe a process for making requests for an exemption. - An exemption can be requested by an RPC, Crown agency, requiring authority. - The request is made during the process of preparing or revising a plan or RSS. - An exemption will be a direction in the NPF. - If an exemption is directed by the Minister, it will be progressed as a change to the NPF (Schedule 6 applies). |
| 63 | That the nature and form of exemptions to limits, the effects management framework, and places of national importance, is clarified in the legislation. | Yes | The nature and form of exemptions to limits has been clarified (see above, row 62). Exemptions to limits have been separated from the effects management framework and places of national importance. |
| | New | | Additions have been made to the list of mandatory direction the NPF needs to provide in section 58. Three new matters are included: <ul style="list-style-type: none"> - The components of ecosystems that should be managed to protect the ecological integrity of the natural environment and human health - Urban trees - Enabling supply of fresh fruit and vegetables. |
| 64 | That the streamlined process for amending the national planning framework in clauses 23 and 24 of Schedule 6 of the NBE Bill is deleted. | No | The streamlined process has been retained unchanged. |

| NZPI Recommendation | | Accepted or not | Comment |
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| Spatial Planning Bill | | | |
| 65 | That the Spatial Planning Act require a national spatial strategy to be prepared by the Minister. | No | This is not part of the Committee's recommendations. |
| 66 | That the purpose of the SP Bill in section 3 is changed to be 'provide strategic direction' rather than 'provide for regional spatial strategies'. | No | This is not part of the Committee's recommendations. |
| 67 | That the link between RSSs and NBE Plans for designations (such as in section 512 NBE Bill) is only maintained if RSSs are subject to an IHP hearing, otherwise, the designation provisions in the NBE Bill that acknowledge RSS decisions should be deleted. | Part | The link between RSSs and designations in NBE plans has been retained and clarified in section 512 of the NBE Bill. RSS are to be subject to a hearing, but not an IHP hearing (see row 75 below). |
| 68 | That the RSS is the only regional planning document that provides regional strategic direction (amendments required to NBE Bill to achieve this). | No | Our recommendations to give RSSs more weight in the system, including for RSS to be the only regional document that provides strategic direction, have not been adopted by the Committee. |
| 69 | That NBE Plans are required to 'give effect to' RSSs (amendments required to the NBE Bill to achieve this). | No | Our recommendations to give RSSs more weight in the system, including that NBE plans be required to 'give effect to' RSSs, have not been adopted by the Committee. |
| 70 | That the SP Bill is amended so there is a requirement for an RSS to provide strategic direction on the achievement of outcomes in a region, to recognise and uphold te Oranga o te Taiao, and to provide strategic direction on planning for the wellbeing of present and future generations. | Part | Reference to the purpose of the SP Act has been introduced to section 16, and because that purpose is to assist in achieving the purpose of the NBE Act, which is to uphold te Oranga o te Taiao, this meets one of our requests. However, there is still no reference to outcomes or wellbeing. |
| 71 | That the requirement in section 16 of the SP Bill for RSSs to provide a vision and objectives be amended so it is a requirement to provide a vision and <u>outcomes</u> . | No | The use of 'objectives' has been retained. There is no reference to outcomes in the SP Bill. |

| NZPI Recommendation | | Accepted or not | Comment |
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| 72 | That section 17 of the SP Bill is amended to require RSSs to include a spatial representation (maps and plans) to support the strategic direction on achieving outcomes. | Part | A requirement for RSS to include maps has not been included in the Bill, but a reference has been included in section 16 that an RSS may include “maps and other visual illustrations of spatial matters”. In addition, new section 23A requires RPCs to consider how to set out its RSS in a way that is user-friendly, “including those the appropriate use of maps and other visual illustrations or spatial matters”. |
| 73 | That sections 17 and 18 of the SP Bill are deleted and simplified requirements for the content of RSSs included in section 16. | No | This is not part of the Committee’s recommendations. |
| 74 | That the SP Bill and NBE Bills are amended so that RSSs have more importance in the system, and correspondingly greater scrutiny in their development. | Part | Our recommendations to give RSSs more weight in the system have not been adopted by the Committee. However, RSSs have been given greater scrutiny as a hearing is now compulsory. |
| 75 | That the SP Bill is amended so there is a compulsory requirement for a hearing by an independent hearings panel on RSSs. | Part | Hearings for RSSs will now be compulsory. However, it will be a hearing held by the RPC, not by an IHP. |
| 76 | That the SP Bill and NBE Bill allow for the same IHP to be in place for both the RSS and NBE Plan hearing, when the regional planning committee considers this appropriate. | No | This recommendation is not applicable, given our request for RSSs to go through IHP hearings was not adopted by the Committee. |
| 77 | That the SP Bill is amended to provide appeal rights for RSSs that reflect appeal rights for NBE Plans. | No | This is not part of the Committee’s recommendations. |
| 78 | That the ‘major regional policy issues’ step in the NBE Plan preparation process is relocated into the RSS preparation process (amendments required to SP Bill and NBE Bill to achieve this), and that a requirement is added, for the regional planning committee to report back on how it responded to public feedback on major regional policy issues. | No | This is not part of the Committee’s recommendations. Changes to the major regional policy issues step in NBE Plan development are discussed below in rows 101 and 102. |
| 79 | That a time limit of two years is introduced to the SP Bill for the notification of a draft RSS, with notification of major regional policy issues required within the first 12 months. | Part | A time limit of three years has been introduced, from establishment of the RPC to adoption of an RSS (Schedule 1 SP Bill). |

| NZPI Recommendation | | Accepted or not | Comment |
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| 80 | That if our recommendation for a national spatial strategy is not accepted, the requirement for a Government representative to be a member of the regional planning committee for RSSs is made compulsory. | Yes | It is now mandatory for the Minister to appoint a representative to the RPC for spatial planning (Clause 2, Schedule 8). |
| 81 | That amendments are made to provide recognition for cultural knowledge and diverse communities in the preparation of RSSs (section 25 SP Bill and clause 1 of Schedule 4). | Part | Changes have been made to included “community or environmental groups or interests”. While this was not the wording we suggested, it achieves a similar outcome. |
| 82 | That amendments are made to require engagement with ‘interested parties’ in the development of RSSs, rather than just an opportunity to provide feedback. | No | No change has been made. As introduced, the requirement is that the public and listed parties must be given an opportunity to participate in identifying matters to be covered by an RSS. |
| 83 | That amendments are made so that those who are likely to have implementation responsibilities have a greater role in the development of RSSs, such as the role of appointing bodies in Step 2 of Schedule 4 of the SP Bill. | Part | No changes have been made to the process in Schedule 4 for this, but an addition has been made to section 30 (32A) – the process must support the RPC and interested parties to reach agreement on who will lead key actions. This goes some way to achieving what we intended. |
| 84 | That statements of community outcomes and statements of regional environmental outcomes remain voluntary documents. | Yes | This has stayed the same. |
| 85 | That the connection in the SP Bill between the Local Government Act and the Land Transport Management Act is retained. | Yes | This has stayed the same. |
| 86 | That changes are made to section 24 of the SP Bill so that the National Adaptation Plan is a consideration in the preparation of RSSs. | No | This is not part of the Committee’s recommendations. |
| 87 | That amendments are made to clause 2 of Schedule 4 of the SP Bill so that consideration of the impact of long-term climate change is part of the scenario development for RSSs. | Part | A change has been made so that “environmental states that may result from climate change” is included in the direction on scenarios. This isn’t as specific as we suggested but partly achieves what we wanted. |

| NZPI Recommendation | | Accepted or not | Comment |
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| 88 | That amendments are made to clause 2 of Schedule 4 of the SP Bill to require scenarios for RSSs to account for the requirements of long-lived assets and uses of land that are difficult to change. | No | This is not part of the Committee's recommendations. |
| Natural and Built Environment Plans | | | |
| 89 | That amendments are made to section 105 of the NBE Bill so that outcomes, policies and rules 'must' be included in NBE Plans. | Yes | Sections 102, 103 and 105 have been re-written, and this issue has been resolved as a result. |
| 90 | That amendments are made to the NBE Bill so that NBE Plans are required to 'give effect to' RSSs. | No | This is not part of the Committee's recommendations. |
| 91 | That amendments are made to section 99 of the NBE Bill so that regional planning committees are directed to resolve conflicts at the policy level rather than leave this for consent assessments. | Yes | Section 99 has been deleted from the NBE Bill. However, a new decision-making principle has been added in new section 6A, which requires " <i>all persons making recommendations or decisions on the national planning framework or on a plan must develop framework rules and plan rules that will reduce reliance on the resource consenting processes ...</i> " This achieves the result sought in NZPI's submission. In addition, new direction is included in the Bill on resolving conflict, such as new section 5A. |
| 92 | That the requirement for NBE Plans to have strategic content that reflects the major policy issues of the region in section 102 of the NBE Bill is deleted (and the requirement transferred to the SP Bill instead). | No | <p>There will continue to be an overlap between RSSs and NBE Plans both having strategic content.</p> <p>New: Section 102 has been re-drafted and what strategic content is has been clarified. Strategic content is no longer related to 'major regional policy issues'. Rather, strategic content:</p> <ul style="list-style-type: none"> - Must identify issues of importance to a region or district; - Must deal with matters necessary to ensure consistency with the RSS; and - Must give effect to the national planning framework and indicate how limits and targets are to be achieved. <p>Strategic content is outcomes and policies, but not rules or methods.</p> |

| NZPI Recommendation | | Accepted or not | Comment |
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| 93 | That amendments are made so that the list of matters to be disregarded in section 108 is included for the proportionate and urgent plan changes processes. | Yes | A change has been made to clause 60 of Schedule 7 that means the matters to be disregarded apply to the consideration of commissioners for proportionate and urgent plan change processes. |
| 94 | That new terms used in the matters to be disregarded, including 'scenic views' are defined in the legislation. | Part | There have been no definitions added, but the matters to be disregarded have been redrafted and clarified. |
| 95 | That the terms 'controlled' and 'discretionary' in relation to activity categories are replaced with completely new terms, such as 'type 1' and 'type 2'. | Yes | The label 'anticipated activity' is now used in place of 'controlled activity'. This achieves NZPI's purpose. There has been no replacement of the 'discretionary activity' label, but this is not as essential as the replacement of 'controlled'. |
| 96 | That sections 154 and 156 of the NBE Bill are relocated into the plan-making part of the Bill and located within or alongside section 117. | Yes | Sections 154 and 156 have been deleted and replaced with new section 75AAB on activity status, located to the NPF part of the bill. There is a cross-reference to section 75AAB included in section 117. |
| 97 | That the use of limits, targets and outcomes as the basis for determining activity categories (section 154) is retained in the NBE Bill. | Part | The deletion of section 154 and its replacement as new section 75AAB retains the use of limits, targets and outcomes as the basis for determining activity status, but also with a greater role for the consideration of the management of effects (and how consent conditions might be used to do this). |
| 98 | That statements of community outcomes and statements of regional environmental outcomes are retained as optional documents. | Yes | These statements remain optional. |
| 99 | That statements of community outcomes and statements of regional environmental outcomes are to be given 'regard' rather than 'particular regard' in the plan development process (e.g. in section 107 NBE Bill). | No | These statements are to be given 'particular regard'. |
| 100 | That clause 25 of Schedule 7 of the NBE Bill is amended so that mātauranga Māori is a consideration in evaluation reports. | No | Mātauranga Māori has not been referenced in clause 25 |

| NZPI Recommendation | | Accepted or not | Comment |
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| NA | New | | <p>Clause 25 of Schedule 7, the replacement for RMA section 32, has been re-written. The requirements for evaluation reports as introduced have been retained, with more requirements added. The clause has been clarified and strengthened.</p> <p>Key new considerations for evaluation reports:</p> <ul style="list-style-type: none"> - The effectiveness of the proposal to achieve the system outcomes (<i>note: NPF and plan outcomes are not listed</i>). - How the decision-making principles have been applied. - The impact on the environment and on the economy (whether adverse or beneficial) of any proposal to regulate or not to regulate. <p>An evaluation report must identify how, if at all, the plan responds to statements of community outcomes and regional environmental outcomes, iwi planning documents, and statements of how Te Oranga o te Taiao can be upheld.</p> |
| 101 | That the ‘major regional policy issues’ notification step for NBE Plans is deleted from Schedule 7 of the NBE Bill and relocated into the SP Bill. | No | <p>This is not part of the Committee’s recommendations. A two-step notification process for NBE Plans has been retained. However, there have been changes to the first step (notification of major regional policy issues).</p> <p>New: Key changes to the first notification step:</p> <ul style="list-style-type: none"> - The term ‘major regional policy issues’ has been replaced with ‘strategic content’ (identified in section 102). - Draft strategic content is notified within 12 months of a resolution to prepare a plan (rather than major regional policy issues). - Rather than providing feedback, enduring submissions are made on draft strategic content. |

| NZPI Recommendation | | Accepted or not | Comment |
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| | | | <ul style="list-style-type: none"> - Rather than 30 working days to provide feedback, there will be 90 working days to lodge an enduring submission. <p>These changes do not address the issues the NZPI submission identified with the first notification step:</p> <ul style="list-style-type: none"> - There is still a lack of transparency in how the RPC responds to enduring submissions, as there is no reporting requirement to set out how the notified plan responds to enduring submissions. - Strategic direction will not be set ahead of the decision-making on the substantive part of the plan that should be directed by the strategic direction. - There is no independent testing of enduring submissions before they influence the plan-making process – this only happens through the IHP process, after the plan is notified. |
| 102 | That enduring submissions are removed from Schedule 7 as part of the relocation of the major regional policy issues step to the SP Bill. | Part | <p>Enduring submissions are retained, but their role has been modified:</p> <ul style="list-style-type: none"> - As identified in row 101 above, enduring submissions replace feedback in the first notification step, making that first step more formal. - An enduring submission may be updated, withdrawn, carried over, or replaced with a primary submission by the submitter. <p>These changes do address our concerns with enduring submissions. We were concerned that enduring submissions did not appear to have any real purpose or benefit to a submitter. As a submission on draft strategic content, they have a clearer purpose and benefit.</p> |

| NZPI Recommendation | | Accepted or not | Comment |
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| 103 | That as a consequence of the above recommendation, the requirement to notify an engagement register is amended so this is not attached to the notification of major regional policy issues, and rather the engagement register is required to be notified within 3 months (or similar) of the resolution to begin drafting the NBE Plan, with a requirement for those registering to identify the topics or issues they are interested in. | Part | The first part of this request is not applicable, as the two-step notification process has been retained. However, the last part has been included – persons who register on the engagement register must identify the topics or issues that they are interested in (clause 16 of Schedule 7). |
| 104 | That as a consequence of the above recommendation, the requirement to have an engagement policy in clause 17 of Schedule 7 of the NBE Bill has a time limit added to it for the first policy, which is 3 months (or similar) from the notification of the engagement register. | Part | This recommendation was dependent on the above changes to the two-step notification process. Those changes have not been made, but a time limit of 3 months has been added to the preparation of an engagement policy. |
| 105 | That an alternative term to ‘evidence’ is used in Schedule 7 of the NBE Bill for the requirement to provide ‘evidence’ with submissions. An alternative such as ‘all supporting information’ should be used. | Yes | In line with our submission, ‘supporting information’ is now used in the bill, rather than ‘evidence’. |
| 106 | That amendments are made to Schedule 7 of the NBE Bill so that there is additional time, after the 40 working days to make submission, to provide ‘all supporting information’. | Yes | <p>Amendments have been made to clauses 32 and new clause 34A inserted, to allow supporting information to be identified in a primary submission, but provided 80 working days (four months) after lodging the submission. This exactly reflects NZPI’s suggestion.</p> <p><i>Note that there appears to be an error in new clause 32A, which states the 80 working days is from public notification, rather than from close of submission. We have raised this potential error with MfE officials.</i></p> <p>The additional 80 working days for providing supporting information has been added to the overall timeframe for preparing plans in clause 2 of Schedule 7 – this is now 4 years and 4 months.</p> |

| NZPI Recommendation | | Accepted or not | Comment |
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| 107 | That reference to ‘accreditation’ for members of IHPs (Schedule 7) is clarified in the legislation. | Part | An addition has been made to clause 97 of Schedule 7, that the Minister may prescribe accreditation requirements by notice in the Gazette. This does not clarify what accreditation means, but it does provide a mechanism for this to be clarified in the future. |
| 108 | That amendments are made to the functions of IHPs in Schedule 7 so that additional process efficiencies can be realised, such as issuing draft decisions and IHPs remaining in place for one to two years after a decision to be able to address interpretation or implementation issues. | No | No changes have been made to the functions of IHPs. |
| 109 | That amendments are made to clauses 72 and 73 of Schedule 7 to clarify the circumstances for accepting an independent plan change, and to strengthen the grounds for rejecting an independent plan change. | Part | <p>There have been no changes to clarify the circumstances for accepting a private plan change, but there have been clarifications and additions to the grounds for rejecting a private plan change.</p> <p>Two new grounds for rejecting a private plan change are:</p> <ul style="list-style-type: none"> - It would result in there being insufficient infrastructure or funding available to support the development of infrastructure, unless the requester has an agreement with the relevant infrastructure provider. - It would mean that the plan would be inconsistent with its strategic content. <p>New: The term ‘independent plan change’ has been replaced with ‘private plan change’ (which is the term used under the RMA).</p> |
| 110 | That amendments are made to Schedule 7 to provide flexibility to regional planning committees to delegate decision-making on plan changes and to set bespoke processes that match the nature, scale and significance of a plan change. | No | This is not part of the Committee’s recommendations. |

| NZPI Recommendation | | Accepted or not | Comment |
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| NA | New | | <p>The provisions in Schedule 7 relating to the 'standard' plan preparation/change process has been modified:</p> <ul style="list-style-type: none"> - The 'full' process is required for preparation of the first plans and for full reviews. - For standard plan changes, four of the steps from the full process are not required. <p>There is now clearly one process for the preparation of first plans and full pan reviews, and three types of plan change processes.</p> |
| NA | New | | <p>Timeframes have been introduced for plan change processes, from notification of a plan change to notice of accepting or rejecting recommendations:</p> <ul style="list-style-type: none"> - Two years for standard process. - Two years for proportionate process. - One year for urgent process. |
| Consenting | | | |
| 111 | That the lapse dates for PANs, certificates of compliance, and existing use certificates be amended to 5 years. | No | The lapse date has been kept at 3 years. |
| 112 | That section 27(1) should be amended to state that existing use rights should lapse where a use has been discontinued for a continuous period of 12 months. | Yes | The time limit has been changed to 12 months in section 27. |
| 113 | Section 302(7) should be deleted. | Yes | There is now only one section that refers to the lapse date for PANs. |
| 114 | That a definition of 'temporary' non-compliance be included in the NBE Bill in relation to deemed permitted activities. | No | This is not part of the Committee's recommendations. |
| 115 | That further guidance be provided in the NBE Bill to confirm the thresholds and circumstances when PANs can be utilised in NBE plans. | Part | <p>Additional circumstances for PANs have been included in new section 301A, although a threshold below which a PAN is not required has not been included. The new circumstances for PANs include requiring:</p> <ul style="list-style-type: none"> - An environmental contribution to be made. - The activity to be undertaken in accordance with a report or management plan. |

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| | | | <ul style="list-style-type: none"> - Work to be done by a qualified or certified person. - A report or assessment prepared by an iwi - Written approval. |
| 116 | The accreditation requirements in Schedule 7 Clause 82 should be clarified to refer to the 'Making Good Decisions' commissioner accreditation programme, or any future replacement of it. | No | This is not part of the Committee's recommendations. |
| 117 | That there is an amendment of the ADR provisions to confirm that the consent authority can be a party to ADR. | No | This is not part of the Committee's recommendations. |
| 118 | That the maximum duration of consents to discharge, take or divert water be given further consideration. | No | The 10 year resource consent duration has been retained. |
| 119 | Recommendations relating to notification | Part | See discussion above in rows 44 to 54. |
| 120 | | | |
| 121 | | | |
| 122 | That there should be priority assigned to outcomes in s223, through amendments. | No | This is not part of the Committee's recommendations. |
| 123 | That section 223 is amended as set out below (delete reference to rules from section 223(2)(d)). | No | This is not part of the Committee's recommendations. |
| 124 | That equivalent wording to that contained in RMA s104(2) is added to the NBE Bill. | Yes | See discussion in row 20 above. |
| A fit-for-purpose, digitally enabled NBA and SPA system | | | |
| 125 | Consistent with the discussion earlier in this submission, we recommend that the Select Committee requires a national digital strategy be prepared to guide how digital is deployed and implemented throughout the new system. | No | A national digital strategy is not part of the Committee's recommendations. |

| NZPI Recommendation | | Accepted or not | Comment |
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| 126 | Provide a specific right for the public to access environmental information that is produced by the system. | Part | An explicit right is not included in the bills. However, an addition to section 816 (duty to gather information and keep records) comes very close. It states that a purpose of the requirements under the section “is to enable the public to exercise their right to access the information” (new sub-section (3)(aaa)). This creates a very strong implication that there is such a right. |
| 127 | Specify that the default approach to system implementation is modern digital systems, which are designed to deliver efficient and effective processes, user focus and aid transparency. | Part | This has not been made explicit in the bills. However, one of the new procedural principles in new section 6A is that those performing functions and duties under the Act must take all practical steps “to use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions, powers, and duties being exercised or reformed”. This does not mention digital tools, but it is indirectly encouraging of them. |
| 128 | Set a mandatory obligation to provide environmental information. | Part | Not all aspects of this request have been incorporated into the bill. For example, there has been no change to the functions of local authorities to include facilitating public access to data. However, changes have been made in a number of places that require information to be made publicly available. For example: <ul style="list-style-type: none"> - The following clause has been added to section 53, relating to monitoring of limits in the NPF: “enable data obtained from that monitoring to be made publicly available”. - The following clause has been added to section 839B, relating to state of the environment monitoring: “The local authority must make available or accessible to the public the results of its state of the environment monitoring activities to enable the public to be informed and participate under this Act.” - The following clause has been added to section 816 on duty to gather information and keep records: keep information, “and, where possible, available free of charge on an Internet site”. |

| NZPI Recommendation | | Accepted or not | Comment |
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| 129 | Set a deadline for these obligations. | No | This is not part of the Committee's recommendations. |
| 130 | Require a system wide data collection and sharing system to be established. | No | This is not part of the Committee's recommendations. |
| 131 | Require tracking of progress on these obligations. | No | This is not part of the Committee's recommendations. |
| 132 | Amend the SP Bill to be more directive as to the process which must be followed for RSS. | Part | There has been one very specific, but potentially significant change in this regard (to section 68 of SP Bill), which is the ability to use regulations to prescribe "requirements for the methodology and information that is used to prepare the scenarios and options required in the preparation of RSSs". This would result in national consistency that could support the use of digital technology. |
| 133 | Require a nationally consistent data collection and sharing system to be created. | No | This is not part of the Committee's recommendations. |
| 134 | Specify that the default approach to the processes under the SP Bill (for example, collation of information and evidence, preparation of draft RSS, engagement on the RSS, implementation plans, review of RSS) should use modern digital systems. | No | This is not part of the Committee's recommendations. |
| 135 | Enable the public (and other stakeholders) to interact with the data collection and sharing system and the modern digital systems, especially the tooling. | No | This is not part of the Committee's recommendations. |
| 136 | Require that all adopted RSS, including supporting data systems, are accessible to the public via a national platform. | No | This is not part of the Committee's recommendations. |