

Resource Management Amendment Act 1996

Public Act 1996 No 160
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An Act to amend the Resource Management Act 1991

BE IT ENACTED by the Parliament of New Zealand as follows:

1 Short Title and commencement

- (1) This Act may be cited as the Resource Management Amendment Act 1996, and shall be read together with and deemed part of the Resource Management Act 1991 (hereinafter referred to as the principal Act).
- (2) This Act shall come into force on the day on which it receives the Royal assent.

2 Interpretation

This section amended section 2(1) of the principal Act by substituting the definition of the term **proposed plan**.

3 Successors

This section inserted section 2A of the principal Act.

4 Certain existing building works allowed

This section inserted section 10B of the principal Act.

5 Changes to plans which will allow activities*[Repealed]*

Section 5 was repealed, as from 1 August 2003, by section 96 Resource Management Amendment Act 2003 (2003 No 23). See sections 109 to 113 of that Act as to the transitional and savings provisions.

6 Planning Tribunal re-named Environment Court

- (1) This subsection substituted section 247 of the principal Act.
- (2) On and after the commencement of this section, every reference in the principal Act or any other Act or in any rule, regulation, bylaw, judgment, order, contract, agreement, or other document whatsoever—
 - (a) To the Planning Tribunal shall be read as a reference to the Environment Court:
 - (b) To a Planning Judge shall be read as a reference to an Environment Judge:
 - (c) To a Planning Commissioner or a Deputy Planning Commissioner shall be read, respectively, as a reference to an Environment Commissioner or Deputy Environment Commissioner.

7 Appointment of Environment Judges and alternate Environment Judges

This section amended s 250(3)(a) of the principal Act.

8 Eligibility for appointment as Environment Commissioner or Deputy Environment Commissioner

This section inserted s 253(da) of the principal Act.

9 Appointment of Environment Commissioner or Deputy Environment Commissioner

This subsection substituted section 254(3) and inserted s 254(4) of the principal Act.

10 When a Deputy Environment Commissioner may act

This section amended section 255(1)(a) of the principal Act.

11 Submitter may be party to proceedings

This section inserted section 271A of the principal Act.

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- 12 Successors to parties to proceedings**
This section amended section 273 of the principal Act.
- 13 Representation at proceedings**
This section amended section 274(1) of the principal Act.
- 14 Environment Court has powers of District Court**
This section substituted section 278(1) of the principal Act.
- 15 Powers of Environment Commissioner sitting without Environment Judge**
This section amended section 280 of the principal Act.
- 16 Reply to appeal or request for inquiry**
This section substituted section 289 of the principal Act.
- 17 Notice of appeal**
This section amended section 300(5) of the principal Act.
- 18 New sections (relating to infringement offences) inserted**
This section inserted sections 343A to 343D, and the preceding heading of the principal Act.
- 19 Regulations**
This section inserted section 360(1)(ba) and (bb) of the principal Act.
- 20 Right of port companies to occupy coastal marine area**
This section inserted section 384A(12) of the principal Act.
- 21 Existing geothermal licences and authorisations deemed to be water permits**
This section inserted section 387(4)(aa) of the principal Act.
- 22 Uses of lakes and rivers not restricted by section 9**
(1) This subsection substituted section 417A(1), and inserted s 417A(1A) and (1B) of the principal Act.

- (2) The Resource Management (Transitional) Regulations 1994 (SR 1994/34) are hereby revoked.

23 Certain existing permitted uses may continue

- (1) This subsection amended section 418 of the principal Act.
(2) This subsection amended section 418 of the principal Act.
(3) This subsection amended section 418 of the principal Act.
(4) The following regulations are hereby revoked:
(a) The Resource Management (Transitional Provisions) Regulations 1994 (SR 1994/197):
(b) The Resource Management (Transitional Provisions) Regulations 1994, Amendment No 1 (SR 1995/60).

24 Savings as to bylaws

- (1) This subsection amended section 424 of the principal Act.
(2) This subsection amended section 424 of the principal Act.
(3) Section 202(1) of the Resource Management Amendment Act 1993 is hereby consequentially repealed.

25 Decision of local authority

This section inserted clause 10(2) and (3) of Schedule 1 to the principal Act.

26 Notification of decision

This section amended clause 11(1) of Schedule 1 to the principal Act.

27 Merger with proposed policy statement or plan

This section inserted clause 16B(2) of Schedule 1 to the principal Act.

28 Validation

- (1) Any proposed policy statement or proposed plan, or policy statement or plan, or part thereof, on which a decision has been made, under clause 10 of Schedule 1 to the principal Act, before the commencement of this Act shall not be invalid because it includes decisions that were consequential alterations

arising out of submissions or other relevant matters the local authority considered relating to matters raised in submissions.

- (2) Any proposed policy statement or proposed plan, or policy statement or plan, or part thereof, on which a decision has been made, under clause 10 of Schedule 1 to the principal Act, before the commencement of this Act shall be deemed to include any amendment which was made as a result of decisions on submissions to that proposed policy statement or proposed plan, whether or not those decisions were publicly notified.
- (3) For the purposes of subsection (2) of this section, the amendments made as a result of decisions shall be deemed to have been included in the proposed policy statement or proposed plan from the date the local authority gave its decision under clause 10 of Schedule 1 to the principal Act.