

Reprint
as at 1 July 2011



**Resource Management
Amendment Act 2011**

Public Act 2011 No 19
Date of assent 17 May 2011
Commencement see section 2

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Ministry for the Environment.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Resource Management Amendment Act 2011.

2 Commencement

- (1) This Act comes into force on a date appointed by the Governor-General by Order in Council; and 1 or more orders may be made bringing different provisions into force on different dates.
- (2) Any provision that has not earlier been brought into force comes into force on 1 December 2012.

Section 2(1): this Act brought into force, on 1 July 2011, by the Resource Management Amendment Act 2011 Commencement Order 2011 (SR 2011/197).

3 Principal Act amended

This Act amends the Resource Management Act 1991.

4 Interpretation

Section 2(1) is amended by repealing the definition of **Environmental Protection Authority** or **EPA** and substituting the following definition:

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

5 Delegation of functions by Ministers

Section 29(4) is amended by omitting “Part 6AA” and substituting “section 24(f), Part 6AA,”.

6 New section 29A inserted

The following section is inserted after section 29:

“29A Restriction on Ministerial direction

The Minister may not give a direction under section 103 of the Crown Entities Act 2004 that relates to the exercise of the EPA’s functions under section 42C(c).”

7 Section 42B repealed

Section 42B is repealed.

8 Functions of EPA

- (1) Section 42C is amended by inserting the following paragraph before paragraph (a):

“(aa) to make recommendations to the Minister under section 144A in relation to a matter to which section 142(1) applies.”

- (2) Section 42C is amended by inserting the following paragraph after paragraph (b):

“(ba) to receive matters under section 149B(2).”

- (3) Section 42C(d) is repealed and the following paragraph substituted:

“(d) to provide secretarial and support services to—
“(i) a board of inquiry appointed under section 149J;
“(ii) a special tribunal appointed under section 202.”

- (4) Section 42C is amended by inserting the following paragraph after paragraph (d):

“(da) to provide technical advice to the Minister on the development of a national environmental standard.”

9 Section 42D repealed

Section 42D is repealed.

10 Minister may call in matter that is or is part of proposal of national significance

- (1) Section 142 is amended by repealing subsection (3) and substituting the following subsection:

- “(3) In deciding whether a matter is, or is part of, a proposal of national significance, the Minister may have regard to—
- “(a) any relevant factor, including whether the matter—
 - “(i) has aroused widespread public concern or interest regarding its actual or likely effect on the environment (including the global environment); or
 - “(ii) involves or is likely to involve significant use of natural and physical resources; or
 - “(iii) affects or is likely to affect a structure, feature, place, or area of national significance; or
 - “(iv) affects or is likely to affect or is relevant to New Zealand’s international obligations to the global environment; or
 - “(v) results or is likely to result in or contribute to significant or irreversible changes to the environment (including the global environment); or
 - “(vi) involves or is likely to involve technology, processes, or methods that are new to New Zealand and that may affect its environment; or
 - “(vii) is or is likely to be significant in terms of section 8; or
 - “(viii) will assist the Crown in fulfilling its public health, welfare, security, or safety obligations or functions; or
 - “(ix) affects or is likely to affect more than 1 region or district; or
 - “(x) relates to a network utility operation that extends or is proposed to extend to more than 1 district or region; and
 - “(b) any advice provided by the EPA.”
- (2) Section 142(4) is amended by adding “; and” and also by adding the following paragraph:
- “(c) the recommendations of the EPA.”
- (3) Section 142 is amended by adding the following subsection:
- “(7) To avoid doubt, the Minister may make a direction under subsection (2) that differs from the direction recommended by the EPA under section 144A.”

11 New section 144A inserted

The following section is inserted after section 144:

“144A EPA to advise and make recommendations to Minister in relation to call-in

- “(1) The Minister may request the EPA to advise him or her on whether a matter is, or is part of, a proposal of national significance.
- “(2) Section 142(3)(a) applies to the EPA as if the reference to the Minister were a reference to the EPA.
- “(3) The EPA must provide advice under subsection (1) no later than 20 working days after receiving the Minister’s request.
- “(4) The EPA’s advice must include its recommendation that the Minister—
- “(a) call the matter in and make a direction to refer it to a board of inquiry for a decision; or
 - “(b) call the matter in and make a direction to refer it to the Environment Court for a decision; or
 - “(c) not call the matter in.
- “(5) The EPA must serve a copy of its recommendation on the applicant and the local authority.
- “(6) The 20-working-day time frame specified in subsection (3) applies subject to section 149(5) and (6).”

12 EPA may request further information or commission report

- (1) Section 149(5) is amended by—
- (a) omitting “section 146” and substituting “section 144A or 146”; and
 - (b) omitting “section 146(1)” and substituting “section 144A(3) or 146(1)”.
- (2) Section 149(6) is amended by—
- (a) omitting “section 146” and substituting “section 144A or 146”; and
 - (b) omitting “section 146(1)” and substituting “section 144A(3) or 146(1)”.

13 Right of objection in relation to imposition of additional charges or recovery of costs

- (1) Section 357B is amended by inserting the following paragraph after paragraph (a):
 - “(ab) for a person required by the EPA to pay costs under section 149ZD(2) or (3), to the EPA in respect of that requirement.”
 - (2) Section 357B(b) is amended by omitting “section 149ZD(2) to (4)” and substituting “section 149ZD(4)”.
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Notes

1 *General*

This is a reprint of the Resource Management Amendment Act 2011. The reprint incorporates all the amendments to the Act as at 1 July 2011, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint
(most recent first)***

Resource Management Amendment Act 2011 Commencement Order 2011
(SR 2011/197)
