



Resource Management Amendment Act 2013

Public Act 2013 No 63
Date of assent 3 September 2013
Commencement see section 2

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The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Resource Management Amendment Act 2013.

2 Commencement

- (1) Part 1 comes into force on the day after the date on which this Act receives the Royal assent.
- (2) Part 2 comes into force as follows:
 - (a) on the day after the date on which this Act receives the Royal assent, for the purposes of the preparation of the first Auckland combined plan under Part 4 of the Local Government (Auckland Transitional Provisions) Act 2010:
 - (b) on the day that is 3 months after the date on which this Act receives the Royal assent, for all other purposes.
- (3) Part 3 comes into force on a date appointed by the Governor-General by Order in Council, and 1 or more orders may be made appointing different dates for different provisions.
- (4) However, if any provision is not in force by the day that is 18 months after the date on which this Act receives the Royal assent, it comes into force on that day.

3 Principal Act

This Act amends the Resource Management Act 1991 (the **principal Act**).

Part 1**Amendments that commence day after
Royal assent****4 Section 2 amended (Interpretation)**

In section 2(1), repeal the definition of **planning document**.

5 Section 29 amended (Delegation of functions by Ministers)

- (1) After section 29(4), insert:

- “(4A) The Minister of Conservation may, in writing, delegate to the Environmental Protection Authority his or her functions, powers, and duties—
- “(a) under section 149ZD(4); and
 - “(b) under sections 357B(b), 357C, and 357D, in relation to a delegation to which paragraph (a) applies.”
- (2) In section 29(5), after “subsection (4)”, insert “or (4A)”.

6 Section 32A amended (Failure to carry out evaluation)

In section 32A(1), replace “Schedule 1 or a submission under section 49” with “section 49, 149E, 149F, or 149O or under Schedule 1”.

7 Section 35 amended (Duty to gather information, monitor, and keep records)

- (1) Replace section 35(2)(a) with:
- “(a) the state of the whole or any part of the environment of its region or district—
 - “(i) to the extent that is appropriate to enable the local authority to effectively carry out its functions under this Act; and
 - “(ii) in addition, by reference to any indicators or other matters prescribed by regulations made under this Act, and in accordance with the regulations; and”.
- (2) In section 35(5)(ga), replace “95 to 95F” with “95 to 95G”.

8 Section 35A amended (Duty to keep records about iwi and hapu)

After section 35A(6), insert:

- “(7) Information required to be provided under this section must be provided in accordance with any prescribed requirements.”

9 Section 39 amended (Hearings to be public and without unnecessary formality)

After section 39(2), insert:

“(3) Despite subsection (2), nothing in paragraph (c) or (d) of that subsection applies to a board of inquiry appointed under section 149J.”

10 Section 42A amended (Reports to local authority)

Replace section 42A(1) with:

“(1) At any reasonable time before a hearing or, if no hearing is to be held, before the decision is made, a local authority (as local authority is defined in section 42(6)(b)) may require preparation of a report on information provided on any matter described in section 39(1) by the applicant or any person who made a submission.

“(1AA) The local authority may—

- “(a) require an officer of the local authority to prepare the report; or
- “(b) commission a consultant or any other person employed for the purpose to prepare the report.”

11 Section 53 amended (Changes to or review or revocation of national policy statements)

In section 53, insert as subsection (2):

“(2) The Minister may, without using a process referred to in subsection (1), amend a national policy statement if the amendment is of minor effect or corrects a minor error.”

12 Section 76 amended (District rules)

Replace section 76(4A) and (4B) with:

“(4A) A rule may prohibit or restrict the felling, trimming, damaging, or removal of a tree or trees on a single urban environment allotment only if, in a schedule to the plan,—

- “(a) the tree or trees are described; and
- “(b) the allotment is specifically identified by street address or legal description of the land, or both.

“(4B) A rule may prohibit or restrict the felling, trimming, damaging, or removal of trees on 2 or more urban environment allotments only if—

- “(a) the allotments are adjacent to each other; and

- “(b) the trees on the allotments together form a group of trees; and
- “(c) in a schedule to the plan,—
 - “(i) the group of trees is described; and
 - “(ii) the allotments are specifically identified by street address or legal description of the land, or both.
- “(4C) In subsections (4A) and (4B),—
 - “**group of trees** means a cluster, grove, or line of trees
 - “**urban environment allotment** or **allotment** means an allotment within the meaning of section 218—
 - “(a) that is no greater than 4 000 m²; and
 - “(b) that is connected to a reticulated water supply system and a reticulated sewerage system; and
 - “(c) on which there is a building used for industrial or commercial purposes or as a dwellinghouse; and
 - “(d) that is not reserve (within the meaning of section 2(1) of the Reserves Act 1977) or subject to a conservation management plan or conservation management strategy prepared in accordance with the Conservation Act 1987 or the Reserves Act 1977.
- “(4D) To avoid doubt, subsections (4A) and (4B) apply—
 - “(a) regardless of whether the tree, trees, or group of trees is, or the allotment or allotments are, also identified on a map in the plan; and
 - “(b) regardless of whether the allotment or allotments are also clad with bush or other vegetation.”

13 Section 87E amended (Consent authority’s decision on request)

- (1) After section 87E(6), insert:
 - “(6A) Despite the discretion to grant a request under subsection (5) or (6), if regulations have been made under section 360(1)(hm),—
 - “(a) the consent authority must grant the request if the value of the investment in the proposal is likely to meet or exceed a threshold amount prescribed by those regulations; but

“(b) that obligation to grant the request does not apply if the consent authority determines, having regard to any matters prescribed by those regulations, that exceptional circumstances exist.”

- (2) In section 87E(9), replace “subsection (5) or (6)” with “subsections (5) to (6A)”.

14 Section 87F amended (Consent authority’s subsequent processing)

- (1) In section 87F(2), replace “(5)” with “(7)”.
- (2) In section 87F(4), replace “may” with “must”.
- (3) In section 87F(4)(b), after “application”, insert “; and”.
- (4) After section 87F(4)(b), insert:
“(c) provide a summary of submissions received.”
- (5) After section 87F(5), insert:
“(6) The consent authority must ensure that it provides reasonable assistance to the Environment Court in relation to any matters raised in the authority’s report.
- “(7) In providing that assistance, the consent authority—
“(a) is a party to the proceedings; and
“(b) must be available to attend hearings to—
“(i) discuss or clarify any matter in its report:
“(ii) give evidence about its report:
“(iii) discuss submissions received and address issues raised by the submissions:
“(iv) provide any other relevant information requested by the court.”

15 Section 87G amended (Environment Court determines application)

- (1) Replace section 87G(2) with:
- “(2) The application is referred to the Environment Court by the applicant,—
“(a) within 10 working days after receiving the report, lodging with the Environment Court a notice of motion in the prescribed form applying for the grant of the resource consent (or the change or cancellation of the condition) and specifying the grounds upon which the ap-

- plication for the grant of the resource consent (or the change or cancellation of the condition) is made, and a supporting affidavit as to the matters giving rise to that application; and
- “(b) as soon as is reasonably practicable after lodging the notice of motion, serving a copy of the notice of motion and affidavit on—
- “(i) the consent authority that granted the applicant’s request under section 87D; and
- “(ii) every person who made a submission to the authority on the application; and
- “(c) telling the Registrar of the Environment Court by written notice when the copies have been served.”
- (2) In section 87G(4), after “notice of motion”, insert “, and any person who has made a submission to the consent authority on the application and wishes to be heard on the matter by the Environment Court must give notice to the court in accordance with that section”.
- (3) In section 87G(5), replace “Part 11 applies” with “Parts 11 and 11A apply”.

16 Section 95B amended (Limited notification of consent application)

- (1) Replace section 95B(1) with:
- “(1) If a consent authority does not publicly notify an application for a resource consent for an activity, it must decide (under sections 95E to 95G) whether there is any affected person, affected protected customary rights group, or affected customary marine title group in relation to the activity.”
- (2) In section 95B(3), replace “affected customary title group” with “affected customary marine title group”.

17 Section 104 amended (Consideration of applications)

In section 104(2B), after “the scope of a planning document”, insert “prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011”.

- 18 Cross-heading above section 104E repealed**
Repeal the cross-heading above section 104E.
- 19 Section 130 amended (Public notification, submissions, and hearing, etc)**
In section 130(3) and (5)(a), replace “95 to 95F” with “95 to 95G”.
- 20 Section 133A amended (Minor corrections of resource consents)**
In section 133A, replace “15” with “20”.
- 21 Section 142 amended (Minister may call in matter that is or is part of proposal of national significance)**
- (1) After section 142(6), insert:
“(6A) When requesting the Minister to call in a matter (by making a direction under subsection (2)), a local authority or an applicant must at the same time serve the other party (the local authority or the applicant, as the case may be) with notice of the request.”
- (2) After section 142(7), insert:
“(8) The Minister must not make a direction under subsection (2)(b) if section 149C(2)(a) or (b) applies (which relates to a request for the preparation of a regional plan or a request for a change to a plan).”
- 22 Section 146 amended (EPA to recommend course of action to Minister)**
After section 146(5), insert:
“(6) The EPA must not recommend to the Minister that he or she make a direction under section 147(1)(b) if section 149C(2)(a) or (b) applies (which relates to a request for the preparation of a regional plan or a request for a change to a plan).”
- 23 Section 147 amended (Minister makes direction after EPA recommendation)**
After section 147(7), insert:

“(8) The Minister must not make a direction under subsection (1)(b) if section 149C(2)(a) or (b) applies (which relates to a request for the preparation of a regional plan or a request for a change to a plan).”

24 Section 149 amended (EPA may request further information or commission report)

Replace section 149(1) with:

- “(1) Subsection (2) applies to a matter if—
- “(a) the matter has been lodged with the EPA under section 145; or
 - “(b) a request relating to the matter has been made by a local authority or an applicant for a direction under section 142(1)(b); or
 - “(c) the Minister decides, at his or her own initiative, to apply section 142.”

25 Section 149J amended (Minister to appoint board of inquiry)

In section 149J(2), after “decide the matter”, insert “and to complete the performance or exercise of its functions, duties, and powers in relation to the matter (including any appeals in relation to the matter that are filed in any court)”.

26 Section 149L amended (Conduct of inquiry)

After section 149L(4)(c), insert:

- “(d) without limiting sections 39, 40 to 41C, 99, and 99A,—
- “(i) may direct that a conference of a group of experts be held:
 - “(ii) may direct that a conference be held of submitters who wish to be heard at the hearing, the applicant, and any relevant local authority, or any of them.”

27 Section 149M amended (Process if matter is request for regional plan or change and particular circumstances apply)

Replace section 149M(4)(c) with:

“(c) the EPA must do anything required of it by sections 149F and 149O; and”.

28 Section 149P amended (Consideration of matter by board)

(1) In section 149P(6)(c), after “council”, insert “; and”.

(2) After section 149P(6)(c), insert:

“(d) must apply section 165H as if it were a regional council, if the matter involves a rule in a regional coastal plan or proposed regional coastal plan that relates to the allocation of space in a common marine and coastal area for the purposes of an activity.”

29 Section 149R amended (Board to produce final report)

After section 149R(2), insert:

“(2A) If the 9-month period ending on the deadline specified in subsection (2) includes any days that fall during the **holiday period** (being the 22-day period starting on 20 December in any year and ending with 10 January in the following year), then the deadline is deferred by that number of days.

“(2B) However, if the deadline specified in subsection (2) falls during the holiday period, then the deadline is deferred by 22 days.”

30 New section 149RA inserted (Minor corrections of board decisions, etc)

After section 149R, insert:

“149RA Minor corrections of board decisions, etc

“(1) At any time during its term of appointment, a board of inquiry may issue an amendment to a decision, or an amended decision, that corrects minor mistakes or defects in any decision of the board, and this power includes the powers set out in subsections (2) to (4).

“(2) The board may correct a resource consent as if the board were a consent authority acting under section 133A (which applies within 20 working days of the grant of the resource consent).

“(3) The board may amend a proposed plan as if the board were a local authority acting under clause 16(2) of Schedule 1 before the earlier of the following:

- “(a) the day on which the local authority approves the proposed plan under clause 17 of Schedule 1 or the day on which the Minister of Conservation approves the proposed regional coastal plan under clause 19 of Schedule 1, whichever applies:
 - “(b) the day that is 40 working days after the day on which any appeals relating to the matter have been determined and all rights of appeal have expired.
- “(4) The board may correct a requirement before the earlier of the following:
- “(a) the day on which the local authority includes the relevant designation or heritage order in its district plan and any proposed district plan under section 175(2):
 - “(b) the day that is 40 working days after the day on which any appeals relating to the matter have been determined and all rights of appeal have expired.”

31 Section 149S amended (Minister may extend time by which board must report)

After section 149S(4), insert:

- “(5) The EPA must, on request by a board of inquiry, request the Minister to grant an extension under subsection (1) in relation to any matter before the board.
- “(6) Subsection (5) does not limit subsection (1).”

32 Section 149ZB amended (How EPA must deal with certain applications and notices of requirement)

In section 149ZB(3), replace “95A to 95F” with “95A to 95G”.

33 Section 149ZC amended (Minister to decide whether application or notice of requirement to be notified)

In section 149ZC(2), replace “95A to 95F” with “95A to 95G”.

34 Section 165ZFE amended (Processing of affected applications)

(1) After section 165ZFE(4), insert:

- “(4A) Despite the discretion to grant a request under subsection (4), if regulations have been made under section 360(1)(hm),—

- “(a) the regional council must grant the request if the value of the investment in the proposal is likely to meet or exceed a threshold amount prescribed by those regulations; but
- “(b) that obligation to grant the request does not apply if the consent authority determines, having regard to any matters prescribed by those regulations, that exceptional circumstances exist.”
- (2) In section 165ZFE(7), replace “Section 87F(4) and (5)” with “Section 87F(4) to (6)”.
- 35 Section 168A amended (Notice of requirement by territorial authority)**
In section 168A(1A), replace “95A to 95F” with “95A to 95G”.
- 36 Section 169 amended (Further information, notification, submissions, and hearing for notice of requirement to territorial authority)**
In section 169(1), replace “95 to 95F” with “95 to 95G”.
- 37 Section 189A amended (Notice of requirement for heritage order by territorial authority)**
In section 189A(2), replace “95A to 95F” with “95A to 95G”.
- 38 Section 190 amended (Further information, notification, submissions, and hearing for notice of requirement to territorial authority)**
In section 190(1), replace “95 to 95F” with “95 to 95G”.
- 39 Section 198C amended (Territorial authority’s decision on request)**
- (1) After section 198C(5), insert:
- “(5A) Despite the discretion to grant a request under subsection (4) or (5), if regulations have been made under section 360(1)(hm),—
- “(a) the territorial authority must grant the request if the value of the investment in the proposal is likely to meet

- or exceed a threshold amount prescribed by those regulations; but
- “(b) that obligation to grant the request does not apply if the territorial authority determines, having regard to any matters prescribed by those regulations, that exceptional circumstances exist.”
- (2) In section 198C(8), replace “subsection (4) or (5)” with “subsections (4) to (5A)”.

40 Section 198D amended (Territorial authority’s subsequent processing)

- (1) In section 198D(2), replace “(5)” with “(7)”.
- (2) In section 198D(4), replace “may” with “must”.
- (3) In section 198D(4)(b), after “(with or without modifications)”, insert “; and”.
- (4) After section 198D(4)(b), insert:
“(c) provide a summary of submissions received.”
- (5) After section 198D(5), insert:
“(6) The territorial authority must ensure that it provides reasonable assistance to the Environment Court in relation to any matters raised in the authority’s report.
- “(7) In providing that assistance, the territorial authority—
“(a) is a party to the proceedings; and
“(b) must be available to attend hearings to—
“(i) discuss or clarify any matter in its report:
“(ii) give evidence about its report:
“(iii) discuss submissions received and address issues raised by the submissions:
“(iv) provide any other relevant information requested by the court.”

41 Section 198E amended (Environment Court decides)

- (1) Replace section 198E(2) with:
- “(2) The requirement is referred to the Environment Court by the requiring authority or heritage protection authority,—
“(a) within 10 working days after receiving the report, lodging with the Environment Court a notice of motion in the prescribed form applying for confirmation of the re-

- quirement and specifying the grounds upon which the application for confirmation is made, and a supporting affidavit as to the matters giving rise to that application; and
- “(b) as soon as is reasonably practicable after lodging the notice of motion, serving a copy of the notice of motion and affidavit on—
- “(i) the territorial authority that granted the requiring authority’s or heritage protection authority’s request under section 198B; and
- “(ii) every person who made a submission to the territorial authority on the requirement; and
- “(c) telling the Registrar of the Environment Court by written notice when the copies have been served.”
- (2) In section 198E(4), after “notice of motion”, insert “, and any person who has made a submission to the territorial authority on the requirement and wishes to be heard on the matter by the Environment Court must give notice to the court in accordance with that section”.
- (3) In section 198E(5), replace “Part 11 applies” with “Parts 11 and 11A apply”.

42 Section 198J amended (Territorial authority’s subsequent processing)

- (1) In section 198J(1), replace “(4)” with “(6)”.
- (2) In section 198J(3), replace “may” with “must”.
- (3) In section 198J(3)(b), after “(with or without modifications)”, insert “; and”.
- (4) After section 198J(3)(b), insert:
- “(c) provide a summary of submissions received.”
- (5) After section 198J(4), insert:
- “(5) The territorial authority must ensure that it provides reasonable assistance to the Environment Court in relation to any matters raised in the authority’s report.
- “(6) In providing that assistance, the territorial authority—
- “(a) is a party to the proceedings; and
- “(b) must be available to attend hearings to—
- “(i) discuss or clarify any matter in its report:

- “(ii) give evidence about its report:
- “(iii) discuss submissions received and address issues raised by the submissions:
- “(iv) provide any other relevant information requested by the court.”

43 Section 198K amended (Environment Court decides)

- (1) Replace section 198K(1) with:
- “(1) If the territorial authority continues to want the requirement to be determined by the Environment Court, the requirement is referred to the court by the territorial authority,—
- “(a) within 10 working days after preparing the report, lodging with the Environment Court a notice of motion in the prescribed form applying for confirmation of the requirement and specifying the grounds upon which the application for confirmation is made, and a supporting affidavit as to the matters giving rise to that application; and
 - “(b) as soon as is reasonably practicable after lodging the notice of motion, serving a copy of the notice of motion and affidavit on every person who made a submission to the territorial authority on the requirement; and
 - “(c) telling the Registrar of the Environment Court by written notice when the copies have been served.”
- (2) In section 198K(3), after “notice of motion”, insert “, and any person who has made a submission to the territorial authority on the requirement and wishes to be heard on the matter by the Environment Court must give notice to the court in accordance with that section”.
- (3) In section 198K(4), replace “Part 11 applies” with “Parts 11 and 11A apply”.

44 Section 269 amended (Court procedure)

After section 269(1), insert:

- “(1A) However, the Environment Court must regulate its proceedings in a manner that best promotes their timely and cost-effective resolution.”

45 Section 274 amended (Representation at proceedings)

- (1) After section 274(1)(d), insert:
- “(da) a person who has an interest in the proceedings that is greater than the interest that the general public has, but the person’s right to be a party is limited by section 308CA if the person is person A as defined in section 308A and the proceedings are for an application for a resource consent or a notice of requirement by person B as defined in section 308A.”.
- (2) In section 274(2), delete “to the Environment Court and to all other parties”.
- (3) After section 274(2), insert:
- “(2A) A notice given under subsection (2) must be given to—
- “(a) the Environment Court; and
- “(b) the relevant local authority; and
- “(c) the appellant, in the case of an appeal, or the person who commenced proceedings, in any other case.
- “(2B) The person giving notice under subsection (2) must, no later than 5 working days after the deadline for giving that notice, give the same notice to all other parties.”
- (4) Replace section 274(7) with:
- “(7) Subsections (2) to (2B) are subject to section 281.”

46 Section 281B amended (Review of exercise of power by Registrar)

In section 281B(2), replace “5” with “10”.

47 Section 285 amended (Awarding costs)

After section 285(6), insert:

- “(7) The Environment Court may order an applicant to pay the costs and expenses that a consent authority or a territorial authority incurred in assisting the court in relation to a report provided by the authority under section 87F, 165ZFE(6), 198D, or 198J and that the court considers reasonable.
- “(8) In deciding whether to make an order under subsection (7), the court must apply a presumption that such costs are to be ordered against the applicant.”

48 Section 308A amended (Identification of trade competitors and surrogates)

Replace section 308A(c) with:

- “(c) **person C** means a person who has knowingly received, is knowingly receiving, or may knowingly receive direct or indirect help from person A—
- “(i) to bring an appeal or be a party to an appeal against a decision under this Act in favour of person B:
 - “(ii) to be a party to a proceeding before the Environment Court that was lodged by person B under section 87G, 149T, 165ZFE(9)(a)(ii), 198E, or 198K.”

49 New section 308CA inserted (Limit on representation at proceedings as party under section 274)

After section 308C, insert:

“308CA Limit on representation at proceedings as party under section 274

- “(1) This section applies when person A wants to be a party under section 274 to a proceeding before the Environment Court under section 87G, 149T, 165ZFE(9)(a)(ii), 198E, or 198K on the ground that person A has an interest in the proceedings that is greater than the interest that the general public has.
- “(2) Person A may be a party to the proceeding only if directly affected by an effect of the subject matter of the proceeding that—
- “(a) adversely affects the environment; and
 - “(b) does not relate to trade competition or the effects of trade competition.”

50 Section 308D amended (Limit on appealing under this Act)

In section 308D, after “Act”, insert “, or become a party to a proceeding under section 87G, 149T, 165ZFE(9)(a)(ii), 198E, or 198K.”.

51 Section 308E replaced (Prohibition on using surrogate)

Replace section 308E with:

“308E Prohibition on using surrogate

Person A must not, for any of the purposes in section 308D, directly or indirectly help person C—

- “(a) to bring an appeal, or be a party to an appeal, against a decision under this Act in favour of person B:
- “(b) to be a party to a proceeding before the Environment Court that was lodged by person B under section 87G, 149T, 165ZFE(9)(a)(ii), 198E, or 198K.”

52 Section 308F amended (Surrogate must disclose status)

(1) Replace section 308F(a) with:

- “(a) appears before the court—
 - “(i) as the appellant, or as a party to an appeal, against a decision under this Act in favour of person B:
 - “(ii) as a party to a proceeding before the Environment Court that was lodged by person B under section 87G, 149T, 165ZFE(9)(a)(ii), 198E, or 198K; and”.

(2) In section 308F(b), after “to the appeal”, insert “, or to be a party to the proceeding.”.

53 Section 308G amended (Declaration that Part contravened)

Replace section 308G(2) and (3) with:

- “(2) The proceedings may be brought by any person (other than person A or person C) who was—
 - “(a) a party to an appeal against a decision under this Act in favour of person B; or
 - “(b) a party to a proceeding before the Environment Court that was lodged by person B under section 87G, 149T, 165ZFE(9)(a)(ii), 198E, or 198K.
- “(3) The proceedings must not be commenced until the appeal or proceedings referred to in subsection (2) are determined.”

54 Section 310 amended (Scope and effect of declaration)

In section 310(h), replace “95 to 95F” with “95 to 95G”.

55 Section 318 amended (Right to be heard)

In section 318(b), after “heard”, insert “, but only if that person notifies the Registrar that he or she wishes to be heard within 15 working days after the date on which he or she was notified of the application”.

56 Section 330 amended (Emergency works and power to take preventive or remedial action)

- (1) In section 330(1)(c), replace “167—” with “167; or”.
- (2) After section 330(1)(c), insert:
“(ca) any service or system that any lifeline utility operates or provides—”.
- (3) In section 330(1), replace “or the authority or the network utility operator,” with “, authority, network utility operator, or lifeline utility,”.
- (4) In section 330(1), replace “or network utility operator” with “network utility operator, or lifeline utility”.
- (5) After section 330(4), insert:
“(5) In this section and section 330A, **lifeline utility** means a lifeline utility within the meaning of section 4 of the Civil Defence Emergency Management Act 2002 other than a lifeline utility that is a network utility operator to which subsection (1)(c) applies.”

57 Section 330A amended (Resource consents for emergency works)

In section 330A(1) and (2), replace “or network utility operator” with “network utility operator, or lifeline utility”.

58 New section 336 and cross-heading inserted

After section 335, insert:

“Return of property

“336 Return of property seized under sections 323 and 328

- “(1) Where any property is seized and impounded under section 323 or 328 (which relate to failure to comply with an abatement notice to reduce noise or an excessive noise direction), the owner of the property or the person from whom it was

- seized may apply to the local authority, consent authority, or Police station where the property is held, at any time, to have the property returned to him or her.
- “(2) Where an application is made under subsection (1), the local authority, consent authority, or constable with authority to do so must arrange for the return of the property if—
- “(a) satisfied that the return of the property is not likely to lead to a resumption of the emission of noise beyond a reasonable level; and
 - “(b) the applicant has paid all costs incurred by the local authority, consent authority, or Police in seizing, impounding, transporting, and storing the property.
- “(3) Where the local authority, consent authority, or constable with authority to do so refuses to return the property for the reason specified in subsection (2)(a), the applicant may make an application to the Environment Court, and section 325(2) applies as if—
- “(a) the reference to service of the abatement notice on the appellant were reference to any refusal under this section; and
 - “(b) the time limit for lodging the application were 6 months from the date of seizure.
- “(4) The Environment Court, on an application under subsection (3), may—
- “(a) order the return of the property subject to any conditions relating to the continued reduction of noise as it thinks fit; or
 - “(b) refuse the application for the return of the property.
- “(5) Where—
- “(a) any property seized under section 323 or 328 is not claimed within 6 months of its seizure; or
 - “(b) the return of the property has been refused under subsection (3) and no application has been lodged within 6 months of the date of seizure; or
 - “(c) the Environment Court has refused the return of the property under subsection (4)(b),—
- the local authority, the consent authority, or the Police may dispose of the property in accordance with subsection (6).

- “(6) Any local authority, consent authority, or constable wishing to dispose of property under subsection (5)—
- “(a) must give written notice to the person from whom the property was seized, where the person’s address is known; and
 - “(b) may sell or cause the property to be otherwise disposed of; and
 - “(c) may, where any proceeds are realised, apply these to the payment of costs and expenses incurred in selling the property under this section and any costs incurred in seizing, impounding, transporting, and storing the property; and
 - “(d) must, on demand, pay the remainder of the proceeds to the person from whom the property was seized.”

59 Section 357 amended (Right of objection against certain decisions)

In section 357(8), replace “section 198C(4) or (5)” with “section 198C(4) to (5A)”.

60 Section 357A amended (Right of objection to consent authority against certain decisions or requirements)

In section 357A(1)(e), replace “section 87E(5) or (6)” with “section 87E(5) to (6A)”.

61 Section 357C amended (Procedure for making and hearing objection under sections 357 to 357B)

In section 357C(3)(b) and (4)(b), before “give”, insert “if the objection has not been resolved”.

62 Section 360 amended (Regulations)

(1) Replace section 360(1)(hk) with:

- “(hk) prescribing, for the purposes of section 35(2)(a)(ii),—
- “(i) indicators or other matters by reference to which a local authority is required to monitor the state of the environment of its region or district:

- “(ii) standards, methods, or requirements applying to the monitoring, which may differ depending on what is being monitored:
 - “(hl) requiring local authorities to provide information gathered under sections 35 and 35A to the Minister, and prescribing the content of the information to be provided and the manner in which, and time limits by which, it must be provided:
 - “(hm) prescribing, for the purposes of sections 87E, 165ZFE, and 198C,—
 - “(i) threshold amounts, which may differ for proposals of different types or in different locations; and
 - “(ii) matters to which an authority is required to have regard in determining whether exceptional circumstances exist:”.
- (2) After section 360(2D), insert:
- “(2E) Regulations may be made under section 360(1)(hm) only on the Minister’s recommendation. Before making the recommendation, the Minister must have regard to the intent of such regulations, which is to require requests for direct referral to be granted for proposals of a significant economic scale.”

63 Section 390C amended (Dealing with applications for permissions)

In section 390C(1)(a) and (2), replace “95 to 95F” with “95 to 95G”.

64 Section 391A amended (Resource consents following approval under Clean Air Act 1972)

In section 391A(2)(a), replace “95 to 95F” with “95 to 95G”.

65 Section 393 amended (Applications for Orders in Council to reclaim land and approval for harbour works)

In section 393(1)(e), replace “95 to 95F” with “95 to 95G”.

66 Section 409 amended (Financial contributions for developments)

In section 409(4), replace “95 to 95F” with “95 to 95G”.

67 New Part 16 inserted

After section 433, insert:

“Part 16

**“Transitional provisions for amendments
made on or after commencement of
Resource Management Amendment Act
2013**

**“434 Transitional provisions for amendments made on or after
commencement of Resource Management Amendment
Act 2013**

“(1) The transitional provisions set out in Schedule 12 have effect for the purposes of this Act.

“(2) The provisions relate to amendments made to this Act on or after the commencement of the Resource Management Amendment Act 2013.”

68 New Schedule 12 inserted

After Schedule 11, insert the Schedule 12 set out in Schedule 2 of this Act.

Consequential amendment

**69 Resource Management (Simplifying and Streamlining)
Amendment Act 2009**

(1) This section amends the Resource Management (Simplifying and Streamlining) Amendment Act 2009.

(2) Repeal section 152.

Part 2

**Amendments that commence 3 months
after Royal assent (or day after Royal
assent for certain purposes)**

**70 Section 32 replaced (Consideration of alternatives,
benefits, and costs)**

Replace section 32 with:

“**32 Requirements for preparing and publishing evaluation reports**

- “(1) An evaluation report required under this Act must—
- “(a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
 - “(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
 - “(i) identifying other reasonably practicable options for achieving the objectives; and
 - “(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
 - “(iii) summarising the reasons for deciding on the provisions; and
 - “(c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
- “(2) An assessment under subsection (1)(b)(ii) must—
- “(a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
 - “(i) economic growth that are anticipated to be provided or reduced; and
 - “(ii) employment that are anticipated to be provided or reduced; and
 - “(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
 - “(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- “(3) If the proposal (an **amending proposal**) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an **existing proposal**), the examination under subsection (1)(b) must relate to—
- “(a) the provisions and objectives of the amending proposal; and

- “(b) the objectives of the existing proposal to the extent that those objectives—
 - “(i) are relevant to the objectives of the amending proposal; and
 - “(ii) would remain if the amending proposal were to take effect.
- “(4) If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.
- “(5) The person who must have particular regard to the evaluation report must make the report available for public inspection—
 - “(a) as soon as practicable after the proposal is made (in the case of a standard or regulation); or
 - “(b) at the same time as the proposal is publicly notified.
- “(6) In this section,—
 - “**objectives** means,—
 - “(a) for a proposal that contains or states objectives, those objectives:
 - “(b) for all other proposals, the purpose of the proposal
 - “**proposal** means a proposed standard, statement, regulation, plan, or change for which an evaluation report must be prepared under this Act
 - “**provisions** means,—
 - “(a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:
 - “(b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.

“**32AA Requirements for undertaking and publishing further evaluations**

- “(1) A further evaluation required under this Act—

- “(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the **changes**); and
 - “(b) must be undertaken in accordance with section 32(1) to (4); and
 - “(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and
 - “(d) must—
 - “(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement), or the decision on the proposal, is publicly notified; or
 - “(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.
- “(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).
- “(3) In this section, **proposal** means a proposed statement, plan, or change for which a further evaluation must be undertaken under this Act.”

71 Section 32A amended (Failure to carry out evaluation)

- (1) In section 32A(1), replace “section 32 has not been complied with” with “an evaluation report required under this Act has not been prepared or regarded, a further evaluation required under this Act has not been undertaken or regarded, or section 32 or 32AA has not been complied with”.
- (2) Replace section 32A(2) with:
 - “(2) Subsection (1) does not prevent a person who is hearing a submission or an appeal on a proposal from having regard to the matters stated in section 32.

- “(3) In this section, **proposal** means a proposed statement, plan, or change for which—
- “(a) an evaluation report must be prepared under this Act; or
 - “(b) a further evaluation must be undertaken under this Act.”

72 Section 44 amended (Restriction on power to make national environmental standards)

- (1) After section 44(2)(b), insert:
 - “(ba) to prepare an evaluation report for the standard in accordance with section 32 and have particular regard to that report when deciding whether to recommend the making of the standard; and”.
- (2) In section 44(2)(c), after “recommendation”, insert “made in accordance with paragraph (b)(ii)”.

73 Section 46 amended (Proposed national policy statement)

- (1) In section 46(b), after “statement”, insert “; and”.
- (2) After section 46(b), insert:
 - “(c) prepare an evaluation report for the proposed national policy statement in accordance with section 32 and have particular regard to that report when deciding whether to notify the statement.”

74 Section 46A amended (Minister chooses process)

Before section 46A(1)(b)(i), insert:

- “(iaaa) notifies the public and iwi authorities of the proposed national policy statement; and”.

75 Section 52 amended (Consideration of recommendations and approval or withdrawal of statement)

Replace section 52(1) with:

- “(1) The Minister,—
 - “(a) first, must consider a report and any recommendations made to him or her by a board of inquiry under section 51; and
 - “(b) secondly, may—

- “(i) make any changes, or no changes, to the proposed national policy statement as he or she thinks fit; or
- “(ii) withdraw all or part of the proposed national policy statement and give public notice of the withdrawal, including the reasons for the withdrawal; and
- “(c) thirdly, must undertake a further evaluation of the proposed national policy statement in accordance with section 32AA and have particular regard to that evaluation when deciding whether to recommend the statement.”

76 Section 61 amended (Matters to be considered by regional council (policy statements))

Replace section 61(1) with:

- “(1) A regional council must prepare and change its regional policy statement in accordance with—
 - “(a) its functions under section 30; and
 - “(b) the provisions of Part 2; and
 - “(c) its obligation (if any) to prepare an evaluation report in accordance with section 32; and
 - “(d) its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and
 - “(e) any regulations.”

77 Section 66 amended (Matters to be considered by regional council (plans))

Replace section 66(1) with:

- “(1) A regional council must prepare and change any regional plan in accordance with—
 - “(a) its functions under section 30; and
 - “(b) the provisions of Part 2; and
 - “(c) a direction given under section 25A(1); and
 - “(d) its obligation (if any) to prepare an evaluation report in accordance with section 32; and
 - “(e) its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and
 - “(f) any regulations.”

78 Section 74 amended (Matters to be considered by territorial authority)

Replace section 74(1) with:

- “(1) A territorial authority must prepare and change its district plan in accordance with—
- “(a) its functions under section 31; and
 - “(b) the provisions of Part 2; and
 - “(c) a direction given under section 25A(2); and
 - “(d) its obligation (if any) to prepare an evaluation report in accordance with section 32; and
 - “(e) its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and
 - “(f) any regulations.”

79 Section 143 amended (Restriction on when local authority may request call in)

In section 143, after “4 of Schedule 1”, insert “, and with clause 5(1)(a) of Schedule 1,”.

80 Section 165H amended (Regional council to have regard to and be satisfied about certain matters before including allocation rule in regional coastal plan or proposed regional coastal plan)

- (1) After section 165H(1), insert:
- “(1A) The regional council must—
- “(a) prepare a report summarising the matters required by subsection (1); and
 - “(b) make the report available for public inspection at the same time, or as soon as practicable after, the rule is included in the regional coastal plan or proposed regional coastal plan.”
- (2) In section 165H(2), replace “Section 32(1) to (3)” with “Sections 32 and 32AA”.

81 Section 310 amended (Scope and effect of declaration)

In section 310(a)(i), replace “imposed by section 32” with “under this Act to prepare and have particular regard to an

evaluation report or to undertake and have particular regard to a further evaluation or imposed by section 32 or 32AA”.

82 Section 360B amended (Conditions to be satisfied before regulations made under section 360A)

- (1) In section 360B(2)(c)(iv), after “standard”, insert “; and”.
- (2) After section 360B(2)(c), insert:
 - “(d) has prepared an evaluation report for the proposed regulations in accordance with section 32 and had particular regard to that report when deciding whether to recommend the making of the regulations.”

83 Schedule 1, clause 5 amended

In Schedule 1, replace clause 5(1) with:

- “(1) A local authority that has prepared a proposed policy statement or plan must—
 - “(a) prepare an evaluation report for the proposed policy statement or plan in accordance with section 32 and have particular regard to that report when deciding whether to proceed with the statement or plan; and
 - “(b) publicly notify the proposed policy statement or plan if the local authority decides to proceed with the policy statement or plan.”

84 Schedule 1, clause 10 amended

- (1) In Schedule 1, after clause 10(2)(a), insert:
 - “(ab) must include a further evaluation of the proposed policy statement or plan undertaken in accordance with section 32AA; and”.
- (2) In Schedule 1, before clause 10(4)(a), insert:
 - “(aaa) have particular regard to the further evaluation undertaken in accordance with subclause (2)(ab) when making its decision; and”.

85 Schedule 1, clause 22 amended

In Schedule 1, clause 22(1), replace “evaluation under section 32 for any objectives, policies, rules, or other methods pro-

posed” with “evaluation report prepared in accordance with section 32 for the proposed plan or change”.

86 Schedule 1, clause 25 amended

In Schedule 1, after clause 25(1), insert:

- “(1A) The local authority must have particular regard to the evaluation report prepared for the proposed plan or change in accordance with clause 22(1)—
- “(a) when making a decision under subclause (1); and
 - “(b) when dealing with the request under subclause (2), (3), or (4).”

87 Schedule 1, clause 29 amended

In Schedule 1, replace clause 29(4) with:

- “(4) After considering a plan or change, undertaking a further evaluation of the plan or change in accordance with section 32AA, and having particular regard to that evaluation, the local authority—
- “(a) may decline, approve, or approve with modifications the plan or change; and
 - “(b) must give reasons for its decision.”

Part 3

Amendments that commence by Order in Council

88 Section 41B amended (Directions to provide evidence within time limits)

Repeal section 41B(5) to (7).

89 Section 42A amended (Reports to local authority)

Replace section 42A(1A) and (1B) with:

- “(1A) The report does not need to repeat information included in the applicant’s application under section 88(2).
- “(1B) Instead, the report may—
- “(a) adopt all of the information; or
 - “(b) adopt any part of the information by referring to the part adopted.”

90 Section 87G amended (Environment Court determines application)

In section 87G(2)(a), replace “10 working days” with “15 working days”.

91 Section 87I amended (When consent authority must determine application)

- (1) In section 87I(1)(b)(ii), delete “; and”.
- (2) Repeal section 87I(1)(c).

92 Section 88 amended (Making an application)

- (1) Replace section 88(2) with:
 - “(2) An application must—
 - “(a) be made in the prescribed form and manner; and
 - “(b) include the information relating to the activity, including an assessment of the activity’s effects on the environment, as required by Schedule 4.”
- (2) Replace section 88(3) with:
 - “(3) A consent authority may, within 10 working days after an application was first lodged, determine that the application is incomplete if the application does not—
 - “(a) include the information prescribed by regulations; or
 - “(b) include the information required by Schedule 4.
 - “(3A) The consent authority must immediately return an incomplete application to the applicant, with written reasons for the determination.”

93 Section 88B replaced (Time limits from which time periods are excluded)

Replace section 88B with:

“88B Time limits from which time periods are excluded in relation to applications

- “(1) This section provides for the deferral of certain time limits relating to applications.
- “(2) The first column of the table lists the provisions specifying time limits from which certain time periods must be excluded.
- “(3) The second column lists the provisions describing time periods that must be excluded from the corresponding time limits.

Provisions specifying time limits	Provisions describing time periods to be excluded
Section 95 (which relates to the time limit for notification)	Section 88C(2), (4), or (6) Section 88E(2) or (4) Section 88F(2)
Section 87F(3) (which relates to the time limit for a consent authority report on an application to be directly referred to the Environment Court)	Section 88C(4) or (6) Section 88E(2), (6), or (8) Section 88F(2)
Section 101(2) (which relates to the time limit for commencement of a hearing of a non-notified application)	Section 88C(2), (4), or (6) Section 88E(2) or (4) Section 88F(2)
Section 103A (which relates to the time limit for completion of a hearing of a notified application)	Section 88C(4) or (6) Section 88D(2), (4), or (6) Section 88E(2), (6), or (8) Section 88F(2)
Section 115(3) (which relates to the time limit for notification of the decision on a non-notified application for which no hearing is held)	Section 88C(2), (4), or (6) Section 88E(2) or (4) Section 88F(2)
Section 115(4) (which relates to the time limit for notification of the decision on a notified application for which no hearing is held)	Section 88C(4) or (6) Section 88D(2), (4), or (6) Section 88E(2), (6), or (8) Section 88F(2)

94 Section 88C amended (Excluded time periods relating to provision of further information)

- (1) Above section 88C(1), insert:
“*Request for further information*”.
- (2) Replace section 88C(1)(b) with:
 - “(b) the request is the first request made by the authority to the applicant under that provision; and
 - “(c) the request is made before the authority decides whether to notify the application.”
- (3) In section 88C(2), (4), and (6), replace “provision listed in section 88B(2)” with “time limit under section 88B”.
- (4) Above section 88C(3), insert:
“*Commissioning of report—applicant agrees*”.
- (5) Above section 88C(5), insert:

“Commissioning of report—applicant disagrees”.

95 Section 88D replaced (Excluded time periods relating to direct referral (for resource consents and also for notices of requirement))

Replace section 88D with:

“88D Excluded time periods relating to direct referral

“Request for direct referral declined and no objection

“(1) Subsection (2) applies when—

“(a) an applicant makes a request under section 87D(1); and

“(b) the consent authority declines the request under section 87E(5) to (6A); and

“(c) the applicant does not object under section 357A(1)(e).

“(2) The period that must be excluded from every applicable time limit under section 88B is the period—

“(a) starting with the date on which the consent authority receives the request; and

“(b) ending with the date on which the 15 working days referred to in section 357C(1) end.

“Request for direct referral declined and objection dismissed

“(3) Subsection (4) applies when—

“(a) an applicant makes a request under section 87D(1); and

“(b) the consent authority declines the request under section 87E(5) to (6A); and

“(c) the consent authority dismisses the applicant’s objection under section 357D.

“(4) The period that must be excluded from every applicable time limit under section 88B is the period—

“(a) starting with the date on which the consent authority receives the request; and

“(b) ending with the date on which the consent authority notifies the applicant of its decision to dismiss the objection.

“Request for direct referral granted or objection upheld

“(5) Subsection (6) applies when—

“(a) an applicant makes a request under section 87D(1); and

“(b) either—

- “(i) the consent authority grants the request under section 87E(5) to (6A); or
 - “(ii) the consent authority declines the request under section 87E(5) to (6A), but upholds the applicant’s objection under section 357D.
- “(6) The period that must be excluded from every applicable time limit under section 88B is the period—
- “(a) starting with the date on which the consent authority receives the request; and
 - “(b) ending with the earlier of the following:
 - “(i) the date on which the 15 working days referred to in section 87G(2)(a) end; and
 - “(ii) the date on which the applicant advises the consent authority that the applicant does not intend to lodge a notice of motion with the Environment Court under section 87G(2).”

96 Section 88E amended (Excluded time periods relating to other matters)

- (1) Above section 88E(1), insert:
“*Deferral pending application for additional consents*”.
- (2) In section 88E(2), (4), and (6), replace “provision listed in section 88B(2)” with “time limit under section 88B”.
- (3) Replace section 88E(3) with:
“*Approval sought from affected persons or groups*”
- “(3) Subsection (4) applies when an applicant tries, for the purposes of section 95E(3), 95F, or 95G, to obtain approval for an activity from any person or group that may otherwise be considered an affected person, affected protected customary rights group, or affected customary marine title group in relation to the activity.”
- (4) Above section 88E(5), insert:
“*Referral to mediation*”.
- (5) After section 88E(6), insert:
“*Suspension of application processing*”
- “(7) Subsection (8) applies when the processing of an application is suspended under section 91A.

- “(8) The period that must be excluded from every applicable time limit under section 88B is the period—
- “(a) starting with the date on which the suspension started:
 - “(b) ending with the date on which the suspension ceased.”

97 Section 88F amended (Excluded time relating to pre-request aquaculture agreements)

- (1) Replace the heading to section 88F with “**Excluded time periods relating to pre-request aquaculture agreements**”.
- (2) In section 88F(2), replace “provision listed in section 88B(2)” with “time limit under section 88B”.

98 New sections 91A to 91C inserted

After section 91, insert:

“91A Applicant may have processing of application suspended

- “(1) A consent authority must suspend the processing of a notified application when a request is received in accordance with this section.
- “(2) The applicant may request the consent authority to suspend the processing of an application at any time in the period—
 - “(a) starting when the application is notified; and
 - “(b) ending when—
 - “(i) the hearing is completed, if a hearing is held for the application; or
 - “(ii) the consent authority gives notice to the applicant of its decision on the application, if a hearing is not held for the application.
- “(3) However, a request must not be made if—
 - “(a) the applicant has lodged a notice of motion with the Environment Court under section 87G(2)(a); or
 - “(b) the Minister has made a direction under section 142(2) in relation to the application; or
 - “(c) a total of 130 or more working days have been excluded from time limits under section 88B in relation to the application (which, under section 88E(8), includes time during which the application has been suspended).
- “(4) The request must be made by written or electronic notice.

“(5) If processing is suspended under this section, the consent authority must give written or electronic notice to the applicant specifying the date on which the suspension started.

“91B When suspension of processing ceases

“(1) A consent authority must cease to suspend the processing of an application when—

- “(a) a request is received in accordance with this section; or
- “(b) the applicant lodges a notice of motion with the Environment Court under section 87G(2)(a); or
- “(c) the Minister makes a direction under section 142(2) in relation to the application; or
- “(d) the consent authority decides under section 91C to continue to process the application.

“(2) The applicant may request the consent authority to cease to suspend the processing of an application if it is currently suspended.

“(3) The request must be made by written or electronic notice.

“(4) If a suspension is ceased under this section, the consent authority must give written or electronic notice to the applicant specifying the date on which the suspension ceased.

“91C Application may be returned if suspended after certain period

“(1) Subsection (2) applies if—

- “(a) a total of 130 or more working days have been excluded from time limits under section 88B in relation to an application (which, under section 88E(8), includes time during which the application has been suspended); and
- “(b) the application is suspended at the time.

“(2) The consent authority must decide to—

- “(a) return the application to the applicant; or
- “(b) continue to process the application.

“(3) If the consent authority decides to return the application,—

- “(a) it must be returned together with a written explanation as to why it is being returned; but
- “(b) the applicant may object to the consent authority under section 357(3A).

“(4) If, after an application has been returned, the application is lodged again with the consent authority, the application is to be treated as a new application.”

99 Section 95 amended (Time limit for public notification or limited notification)

In section 95, replace “10” with “20”.

100 Section 97 replaced (Time limit for submissions)

Replace section 97 with:

“97 Time limit for submissions

“(1) This section specifies the closing date for serving submissions on a consent authority that has notified an application.

“(2) If public notification was given, the closing date is the 20th working day after the date of public notification.

“(3) If limited notification was given, the closing date is the 20th working day after the date of limited notification.

“(4) However, if limited notification was given, the consent authority may adopt as an earlier closing date the day on which the consent authority has received from all affected persons a submission, written approval for the application, or written notice that the person will not make a submission.”

101 Section 101 amended (Hearing date and notice)

Replace section 101(2) with:

“(2) If the application was not notified, the date for the commencement of the hearing must be within 35 working days after the date the application was first lodged with the consent authority.”

102 Section 103A replaced (Time limit for completion of adjourned hearing)

Replace section 103A with:

“103A Time limit for completion of hearing of notified application

“(1) This section applies to a hearing of an application for a resource consent that was notified.

- “(2) If public notification was given, the hearing must be completed no later than 75 working days after the closing date for submissions on the application.
- “(3) If limited notification was given, the hearing must be completed no later than 45 working days after the closing date for submissions on the application.

“103B Requirement to provide report and other evidence before hearing

- “(1) This section applies to a hearing of an application for a resource consent that was notified.
- “(2) The consent authority must provide the following (the **authority’s evidence**) to the applicant, and to every person who made a submission and stated a wish to be heard at the hearing, at least 15 working days before the hearing:
 - “(a) a copy of any written report prepared under section 42A(1); and
 - “(b) briefs of any other evidence to be called by the authority.
- “(3) The applicant must provide briefs of evidence (the **applicant’s evidence**) to the consent authority at least 10 working days before the hearing.
- “(4) A person who has made a submission and who is intending to call expert evidence must provide briefs of the evidence (the **submitter’s evidence**) to the consent authority and the applicant at least 5 working days before the hearing.
- “(5) The consent authority must make the following available at its office to the persons specified:
 - “(a) the authority’s evidence, to any person who made a submission and did not state a wish to be heard;
 - “(b) the applicant’s evidence, to any person who made a submission;
 - “(c) any submitter’s evidence, to any other person who made a submission.
- “(6) The consent authority must give written or electronic notice that evidence is available at its office to each person to whom the evidence is made available.
- “(7) This section overrides sections 41B and 42A(3) to (5).”

- 103 Section 107F amended (Applications to undertake aquaculture activities)**
In section 107F(3)(a), replace “section 88(3)” with “section 88(3A)”.
- 104 Section 115 amended (Time limits for notification of decision)**
Repeal section 115(5).
- 105 Section 149Z amended (Local authority must process referred matter)**
In section 149Z(2)(c), replace “section 88(3)” with “section 88(3) and (3A)”.
- 106 Section 165ZFE amended (Processing of affected applications)**
- (1) In section 165ZFE(9)(a)(ii), replace “10 working days” with “15 working days”.
 - (2) In section 165ZFE(11), replace “10 working days” with “15 working days”.
- 107 Section 165ZM amended (Other provisions of Act apply subject to this subpart)**
In section 165ZM(4), after “sections 88A to 88E,”, insert “91A,”.
- 108 Section 165ZP amended (Incomplete concurrent application)**
In section 165ZP(1), replace “section 88(3)” with “section 88(3A)”.
- 109 Section 165ZQ amended (Additional consents)**
- (1) In section 165ZQ(1)(a), replace “5” with “10”.
 - (2) In section 165ZQ(1)(b), replace “section 88(3)” with “section 88(3A)”.

110 Section 168A amended (Notice of requirement by territorial authority)

After section 168A(2), insert:

“(2AA) However, section 101(2) does not apply to the notice of requirement, and the date for the commencement of the hearing is as follows:

“(a) if the notice of requirement was not notified, the date must be within 25 working days after the date the notice of requirement was given by the territorial authority:

“(b) if the notice of requirement was notified and the territorial authority gives a direction under section 41B, the date must be within 40 working days after the closing date for submissions on the notice of requirement:

“(c) if the notice of requirement was notified and the territorial authority does not give a direction under section 41B, the date must be within 25 working days after the closing date for submissions on the notice of requirement.”

111 Section 169 amended (Further information, notification, submissions, and hearing for notice of requirement to territorial authority)

(1) In section 169(1)(e), after “designation”, insert “; and”.

(2) After section 169(1)(e), insert:

“(f) the time limit specified by section 95 were 10 working days.”

(3) After section 169(2), insert:

“(3) However, section 101(2) does not apply to the notice of requirement, and the date for the commencement of the hearing is as follows:

“(a) if the notice of requirement was not notified, the date must be within 25 working days after the date the notice of requirement was given to the territorial authority:

“(b) if the notice of requirement was notified and the territorial authority gives a direction under section 41B, the date must be within 40 working days after the closing date for submissions on the notice of requirement:

- “(c) if the notice of requirement was notified and the territorial authority does not give a direction under section 41B, the date must be within 25 working days after the closing date for submissions on the notice of requirement.”

112 Section 181 amended (Alteration of designation)

In section 181(2) and (3), after “sections 168 to 179”, insert “and 198AA to 198AD”.

113 Section 189A amended (Notice of requirement for heritage order by territorial authority)

After section 189A(9), insert:

“(9A) However, section 101(2) does not apply to the notice of requirement, and the date for the commencement of the hearing is as follows:

- “(a) if the notice of requirement was not notified, the date must be within 25 working days after the date the notice of requirement was given by the territorial authority:
- “(b) if the notice of requirement was notified and the territorial authority gives a direction under section 41B, the date must be within 40 working days after the closing date for submissions on the notice of requirement:
- “(c) if the notice of requirement was notified and the territorial authority does not give a direction under section 41B, the date must be within 25 working days after the closing date for submissions on the notice of requirement.”

114 Section 190 amended (Further information, notification, submissions, and hearing for notice of requirement to territorial authority)

- (1) In section 190(1)(e), after “heritage order”, insert “; and”.
- (2) After section 190(1)(e), insert:
 - “(f) the time limit specified by section 95 were 10 working days.”
- (3) After section 190(7), insert:

- “(8) However, section 101(2) does not apply to the notice of requirement, and the date for the commencement of the hearing is as follows:
- “(a) if the notice of requirement was not notified, the date must be within 25 working days after the date the notice of requirement was given to the territorial authority:
 - “(b) if the notice of requirement was notified and the territorial authority gives a direction under section 41B, the date must be within 40 working days after the closing date for submissions on the notice of requirement:
 - “(c) if the notice of requirement was notified and the territorial authority does not give a direction under section 41B, the date must be within 25 working days after the closing date for submissions on the notice of requirement.”

115 Section 195A amended (Alteration of heritage order)

In section 195A(2) and (4), after “Sections 189 to 195”, insert “and 198AA to 198AD”.

116 New sections 198AA to 198AD and cross-heading inserted

After section 198, insert:

“Time limits from which time periods are excluded in relation to designations and heritage orders

“198AA Time limits from which time periods are excluded in relation to designations and heritage orders

- “(1) This section provides for the deferral of certain time limits relating to designations and heritage orders.
- “(2) The first column of the table lists the provisions specifying time limits from which certain time periods must be excluded.
- “(3) The second column lists the provisions describing time periods that must be excluded from the corresponding time limits.

Provisions specifying time limits	Provisions describing time periods to be excluded
Section 95 (which relates to the time limit for notification) as applied by section 169(1) or 190(1) to a notice of requirement given to a territorial authority	Section 198AB(2), (4), or (6) Section 198AD(2)

Provisions specifying time limits	Provisions describing time periods to be excluded
Section 198D(3) (which relates to the time limit for a territorial authority report on a notice of requirement, given to a territorial authority, to be directly referred to the Environment Court)	Section 198AB(2), (4), or (6) Section 198AD(4)
Section 198J(2) (which relates to the time limit for a territorial authority report on a notice of requirement, given by a territorial authority, to be directly referred to the Environment Court)	Section 198AD(4)
Section 168A(2AA)(a) or 189A(9A)(a) (which relates to the time limit for commencement of a hearing of a non-notified notice of requirement given by a territorial authority)	Section 198AD(2)
Section 168A(2AA)(b) or (c) or 189A(9A)(b) or (c) (which relates to the time limit for commencement of a hearing of a notified notice of requirement given by a territorial authority)	Section 198AC(8) Section 198AD(4)
Section 169(3)(a) or 190(8)(a) (which relates to the time limit for commencement of a hearing of a non-notified notice of requirement given to a territorial authority)	Section 198AB(2), (4), or (6) Section 198AD(2)
Section 169(3)(b) or (c) or 190(8)(b) or (c) (which relates to the time limit for commencement of a hearing of a notified notice of requirement given to a territorial authority)	Section 198AB(2), (4), or (6) Section 198AC(2), (4), or (6) Section 198AD(4)

“198AB Excluded time periods relating to provision of further information

“Request for further information

- “(1) Subsection (2) applies when—
- “(a) a territorial authority has requested a requiring authority or heritage protection authority, under section 92(1), to provide further information on a notice of requirement; and
 - “(b) the request is the first request made by the territorial authority to the requiring authority or heritage protection authority under that provision—

- “(i) at all; or
 - “(ii) after the closing date for submissions.
- “(2) The period that must be excluded from every applicable time limit under section 198AA is the period—
- “(a) starting with the date of the request under section 92(1); and
 - “(b) ending as follows:
 - “(i) if the requiring authority or heritage protection authority provides the information within 15 working days, the date on which it provides the information:
 - “(ii) if the requiring authority or heritage protection authority agrees within 15 working days to provide the information and provides the information, the date on which it provides the information:
 - “(iii) if the requiring authority or heritage protection authority agrees within 15 working days to provide the information and does not provide the information, the date set under section 92A(2)(a):
 - “(iv) if the requiring authority or heritage protection authority does not respond to the request within 15 working days, the date on which the period of 15 working days ends:
 - “(v) if the requiring authority or heritage protection authority refuses within 15 working days to provide the information, the date on which it refuses to provide the information.
- “*Commissioning of report—other authority agrees*
- “(3) Subsection (4) applies when—
- “(a) a territorial authority has notified a requiring authority or heritage protection authority, under section 92(2)(b), of its wish to commission a report; and
 - “(b) the requiring authority or heritage protection authority agrees, under section 92B(1), to the commissioning of the report.
- “(4) The period that must be excluded from every applicable time limit under section 198AA is the period—

- “(a) starting with the date of the notification under section 92(2)(b); and
 - “(b) ending with the date on which the territorial authority receives the report.
- “*Commissioning of report—other authority disagrees*
- “(5) Subsection (6) applies when—
 - “(a) a territorial authority has notified a requiring authority or heritage protection authority, under section 92(2)(b), of its wish to commission a report; and
 - “(b) the requiring authority or heritage protection authority does not agree, under section 92B(1), to the commissioning of the report.
 - “(6) The period that must be excluded from every applicable time limit under section 198AA is the period—
 - “(a) starting with the date of the notification under section 92(2)(b); and
 - “(b) ending with the earlier of the following:
 - “(i) the date on which the period of 15 working days ends; and
 - “(ii) the date on which the territorial authority receives the requiring authority’s or heritage protection authority’s refusal, under section 92B(1), to agree to the commissioning of the report.

“198AC Excluded time periods relating to direct referral

“*Request for direct referral declined and no objection*

- “(1) Subsection (2) applies when—
 - “(a) a requiring authority or heritage protection authority makes a request under section 198B(1); and
 - “(b) the territorial authority declines the request under section 198C(4) to (5A); and
 - “(c) the requiring authority or heritage protection authority does not object under section 357(8).
- “(2) The period that must be excluded from every applicable time limit under section 198AA is the period—
 - “(a) starting with the date on which the territorial authority receives the request; and

- “(b) ending with the date on which the 15 working days referred to in section 357C(1) end.
- “*Request for direct referral declined and objection dismissed*
- “(3) Subsection (4) applies when—
 - “(a) a requiring authority or heritage protection authority makes a request under section 198B(1); and
 - “(b) the territorial authority declines the request under section 198C(4) to (5A); and
 - “(c) the territorial authority dismisses the requiring authority’s or heritage protection authority’s objection under section 357D.
- “(4) The period that must be excluded from every applicable time limit under section 198AA is the period—
 - “(a) starting with the date on which the territorial authority receives the request; and
 - “(b) ending with the date on which the territorial authority notifies the requiring authority or heritage protection authority of its decision to dismiss the objection.
- “*Request for direct referral granted or objection upheld*
- “(5) Subsection (6) applies when—
 - “(a) a requiring authority or heritage protection authority makes a request under section 198B(1); and
 - “(b) either—
 - “(i) the territorial authority grants the request under section 198C(4) to (5A); or
 - “(ii) the territorial authority declines the request under section 198C(4) to (5A), but upholds the requiring authority’s or heritage protection authority’s objection under section 357D.
- “(6) The period that must be excluded from every applicable time limit under section 198AA is the period—
 - “(a) starting with the date on which the territorial authority receives the request; and
 - “(b) ending with the earlier of the following:
 - “(i) the date on which the 15 working days referred to in section 198E(2)(a) end; and
 - “(ii) the date on which the requiring authority or heritage protection authority advises the territorial

authority that it does not intend to lodge a notice of motion with the Environment Court under section 198E(2).

“Decision to make direct referral to Environment Court

- “(7) Subsection (8) applies when a territorial authority makes a decision under section 198H(1).
- “(8) The period that must be excluded from every applicable time limit under section 198AA is the period—
- “(a) starting with the date on which the territorial authority makes the decision; and
 - “(b) ending with the earlier of the following:
 - “(i) the date on which the 15 working days referred to in section 198K(1)(a) end; and
 - “(ii) the date on which the territorial authority decides not to lodge a notice of motion with the Environment Court under section 198K(1).

“198AD Excluded time periods relating to other matters

“Approval sought from affected persons or groups

- “(1) Subsection (2) applies when a requiring authority or heritage protection authority tries, for the purposes of section 95E(3), 95F, or 95G, to obtain approval for an activity from any person or group that may otherwise be considered an affected person, affected protected customary rights group, or affected customary marine title group in relation to the activity.
- “(2) The period that must be excluded from every applicable time limit under section 198AA is the time taken by the requiring authority or heritage protection authority in trying to obtain the approvals, whether or not they are obtained.

“Referral to mediation

- “(3) Subsection (4) applies when a territorial authority refers persons to mediation under section 99A.
- “(4) The period that must be excluded from every applicable time limit under section 198AA is the period—
- “(a) starting with the date of the reference; and
 - “(b) ending with the earlier of the following:
 - “(i) the date on which one of the persons referred to mediation gives the other persons referred and

- the mediator a written notice withdrawing the person's consent to the mediation; and
- “(ii) the date on which the mediator reports the outcome of the mediation to the territorial authority.”

117 Section 198E amended (Environment Court decides)

In section 198E(2)(a), replace “10 working days” with “15 working days”.

118 Section 198G amended (When territorial authority must deal with requirement)

- (1) In section 198G(1)(b)(i), replace “that the requiring authority” with “that it”.
- (2) In section 198G(1)(b)(ii), delete “; and”.
- (3) Repeal section 198G(1)(c).

119 Section 198K amended (Environment Court decides)

In section 198K(1)(a), replace “10 working days” with “15 working days”.

120 Section 198M amended (When territorial authority must deal with requirement)

- (1) In section 198M(1)(b), delete “; and”.
- (2) Repeal section 198M(1)(c).

121 Section 206 amended (Conduct of hearing)

- (1) In section 206(3), replace “Sections 39 to 42 and 99 to 100 and 101” with “Sections 39, 40 to 42, 99 to 100, and 101”.
- (2) After section 206(3), insert:

“(3A) However, section 101(2) does not apply to the application, and the date for the commencement of the hearing is as follows:

 - “(a) if the special tribunal gives a direction under section 41B, the date must be within 40 working days after the closing date for submissions on the application:
 - “(b) if the special tribunal does not give a direction under section 41B, the date must be within 25 working days

after the closing date for submissions on the application.”

(3) Replace section 206(4) with:

“(4) In addition, any hearing must be held at a place determined by the special tribunal that is near the water body to which the application relates.”

122 Section 357 amended (Right of objection against certain decisions)

After section 357(3), insert:

“(3A) A person has a right of objection to a consent authority that decides to return the person’s application under section 91C(2).”

123 Section 358 amended (Appeals against certain decisions or objections)

In section 358(1), replace “section 357(4) or (8)” with “section 357(3A), (4), or (8)”.

124 Schedule 1 amended

In Schedule 1, clause 22(2), replace “the provisions” with “clauses 6 and 7”.

125 Schedule 4 replaced

Replace Schedule 4 with the Schedule 4 set out in Schedule 1 of this Act.

Schedule 1

s 125

**New Schedule 4 of Resource Management
Act 1991****Schedule 4**

s 88, Schedule 1

**Information required in application for
resource consent****1 Information must be specified in sufficient detail**

Any information required by this schedule, including an assessment under clause 2(1)(f) or (g), must be specified in sufficient detail to satisfy the purpose for which it is required.

2 Information required in all applications

- (1) An application for a resource consent for an activity (the **activity**) must include the following:
 - (a) a description of the activity;
 - (b) a description of the site at which the activity is to occur;
 - (c) the full name and address of each owner or occupier of the site;
 - (d) a description of any other activities that are part of the proposal to which the application relates;
 - (e) a description of any other resource consents required for the proposal to which the application relates;
 - (f) an assessment of the activity against the matters set out in Part 2;
 - (g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b).
- (2) The assessment under subclause (1)(g) must include an assessment of the activity against—
 - (a) any relevant objectives, policies, or rules in a document; and
 - (b) any relevant requirements, conditions, or permissions in any rules in a document; and
 - (c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).
- (3) An application must also include an assessment of the activity's effects on the environment that—

- (a) includes the information required by clause 6; and
- (b) addresses the matters specified in clause 7; and
- (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

3 Additional information required in some applications

An application must also include any of the following that apply:

- (a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1));
- (b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A));
- (c) if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B)).

4 Additional information required in application for subdivision consent

An application for a subdivision consent must also include information that adequately defines the following:

- (a) the position of all new boundaries;
- (b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan;
- (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips;
- (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips;

- (e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A:
- (f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A):
- (g) the locations and areas of land to be set aside as new roads.

5 Additional information required in application for reclamation

An application for a resource consent for reclamation must also include information to show the area to be reclaimed, including the following:

- (a) the location of the area:
- (b) if practicable, the position of all new boundaries:
- (c) any part of the area to be set aside as an esplanade reserve or esplanade strip.

Assessment of environmental effects

6 Information required in assessment of environmental effects

- (1) An assessment of the activity's effects on the environment must include the following information:
 - (a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:
 - (b) an assessment of the actual or potential effect on the environment of the activity:
 - (c) if the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use:
 - (d) if the activity includes the discharge of any contaminant, a description of—
 - (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and

- (ii) any possible alternative methods of discharge, including discharge into any other receiving environment:
 - (e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:
 - (f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:
 - (g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:
 - (h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).
- (2) A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.
- (3) To avoid doubt, subclause (1)(f) obliges an applicant to report as to the persons identified as being affected by the proposal, but does not—
- (a) oblige the applicant to consult any person; or
 - (b) create any ground for expecting that the applicant will consult any person.

7 Matters that must be addressed by assessment of environmental effects

- (1) An assessment of the activity's effects on the environment must address the following matters:
- (a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:
 - (b) any physical effect on the locality, including any landscape and visual effects:

- (c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:
 - (d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:
 - (e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:
 - (f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.
- (2) The requirement to address a matter in the assessment of environmental effects is subject to the provisions of any policy statement or plan.
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Schedule 2

s 68

**New Schedule 12 of Resource
Management Act 1991****Schedule 12**

s 434

**Transitional provisions for amendments
made on or after commencement of
Resource Management Amendment Act
2013****1 Interpretation**

In this schedule, **amendment Act** means the Resource Management Amendment Act 2013, which amends this Act.

**2 Existing section 32 applies to some proposed policy
statements and plans**

If Part 2 of the amendment Act comes into force on or after the date of the last day for making further submissions on a proposed policy statement or plan (as publicly notified in accordance with clause 7(1)(d) of Schedule 1), the further evaluation for that proposed policy statement or plan must be undertaken as if Part 2 had not come into force.

3 National policy statements

An amendment made by the amendment Act applies to a national policy statement whether the statement was issued before or after the commencement of the amendment.

4 Existing rules providing for protection of trees

- (1) An existing rule or part of a rule in a district plan or proposed district plan that complied with section 76(4A) immediately before its amendment by the amendment Act is revoked, without further authority than this section, on the day that is 24 months after the date on which Part 1 of the amendment Act comes into force.
- (2) Subclause (1) applies unless the rule or part of the rule complies with section 76(4A) and (4B) as inserted by the amendment Act.

5 Certain new rules providing for protection of trees may take effect once plan change notified

- (1) Subclause (2) applies if, before the date referred to in clause 4(1),—
- (a) a territorial authority has made a rule, or amended a rule, so that it complies with section 76(4A) and (4B) as inserted by the amendment Act; and
 - (b) the rule has not yet taken effect; but
 - (c) the proposed plan or change containing the rule has been notified.
- (2) The rule has legal effect on and from the date referred to in clause 4(1).

6 Proposals of national significance

- (1) Subclause (2) relates to the following amendments made by the amendment Act (which relate to proposals of national significance):
- (a) the amendments to sections 29 and 39 and to Part 6AA (sections 140 to 149ZE);
 - (b) the amendment to section 32A made by section 6 of the amendment Act;
 - (c) the amendment that inserts section 42A(1) and (1AA).
- (2) The amendments apply to any matter—
- (a) whether it was lodged with a local authority or the EPA, or initiated by a local authority, before or after the commencement of the amendments; and
 - (b) whether it was referred to or prepared by a board of inquiry before or after the commencement of the amendments.
- (3) However, if a request for the Minister to call in a matter was made before the commencement of the amendment that inserts section 142(6A), the request must be determined as if the amendment had not been made.

7 Notices of requirement

- (1) This clause relates to an amendment made by the amendment Act that affects a requirement for a designation or heritage order.

- (2) The requirement must be determined as if the amendment had not been made if, immediately before the commencement of the amendment,—
- (a) 1 or more of the following had occurred:
 - (i) a notice of the requirement had been given under section 168(1) or (2) or 189(1):
 - (ii) the territorial authority had resolved to publicly notify the requirement under section 168A(1):
 - (iii) the territorial authority had given notice of the requirement under section 189A(1):
 - (iv) a requiring authority had given notice of the requirement, and the requirement was for a modified designation, under clause 4 of Schedule 1:
 - (v) the territorial authority had decided to include the requirement in its proposed district plan under clause 4 of Schedule 1; but
 - (b) the requirement had not proceeded to the stage at which no further appeal was possible.
- (3) Subclauses (1) and (2) also apply as if a requirement to alter a designation or heritage order were a requirement for a designation or heritage order.
- (4) This clause is subject to clause 6.

8 Applications and matters

- (1) Subclause (3) applies to anything specified in subclause (2) that, immediately before the commencement of an amendment made by the amendment Act,—
- (a) had been lodged with or initiated by a local authority or a Minister; but
 - (b) had not proceeded to the stage at which no further appeal was possible.
- (2) The things referred to in subclause (1) are—
- (a) an application for a resource consent (or anything treated by this Act as if it were an application for a resource consent):
 - (b) any other matter in relation to a resource consent (or in relation to anything treated by this Act as if it were a resource consent):

- (c) an application for a water conservation order under section 201(1):
 - (d) an application to revoke or amend a water conservation order under section 216(2):
 - (e) an application or a proposal to vary or cancel an instrument creating an esplanade strip under section 234(1) or (3):
 - (f) a matter of creating an esplanade strip by agreement under section 235(1).
- (3) The application or matter must be determined as if the amendment had not been made.
 - (4) This clause is subject to clauses 6 and 7.
 - (5) This clause does not apply to an amendment made by Part 2 of the amendment Act.

9 Enforcement proceedings

- (1) This clause relates to the amendment made by the amendment Act to section 318 (which relates to the right to be heard in proceedings for an application for an enforcement order).
- (2) If an application was made for an enforcement order before the commencement of the amendment, the application must be determined as if the amendment had not been made.

10 Return of property

The insertion of section 336 by the amendment Act is to be treated as having commenced on 1 October 2012 and section 336 is to be treated as having had continuous effect despite section 300(6) of the Search and Surveillance Act 2012.

Legislative history

27 August 2013	Divided from Resource Management Reform Bill (Bill 93–2) by committee of the whole House, third reading
3 September 2013	Royal assent

This Act is administered by the Ministry for the Environment.
