

House of Representatives

Supplementary Order Paper

Tuesday, 6 May 2003

Resource Management Amendment Bill (No 2)

Proposed amendments

Hon Marian Hobbs, in Committee, to move the following amendments:

Clause 2

To omit from *subclause (1)* the expression “**1 May 2003**” (line 8 on page 4), and substitute the words “the day after the date on which it receives the Royal assent”.

Clause 44: new section 104A

To insert, after the word “that” (line 24 on page 39), the word “either,”.

To add, as *subsection (2)* (after line 3 on page 40), the following subsection:

- (2) To avoid doubt, **section 104(1A)** applies to the determination of an application for a non-complying activity.

Clause 65: new section 176(1)

To omit the word “work” from *paragraph (a)* (line 26 on page 51), and substitute the words “a public work or project or work”.

To omit the words “the work” from *paragraph (b)* (line 31 on page 51), and substitute the words “a public work or project or work”.

Clause 98

To omit *subsection (1)* (lines 15 to 17 on page 65).

Clause 105

To omit *subclause (1)* (lines 27 to 29 on page 66), and substitute the following subclause:

- (1) Section 207(2) of the Ngai Tahu Claims Settlement Act 1998 is amended by—
 - (a) omitting the words “and 94”, and substituting the words “to **94C**”; and
 - (b) omitting the words “an affected person”, and substituting the words “adversely affected”.

New clauses 105A to 105C

To insert, after *clause 105* (after line 7 on page 67), the following clauses:

105A Amendments to Pouakani Claims Settlement Act 2000

- (1) Section 37(2) of the Pouakani Claims Settlement Act 2000 is amended by—
- (a) omitting from paragraph (a) the words “and 94”, and substituting the words “to **94C**”; and
 - (b) omitting from paragraph (b) the words “an affected person”, and substituting the words “adversely affected”.
- (2) The Pouakani Claims Settlement Act 2000 is amended by repealing section 38, and substituting the following section:

“38 Consent authorities must have regard to statutory acknowledgments

From the effective date, and without derogation from its obligations under Part II of the Resource Management Act 1991, a consent authority must have regard to the statutory acknowledgement relating to the Crown-owned area of Titiraupenga in forming an opinion in accordance with **sections 93 to 94C** of that Act as to whether the Pouakani governance entity is a person who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on, the Crown-owned area of Titiraupenga.”

105B Amendments to Te Uri o Hau Claims Settlement Act 2002

- (1) Te Uri o Hau Claims Settlement Act 2002 is amended by repealing section 60, and substituting the following section:

“60 Consent authorities must have regard to statutory acknowledgments

From the effective date, and without derogation from its obligations under Part II of the Resource Management Act 1991, a consent authority must have regard to the statutory acknowledgement relating to a statutory area in forming an opinion in accordance with **sections 93 to 94C** of that Act as to whether Te Uri o Hau governance entity is an entity that may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on, the statutory area.”

- (2) Section 64(2) of Te Uri o Hau Claims Settlement Act 2002 is amended by—
- (a) omitting from paragraph (a) the words “and 94”, and substituting the words “to **94C**”; and
 - (b) omitting from paragraph (b) the words “an affected entity”, and substituting the words “adversely affected”.

105C Amendments to Ngati Ruanui Claims Settlement Act 2003

(1) The Ngati Ruanui Claims Settlement Act 2003 is amended by repealing section 90, and substituting the following section:

“90 Consent authorities must have regard to statutory acknowledgments

From the effective date, and without limiting its obligations under Part II of the Resource Management Act 1991, a consent authority must have regard to the statutory acknowledgment relating to a statutory area in forming an opinion in accordance with **sections 93 to 94C** of that Act as to whether the governance entity is a person who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on, the statutory area.”

(2) Section 94(2) of the Ngati Ruanui Claims Settlement Act 2003 is amended by—

- (a) omitting from paragraph (a) the word “directly”, and substituting the word “adversely”.
- (b) omitting from paragraph (b) the words “section 93 or section 94”, and substituting the words “**sections 93 to 94C**”; and

(3) Section 94(4) of the Ngati Ruanui Claims Settlement Act 2003 is amended by—

- (a) omitting from paragraph (a) the words “and 94”, and substituting the words “to **94C**”; and
- (b) omitting from paragraph (b) the word “directly”, and substituting the word “adversely”.

Explanatory note

This Supplementary Order Paper amends the Resource Management Amendment Bill (No 2) to correct the date on which certain clauses commence, and to make a number of consequential amendments and other drafting corrections as follows:

- to avoid doubt, *new section 104(1A)* is expressly applied to decisions on applications for non-complying activities;
- the terminology of Part VIII of the Resource Management Act 1991 is adopted in *new section 176(1)*;
- the repeal included in *clause 98(1)* has been effected by the Local Government Act 2002;
- *clause 105* has been amended to take account of changes in *new sections 93 to 94C*:

- *new clauses 105A, 105B, and 105C set out consequential amendments to 3 further Treaty of Waitangi settlement Acts that are required to provide for the operation of new sections 93 to 94C.*
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