



**THE RESOURCE MANAGEMENT (TRANSITIONAL)
REGULATIONS 1994**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 7th day of March 1994

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Resource Management Act 1991, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Resource Management (Transitional) Regulations 1994.

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Resource Management Act 1991:

“Commercial activity” means any activity that has, or has the potential to have, as its sole purpose or a related purpose the production of assessable income:

Expressions defined in the Act have the meanings so defined.

3. Uses of lakes and rivers not restricted by section 9—Section 417A of the Act shall be read as if subsection (1) of that section were replaced by the following subsections:

“(1) Notwithstanding section 374 (4), for the purposes of this Act, subsections (1) and (2) of section 9 do not apply in respect of any activity carried out on the surface of water in any lake or river—

“(a) Unless that activity is specifically referred to, and controlled or restricted or prohibited by a rule, in a district plan or proposed district plan deemed to be constituted under section 373; or

“(b) Until a district plan or a proposed district plan prepared under the First Schedule provides otherwise.

“(1A) Nothing in subsection (1) shall apply to any commercial activity carried out in the district of the Queenstown-Lakes District Council.

“(1B) The application of subsection (1) or subsection (1A) may be excluded or modified at any time in accordance with the First Schedule.”

4. Expiry of regulations—These regulations shall expire with the close of the 30th day of September 1996, and on the 1st day of October 1996 shall be deemed to have been revoked.

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations provide for section 417A of the Resource Management Act 1991 (as inserted by section 199 of the Resource Management Amendment Act 1993) to be read as if subsection (1) were replaced by new subsections (1), (1A), and (1B).

The new subsection (1) provides that the restrictions in section 9 (1) and (2) of the Act on the use of the surface of lakes and rivers will not apply unless that activity is specifically controlled, restricted, or prohibited in a district plan or proposed district plan deemed to be constituted under section 373 of the Act or until a district plan prepared under the First Schedule to the Act provides otherwise. The new subsection (1A) provides that subsection (1) does not apply to any commercial activity carried out in the Queenstown-Lakes District. The new subsection (1B) empowers territorial authorities to exclude or modify the application of subsection (1) or subsection (1A) by plan changes under the First Schedule to the Act.

These regulations expire on 30 September 1996.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 10 March 1994.

These regulations are administered in the Ministry for the Environment.